

**KING WILLIAM COUNTY  
PERSONNEL POLICIES  
AND  
PROCEDURES  
MANUAL**

**Effective November 1, 2021**

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## **GENERAL POLICY STATEMENT**

County Employees are a valuable resource and an integral part of the system established to provide governmental services. Without them the mission of the County Government could not be accomplished. The following policies are intended to ensure equal treatment of all employees and to serve as a written statement of the importance the Board of Supervisors of King William County assigns to the well-being of the County's workforce.

In understanding the relationship between the County and its' employees, it is important that employees understand that all employees are employee at-will for an indefinite period and that no employment contract exists. County employment may be ended at any time, for any reason, with or without cause or notice, except as described in these policies or as otherwise provided by law. At the same time, employees may terminate their employment at any time and for any reason, subject only to the conditions contained in these policies. The County of King William retains the right to change the policies, procedures and benefits set forth herein at any time through action of the Board or other Board designated authority.

It is further the policy of the County of King William that a uniform personnel management system be established for its employees. The Board of Supervisors has assigned to the County Administrator the authority to maintain a Personnel Administration System including, but not limited to, recruitment, testing, development, and placement of new employees; the establishment of equal employment opportunity, employee relations, and personnel records programs; and the administration of the classification and pay plans. Such authority is to be exercised in a manner consistent with the approved budget, any policies adopted by the Board of Supervisors, and all other applicable laws and regulations. The County Administrator may delegate such responsibility as deemed appropriate to assist in the management of the personnel system.

The specific objectives of the personnel Administration System are to:



- a. assure fair treatment of applicants and employees in all aspects of personnel management in accordance with the County's equal employment opportunity/affirmative action policy;
- b. recruit, screen, select, and advance employees on the basis of their ability, knowledge, and skills;
- c. determine and meet training needs to ensure quality performance and to enable employees to realize their maximum potential;
- d. assure each employee a performance review at specified intervals;
- e. establish and maintain a sound classification and compensation plan which will attract and retain qualified employees; and
- f. maintain competitive pay within the labor market in which the County competes.

Except as stated in this policy, no County representative or written materials shall modify this policy for any employee or create any agreement, oral or written, contrary to this policy. Supervisory and management personnel are not to make any representations to employees or applicants concerning the terms or conditions of employment which are not consistent with County policies. No statements made in pre-hire interviews or discussions, or in recruiting materials of any kind, are to alter the at-will nature of employment.

Similarly, County policies or practices with respect to any matter are not to be construed as creating any contractual obligation on the County's part or as stating in any way that termination will occur only for "just cause." Statements of specific grounds for termination or discipline set forth in this Policy or in any other County documents are for emphasis or provided as examples. They are not all-inclusive and not intended to restrict the County's right to discipline or terminate

employees. Completion of a probationary period or conferral of regular status does not change an employee's status as an employee-at-will.

## **Chapter 1: The Personnel Administration System**

### **Section 1-1: General**

The Personnel Policies and Procedures manual contains policies that govern employees of the County. It states the County's policies with regard to employment, classification, compensation, promotion, demotion, dismissal, and other relationships with employees. This manual includes those policy statements and procedures deemed to require legislative review by the Board of Supervisors. This manual does not include all operational policies related to personnel. The authority to adopt other policies not deemed by the Board to require legislative review is delegated by this policy document to the County Administrator or other appropriate management personnel as set forth herein. (For example, see specifically Section 1-2).

### **Section 1-2: Authority and Administrative Procedures**

The County Administrator is responsible for the establishment and administration of the Personnel Administration System. The County Administrator may designate a personnel officer and other officials to assist in the administration of these policies.

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

a. The authority, within funding constraints, to employ, promote, transfer, reclassify, discipline, demote, discharge, or in any manner deal with personnel matters concerning employees of all departments and agencies under the County Administrator's control.

b. The authority to administer the classification and pay plan and to issue policies and procedures for the administration of the plan.

c. The authority, within budgetary limitations, to create and establish new classifications and positions, reclassify existing classifications, delete or abolish positions, transfer positions between departments, make changes in employee classifications to provide for proper administration of the classification and pay plan, and to establish, from funds allocated for such purpose, the

compensation of each employee within the designated salary range.

d. The authority to issue or cause to be issued appropriate policies and procedures dealing with all personnel matters that are not required to be issued or promulgated by the Board of Supervisors. Any such issuance, modification, clarification, or standardization of any policy issued by the County Administrator is incorporated by reference in this Personnel Policies and Procedures manual.

e. The authority, in keeping with the spirit and intent of Board of Supervisor's approved policies, to interpret, supplement, amend, or revise and be the final administrative authority with regard to the implementation of such policies, and any other policies and procedures, written or unwritten, whenever the situation requires such amendment, supplementation, interpretation, or revision.

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

This policy does not preclude Department Heads from issuing standard operating procedures designed to govern the performance and management of assigned employees provided such procedures or rules do not conflict with either the policies of the Board of Supervisors or the County Administrator.

### **Section 1-3: Applicability**

The service of the County is divided into the classified and the unclassified services, as defined below.

The classified service includes all employees who work under the rules, policies and procedures approved by the Board of Supervisors and administered by the County Administrator except those listed below as unclassified.

The unclassified service consists of:

- a. County Administrator;
- b. County Registrar and employees; unless the Registrar has elected to have such employees included in the classified service by contract;
- c. Constitutional officers and their employees; except for employees of such officers who have elected to have their employees included in the classified service by contract approved by the Board of Supervisors; the extent of coverage by these policies shall be governed by such contract;
- d. Employees of agencies authorized by state law to maintain separate personnel systems except to the extent those agencies have elected to enter contracts in accordance with law and approved by the Board of Supervisors to have their employees included in the classified service;
- e. Members of boards and commissions;
- f. Volunteer personnel and personnel appointed to serve without pay;
- g. Positions involving work-as-required employment or independent contractors;
- h. Student interns and work-study employees; and
- i. Such other positions as may be designated by the County Administrator.

The provisions of this policy are applicable to all classified employees of the County. Unclassified employees are not governed by these policies (except as provided in Chapter 13) notwithstanding the fact that some unclassified employees may be eligible for benefits and governed by specific policies as set forth herein in a manner similar to classified employees. Employees of a constitutional officer or agency that has chosen inclusion in the classified

service, shall be governed by and covered under all of the provisions of this policy as if they entered County service on the date of such choice or a prior choice by the constitutional officer or agency, if there has been no gap between such choices, unless otherwise approved by the Board of Supervisors and incorporated in a written agreement.

**Section 1-4: Official Personnel File**

The official personnel file shall be defined as the employment file containing personal information relevant to an individual's employment which is maintained by the designated human resources office.

The official personnel file shall be the only file which is to be considered official and complete in matters related to wage and salary, employee selection, employee relations, and grievances. Information pertaining to any personnel related aspect of employment (e.g., letters of reprimand, letters of commendation, unemployment compensation requests, fringe benefits selected, etc.) shall be contained within the official file.

**Section 1-5: Records Retention and Access**

Employee personnel records shall be maintained and destroyed in accordance with the established County record retention schedule pursuant to the Virginia Public Records Act.

The following personnel information relative to employees and former employees is available to the public when requested in accordance with procedures prescribed by the County Administrator: name, title, salary, departmental assignment, and department telephone number.

The County Administrator, any Assistant County Administrator, Department Head, or an employee's immediate supervisor, in the presence of the personnel officer or a member of the personnel officer's staff, may have access to records and performance information of their subordinate employees available in the official personnel file. For purposes of the immediately preceding sentence, the "immediate supervisor" of the County Administrator shall be any individual member of the Board of Supervisors.

Employees may review their official file in the office where maintained in the presence of a member of the personnel office staff. Letters of recommendation or reference are not subject to review by the employee. Documents, except those restricted by other policies or laws, may be reproduced and furnished to the employee by the personnel staff in accordance with any applicable administrative procedures.

#### **Section 1-6: Use of Term - Department Head**

As used throughout these policies, the term Department Head includes director, agency head or other title as may be appropriate. The County Administrator shall promulgate and keep current a list of those positions deemed to be Department Heads for purposes of these policies.

#### **Section 1-7: Availability**

A current information copy of these policies shall be available in each department of the County. Such copies may be in paper or electronic form. The Department Head shall be responsible for informing employees of the contents of these policies and any amendments thereto as they are received. The official copy of these policies shall be maintained by the County Administrator who shall provide updates to the departments.

### **Chapter 2: Classification**

#### **Section 2-1: Employment Categories**

Regular Full-Time Position - positions that are established on a full-time basis and require a regularly scheduled work week of 35 hours or more. Individuals in these positions are eligible for all benefits.

Regular Part-Time Position - positions that are established on a part-time basis and require a scheduled work week of varying hours. Individuals in these positions may be eligible for benefits on a pro-rated basis.

Limited Term or Project Position - positions that are established on a full-time or part-time basis to perform a specific function or project with the term of employment depending on the continuing need or funding for the function being performed. Unless designated otherwise at the time of employment, individuals in these positions are eligible for certain benefits or certain pro-rated benefits if they are full-time or regularly scheduled part-time at least twenty (20) hours per week.

Work as Required (WAR) Position - positions that are established on a full-time or part-time basis but for a seasonal or temporary period of time and part time positions established for less than 20 hours per week. Individuals in these positions work only when required and are not eligible for benefits.

Exempt Position - A position identified as exempt from the minimum wage and overtime requirements of the Fair Labor Standards Act.

Non-Exempt Position - A position identified as subject to the minimum wage and overtime requirements of the Fair Labor Standards Act.

## **Section 2-2: Position Classification Plan**

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

Classification is the entire process of assigning and reassigning individuals to positions, and positions to pay grades.

For classification purposes, a position is a group of assigned duties and responsibilities as outlined in the job description requiring full or part time employment of one person. A position may be occupied or vacant.

The job description includes job title, a general statement of the job, specific duties and responsibilities of the position, and the knowledge, skills, and abilities needed to perform the



job. Department Heads have the responsibility of assuring that job descriptions for positions in their departments are accurate and reflect essential functions.

Classification factors include essential job duties and responsibilities, knowledge, skills, and abilities needed to perform the job, role within the organization, and internal and external job evaluation. (A job duty is essential if performing the function is the reason the position exists and if not performing the function alters the nature of the position.)

### **Section 2-3: Creation and Maintenance of Classification Specifications**

Prior to the establishment of a new position, a job description covering the duties, responsibilities and minimum qualifications for the proposed position(s) shall be developed and submitted to the designated personnel officer for review.

The designated personnel officer shall examine the proposed position, recommend the proper classification, and forward the request to the County Administrator for approval.

No person shall be appointed, promoted, demoted, transferred, or paid in any position until the position has been first established.

### **Section 2-4: Maintenance of Classification Plan**

The pay classification of each position shall be reviewed as directed by the County Administrator.

Abolished positions shall be removed from the Classification Plan.

The designated personnel officer is responsible for maintaining an official copy of the Position Classification Plan, as approved or amended by the Board or by the County Administrator. The official copy includes a schematic list of positions and their respective pay grade and any amendments. A copy of the official classification plan shall be available in the designated personnel office for inspection by the public or any employee under reasonable conditions during normal operating hours and shall be provided to the Board of Supervisors

annually, together with a summary of changes which have been approved by the County Administrator or the Board during the fiscal year.

### **Section 2- 5: Position Allocation List**

The designated personnel officer shall maintain the official list of all authorized positions in County service by department or agency and shall cause changes to be made to the list only when authorized. A copy of the Position Allocation List shall be provided to the Board of Supervisors annually, together with a summary of changes which have been approved by the County Administrator or the Board during the fiscal year.

## **Chapter 3: Pay Plan**

### **Section 3-1: General**

This chapter sets forth the manner in which the pay system operates and how various types of expected transactions should affect an employee.

- a. These policies shall apply to all employees who enter, serve in, and leave classified positions.
- b. Exceptions and deviations from these policies shall be handled on a case by case basis through the appropriate Department Head and the County Administrator and shall, when necessary, be the subject of supplements to this policy.
- c. It shall be the responsibility of the designated personnel officer to administer these policies and to facilitate the resolution of problems and issues that may arise from time to time.

### **Section 3-2: Definitions**

- a. Date of Employment (DOE). The month, day, and year on which an employee began working for the County.

b. Grade Entry Date (GED). The month, day, and year that employees enter their current grade. This date may be the same as the date of employment or another date as a result of promotion, demotion or other action set forth in this policy.

c. Performance Review Date (PRD). That first annual review date that occurs one year after the GED, upon conclusion of the probationary period. All full and part-time employees will receive an annual PRD by March 1 each year for their performance in the previous calendar year.

### **Section 3-3: Pay Structure**

The pay plan for the authorized positions of the County shall consist of:

- a. The assigned pay grades; and
- b. Rules providing for application of the scales and fixing the rates of pay for individual employees within the pay grades.

Persons employed in an authorized position on a part-time basis will be paid at an hourly rate equal to a full-time employee in the same classification. Progression through the assigned pay grade shall be as set forth in this chapter.

### **Section 3-4: Entry Rate of Pay**

The entry rate of pay for any position shall be the lowest or minimum rate in the pay grade for the position, unless education, training or experience would qualify the employee for a higher entry rate and the higher rate is approved by the County Administrator. Employees who are re-entering County employment after resignation or discharge normally enter the grade for their position at the lowest or minimum rate in the pay grade for the position unless approved otherwise by the County Administrator.

### **Section 3-5: Pay for Performance Increases**

a. Employees are eligible for a pay for performance increases on their performance review date (PRD) until they reach the maximum salary for their position. Once an employee has reached the maximum salary for their pay grade they are ineligible for pay for performance increases until such time as they have rendered 20 years of service to King William County. On the first PRD following the completion of 20 years of service and on each PRD thereafter, such employees are again eligible for a pay for performance increase.

b. Salary increases provided for by movement within a pay grade shall not accrue solely as a result of the completion of a required period of service, but shall be based on the established performance appraisal process.

c. When authorized, employees will receive a pay for performance salary increase. The average percentage or dollar increase and the range of allowable increases are established annually by the County Administrator based on the total funds allocated by the Board of Supervisors for such purpose as part of the budget approval process.

d. The established salary scale for employees who work a thirty-five or a forty-hour week is computed on 2080 work hours per year. Some public safety employees may be assigned different schedules and work hours based on departmental needs and Fair Labor Standards Act guidelines. All rates in the pay scale are those authorized for full-time employment for a period of 12 months and include compensation for holidays.

e. Pay for performance salary increases are effective on the PRD unless otherwise established by the Board. Department Heads will be advised of the approved allowable increases and the date by which completed performance reviews must be received in the designated personnel office. An employee is not eligible for a pay increase until the

performance review form has been completely processed and no pay increases will be given until the forms are properly completed, signed and received by the designated personnel office.

### **Section 3-6: Reclassification**

Reclassification is defined as a change to the class, title or grade assigned to a particular class title. Reclassification is not a promotion or demotion. When an employee's position is reclassified, the duties have not changed substantially.

a. If an employee is changed from one classification to a classification carrying a higher pay grade as a result of reclassification, the employee's rate of pay will not change unless the minimum of the higher classification is above the present rate of pay in which case the employee will be placed at the minimum of the higher pay grade. The PRD will remain unchanged.

b. If an employee is changed from one classification to a classification carrying a lower pay grade, the employee's rate of pay will not change unless the maximum of the lower classification is lower than the present rate of pay in which case the employee shall be placed at the maximum of the lower pay grade. The PRD will remain unchanged.

### **Section 3-7: Promotion**

A promotion is defined as elevation to a job with a substantial increase in duties and responsibilities which is a logical step upward in the same career field. Movement to a new position in a different career field is considered to be a new hire rather than a promotion. A promoted employee will receive a 5% salary increase or the minimum salary of the new grade whichever is higher. The effective date of all promotions will be the first day of the month. The PRD shall be established as set forth in Section 3-2.

### **Section 3-8: Temporary Promotion**

An employee who is temporarily promoted from one classified position to another shall receive an immediate salary increase not more than 10% for the period of the temporary

assignment, provided the assignment is expected to be thirty (30) or more calendar days. A temporary promotional assignment for less than thirty (30) calendar days shall not receive any additional compensation; however, a retroactive 5% increase is authorized should the assignment eventually be thirty or more calendar days. Temporary promotions must be approved by the County Administrator.

### **Section 3-9: Demotion**

A voluntary or involuntary demotion is defined as assignment to a position with a decrease in duties and responsibilities and is distinguished from a downward reclassification resulting from a formal review of duties and responsibilities. An employee demoted from one classified position to another is placed on the lower pay grade at a salary equal to a 5% reduction for each grade difference between the new grade and the old grade. In unusual circumstances the Department Head may petition the County Administrator to adjust the amount of the salary reduction either upward or downward. The PRD shall be established as set forth in Section 3-2.

### **Section 3-10: Transfers**

A transfer to a new position in a new career path or in the same salary grade does not result in promotion. When transfer of an employee from one department to another involves a promotion or demotion the rules of the appropriate action shall apply. When employees transfer between departments to the same class or position no change of status or PRD occurs.

### **Section 3-11: Reinstatement**

An employee who has been separated because of a reduction in force or who has resigned in good standing is eligible for reinstatement. Approval of requests for reinstatement is reserved to the County Administrator upon recommendation of the Department Head. Employees re-entering County employment normally enter the grade for their position at the entry level for that position. In other than normal circumstances, the Department Head may

petition the County Administrator for approval of a beginning salary above the entry level on the pay grade specified for the relevant classification. If an individual is reinstated within three (3) months of separation from the County, the employee's original date of employment and PRD are amended to reflect the period of non-employment. The employment date for those reinstated after a three (3) month separation is the date of reinstatement and such reinstated employees shall be treated as new hires subject to a probationary period of employment.

### **Section 3-12: Administrative Increase**

An administrative increase is one within the pay range of a grade that is awarded to an employee for successful completion of educational or training classes pertaining to their position. In lieu of such increase, a one (1) pay period adjustment may be provided. Employees may receive an administrative increase or pay period adjustment upon recommendation of the Department Head and approval of the County Administrator.

### **Section 3-13: Career Ladders**

The term "career ladder" refers to jobs within the same career field that perform a core of the same essential functions, but at differing skill levels. From one level up to the next level, the knowledge, skill, and ability increases, the supervision required of the incumbent decreases, and the responsibilities and work behaviors become more difficult and/or complex.

The County Administrator may establish appropriate career ladders conforming to the following criteria:

- a. Career ladders must meet organizational, staffing and professional development goals.
- b. Career ladder skills must be recognizable in the market.
- c. Clear, identifiable requirements must be met to progress from one level to the next.

The employee's supervisor may recommend advancement based on the completion of designated requirements for the higher classification level and a review of the employee's qualifications, experience and work performance. A career ladder advancement is not automatic and must be approved by the employee's supervisor and Department Head.

Employees reclassified through the career ladder process receive an increase in salary in the same manner as a promotion. Employees who fail to maintain required skills/certifications required by a higher level position on the career ladder shall be moved down the career ladder to a position for which they do qualify and such move shall be treated as a demotion under this policy. Such action is in addition to and does not preclude any appropriate disciplinary measures.

#### **Section 3-14: Pay Scale and Compression Adjustments**

Periodically, as market conditions warrant, the Board of Supervisors may approve pay scale adjustments to the schematic list of titles. All employees will receive the same percentage increase on the same date as authorized by the Board with the exception of those who are above the maximum salary for their pay grade. In those cases, the salary of the affected employees is not changed until such time as the adjusted pay grade exceeds the individual's salary.

"Compression" refers to the situation that occurs when there is only a small difference in compensation between employees regardless of their skills or experience. Compression is often the result of the market-rate for a given job outpacing the increases historically given by the County to long serving (tenured) employees. Therefore, new employees often may only be successfully recruited only by offering them as much or more than tenured employees. It is the policy of the Board to undertake a compression study not more frequently than every three (3) years or as may be recommended by the designated personnel officer and County



Administrator to achieve certain levels of internal equity so that people in relatively similar positions in the County receive equitable compensation.

### **Section 3-15: Premium Pays**

Premium pays are authorized as follows:

a. Overtime Pay

Overtime may be approved when necessary to accomplish particular tasks. The County Administrator shall designate those positions eligible for overtime pay or compensatory leave and those not eligible for such pay or leave in accordance with the standards of the Fair Labor Standards Act (FLSA). Positions designated as exempt or non-exempt from the provisions of the FLSA are so identified in the approved County Pay Plan. All overtime hours must be approved in writing by supervisor prior to being incurred. The signed overtime form should be attached to the employee time report for the month it was incurred.

The overtime pay rate is one and one-half times the regular hourly rate of pay or time worked. Overtime compensation is paid or granted in accordance with applicable state and federal laws. Except when otherwise required by state or federal law, compensation paid for a leave of absence is not counted as hours worked for overtime purposes and paid holidays, are not counted as hours worked for overtime purposes.

Overtime hours in excess of forty (40) in a standard weekly work period are credited to employees in compensatory time the month after it is earned. Compensatory time off, at the rate of one-and one-half times the number of hours worked, must be taken within the following pay period. Any leave taken in that pay period (annual or sick) will be credited with the compensatory time before being applied. Any remaining compensatory time not used in that pay period will be remitted to the employee in that pay period.

b. Holiday Pay

With the exception of work-as-required employees, employees who do not work on a holiday are entitled to pay equal to the employees' regularly scheduled hours of work not to exceed eight (8)

hours. An employee shall forfeit eligibility to be compensated for a holiday observed by the County unless he/she actually works the last scheduled day before the holiday and the first scheduled work day after the holiday or is on approved, sick, annual or non- exempt compensatory leave on such days.

### **Section 3-16: Additional Pay and Overtime Procedures**

Holiday Premium Pay: Those non-exempt employees who work during any declared Holiday are paid overtime for those hours worked during such holiday leave time.

Employees called back: Non-exempt employees required to return to a work site, at least one hour after the termination of the employee's regular work shift, shall receive a minimum of two hours at the applicable pay rate.

Emergencies: This paragraph shall not apply to; firefighters and emergency medical services providers, deputies sheriff and communication dispatchers. Essential personnel required to work in addition to their normally scheduled hours during periods of authorized emergency conditions leave will receive pay at their normal hourly rate for all such hours worked in addition to their normally scheduled hours, until total hours actually worked exceed the applicable over- time threshold. In addition, such essential personnel will receive compensatory leave, on an hour for hour basis, for any hours of required work performed during the periods of authorized emergency conditions leave that fall within their normally scheduled work hours. Such compensatory time shall be used at a time approved by the appropriate supervisor. Any hours in which employees are not required to work during the period of emergency conditions leave will not count toward over-time eligibility. Employees in any other approved leave status (i.e., vacation, sick, military etc.) will remain in that status.

### **Section 3-17: Maintenance of the Pay Plan**

Periodically, the County Administrator may cause to be made a comprehensive review of all factors affecting employee compensation. The review when undertaken, will consider rates of

pay for comparable positions in the area, fringe benefits, general wage data, the County's financial condition and other pertinent factors. Prior to implementing changes to the employee pay plan or compensation package based on such review, approval of the Board is required.

## **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.

#### **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 10<sup>th</sup> 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><b>Years of Service</b></i>	<i><b>Hours Earned per Month</b></i>	<i><b>Hours Earned per Year</b></i>	<i><b>Accrual Limit</b></i>
<i><b>Less than 5</b></i>	<i>11.2</i>	<i>134.4</i>	<i>274.4</i>
<i><b>5 but less than 10</b></i>	<i>14</i>	<i>168</i>	<i>336</i>
<i><b>10 but less than 15</b></i>	<i>16.8</i>	<i>201.6</i>	<i>403.2</i>
<i><b>15 but less than 25</b></i>	<i>19.6</i>	<i>235.2</i>	<i>470.4</i>
<i><b>25 and over</b></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>	<i>12</i>	<i>144</i>	<i>288</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</i>	<i>192</i>	<i>384</i>
<i>15 but less than 25</i>	<i>18</i>	<i>216</i>	<i>432</i>
<i>25 and over</i>	<i>20</i>	<i>240</i>	<i>480</i>

**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>	<i>10</i>	<i>120</i>	<i>240</i>
<i>5 but less than 10</i>	<i>12</i>	<i>144</i>	<i>288</i>
<i>10 but less than 15</i>	<i>14</i>	<i>168</i>	<i>336</i>
<i>15 but less than 25</i>	<i>16</i>	<i>192</i>	<i>384</i>
<i>25 and over</i>	<i>18</i>	<i>216</i>	<i>432</i>

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 are required to present a physician's statement to verify the illness or appointment if more than two (2) 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.

(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

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.



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 6: Personnel Recruitment, Selection and Orientation**

**Section 6-1: Notification and Advertising of Vacancies**

a. Department Heads shall notify the designated personnel officer of vacant or soon to be vacant authorized positions in their department. When a vacancy occurs, the County Administrator determines whether the position is to be filled by promotion or by a recruitment process.

b. All job announcements shall be coordinated between the designated personnel officer and the affected department to insure the content of the advertisement conforms to County policy and the needs of the department. Job announcements must, at a minimum, contain title, the department in which the vacancy exists, the nature of work or examples of work, the minimum qualifications, the closing date, where applications are obtained and the statement "An Equal Opportunity Employer". Department Heads are to insure that job announcements are posted through the closing date in appropriate departmental locations and made available to their employees as appropriate.

c. All recruitment announcements are publicized by posting announcements or advertisements, and by other means deemed necessary to attract qualified candidates and assure compliance with the County's equal employment opportunity policy. Every reasonable effort is made to publicize such vacancies so that all interested persons are informed and qualified people are attracted to compete for County employment. Publicity may include advertisements in the newspapers and trade journals, internet postings, radio broadcasts, correspondence and other contacts with secondary schools and colleges, and mailings to specific outreach locations for posting.

d. Recruitment announcements are advertised in-house for employees only when in the opinion of the County Administrator, upon recommendation of the Department Head, a sufficient pool of employee applicants is anticipated. Should sufficient qualified in-house applicants not apply, the decision may be changed to publicly advertise the announcement. Likewise, the Department Head may recommend the announcement be directly advertised to the public when qualified in-house applicants are not known or anticipated. All announcements to County employees are posted for at least five (5) workdays in a specified location for each department.

**Section 6-2: Application for Employment**

All applicants for employment must complete an application form (which may be electronic) and provide the required information to the designated personnel officer. Failure to do so may eliminate the applicant from further consideration for the position. The application forms shall solicit information relative to training, experience, salary history, references, information required by law or policy, and other appropriate information. Application forms and applicant flow information shall be maintained for two calendar years. The designated personnel officer is responsible for promulgating and updating an approved County application form for use under this policy.

All employment inquiries and applicants shall be referred to the designated personnel officer for job information, availability, opportunities, and procedures. To facilitate the collection of certain confidential employee data required by the Equal Opportunity Employment Commission, the designated personnel office is the sole source for receiving an application for employment.

**Section 6-3: Selection**

When appropriate, skill assessments may be used which are written, oral, or a combination thereof and must relate to the duties and responsibilities of the position for which the applicant is being considered. Performance tests may also be required by the Department Head when appropriate. Testing may be done by the designated personnel officer, a person or panel designated by the County Administrator, the Virginia Employment Commission, or a qualified third party vendor.

The Department Head determines those applicants to be interviewed, conducts or causes the

interviews to be conducted, makes a selection from among the applicants referred and notifies the designated personnel officer of the recommendation for selection. In making a selection, an individual's status as an honorably discharged veteran of the armed forces of the United States, including those veterans with service connected disability ratings fixed by the U.S. Department of Veteran's Affairs shall receive due consideration provided that such veteran meets all the knowledge, skills and eligibility requirements of the available position. The designated personnel officer shall issue appropriate procedures as necessary for conduct of the selection process. Extraordinary recruitment, interviewing, or hiring efforts such as travel, overnight visits, accommodations, moving expenses, or increased annual or sick leave accrual or initial awards require the approval of the County Administrator. Upon selection, the designated personnel officer issues a letter of offer to the selected individual instructing them to report on a date mutually agreed to by the department and the designated personnel officer.

Employees who currently occupy a regular full-time position or regular part-time position with the County may be considered for any other regular part-time position or work-as required position, however, in the case of the second regular part-time position, benefits will not be duplicated.

#### **Section 6-4: Orientation for New Employees**

New hires are to be provided a structured orientation program to help them learn about the County and what is expected of them as employees of King William County:

- a. On the date of hire, employees are received by the designated personnel officer and provided all pertinent information concerning employment with the County necessary to place them on the County's payroll.
- b. Within five (5) days of the date of hire, the employee's supervisor meets with the employee to explain what is expected in the course of employment with the County.
- c. A more formal orientation session by the designated personnel officer is conducted within thirty days of the employment date. This allows the employee to have some work experience

upon which to ask questions.

#### **Section 6-5: Probationary Period – New Hires**

New employees serve a probationary period of one (1) year. The probationary period is regarded as an integral part of the evaluation process and is used to observe closely the employee's work, to insure the effective adjustment of a new employee to the assigned position, and to remove any employee not meeting expectations. Employees are released from probationary status upon receiving a formal evaluation and recommendation from the Department Head, and are then considered to be regular (non-probationary) employees of the County. The probationary period may not be extended except on those occasions when a period of approved absence exceeds 30 calendar days (for example, when a probationary employee is called to military duty). In such cases, the probationary period may, at the discretion of the Department Head, be extended one day for each day of authorized absence.

Before the end of the probationary period, if an employee is to be granted regular status, the Department Head shall indicate on a prescribed form to the designated personnel officer:

- a. That they have discussed the employee's accomplishments, strengths, and weaknesses with the employee;
- b. That the employee is performing satisfactory work;
- c. That the employee should be retained in County service and granted regular status.

Probationary employees may be terminated from employment at any time during the probationary period at the discretion of the Department Head. The provisions of the County's grievance procedure are not available to probationary employees. If a probationary employee is dissatisfied with the assigned position, the employee may resign from County service without prejudice.

The successful completion of the probationary period should not be construed as creating a

contract or as guaranteeing employment for any specific duration. (See Chapter 1 and General Policy Statement in front of Chapter 1 in this manual.)

#### **Section 6-6: Probationary Periods for Other Than New Hires**

A probationary period is not used in connection with a transfer or promotional appointment in the same manner as for new employees. If an employee is found to be performing in an unsatisfactory manner in the new position, the employee is counseled by the supervisor, provided reasonable goals and objectives to meet, and a reasonable period of time to meet the standards expected of the position. If the employee's performance remains unsatisfactory, the employee shall be given a written warning that failure to meet the established standards will result in a recommendation for further disciplinary action up to and including termination. Access to the grievance procedure is afforded to such employees because they are not new hires to the County.

#### **Section 6-7: Physical Requirements**

Applicants for employment are given a physical examination only when the job specifications contain such a requirement. A physical examination may be requested only after a verbal offer of employment is made to the applicant. The medical report must be completed by a County approved physician and be received and reviewed in conjunction with the essential requirements of work as described in the position description prior to the issuance of a written letter of offer.

Employees must continue to meet, as a condition of employment, the physical standards established in the job specifications for the assigned position and may be given a physical examination at any time after employment when recommended by the Department Head.

All examinations for current employees are to be performed by a physician approved by the County. All required examinations will be paid for by the County. Medical information shall be kept in a separate and confidential medical file.

#### **Section 6-8: Equal Employment Opportunity**

King William County's policy is to ensure equal employment opportunity to employees and

applicants for employment, without regard to race, color, sex, religion, national origin, age or disability.

The goals of this policy are to:

a. Ensure equal opportunity in all personnel policies and procedures through identification and elimination of policy and procedural areas that unlawfully discriminate on the basis of race, color, sex, religion, national origin, age or disability.

b. Employ a workforce representative of the County's population.

c. Encourage promotion of qualified individuals.

d. Ensure compliance throughout the organization.

The following actions will be taken, in addition to others, as may be appropriate:

(1) In recruiting and hiring applicants for employment, advertising shall be conducted in a nondiscriminatory manner using, not only traditional methods but newspapers, television, radio, magazines, and/or other recruiting sources.

(2) Dissemination, both internally and externally, of the County's policy regarding equal employment opportunity will be a continuing process.

(3) Training designed to assist employees and supervisors in complying with this policy will be provided as necessary.

All personnel actions, including, but not limited to, administration of compensation, benefits, training, tuition assistance, discipline, termination, layoff, return from layoff and social and recreational programs, shall be administered to further this policy. Personnel actions are subject to bona fide occupational job qualifications.

### **Section 6-9: Employment Eligibility Verification**

Pursuant to the Immigration Reform and Control Act of 1986, the County will hire only United States citizens and aliens lawfully authorized to work in the United States. The Act requires all new employees to complete prescribed forms and present documents that verify eligibility to

work. Without such documentation, the applicant cannot be employed by the County.

### **Section 6-10: Driver and Criminal Records Checks**

Certain jobs in the County require Department of Motor Vehicle (DMV) and/or criminal record checks. These record checks protect citizens that use County services and manage the County's risk of loss. Before entering service, certain employees and volunteers must have record checks as indicated below. Failure on the part of the applicant, employee, or volunteer to provide or authorize these checks, as appropriate, will result in withdrawal of the letter of offer, termination, or denial of participation in the volunteer program.

a. Driver Record Checks: All employees and volunteers who will or may drive County vehicles will be subjected to DMV records checks upon hire and as deemed necessary by the County Administrator but not less than once every three (3) years.

b. Criminal Records Checks: Certain employees and volunteers are subject to criminal records checks. Those positions requiring criminal records checks and the procedure to be followed shall be established by the County Administrator.

### **Section 6-11: Drug Testing**

It is the County's policy to maintain a work place that is free from the effects of drug abuse. In furtherance of this policy, all applicants selected for employment shall be required to submit to a pre-employment post-offer drug test, which shall be conducted within 48 hours of an applicant's verbal acceptance of an offer of employment. The costs for all drug tests ordered will be borne by the County. Urinalysis will be used for the detection of controlled substances, and sample collection must take place at a County approved collection site. Any applicant selected for employment whose test result is confirmed positive shall be denied employment and shall not be eligible for employment in any capacity with the County for a period of one year. Test results shall be kept in a separate and confidential medical file. Failure to execute an appropriate release and consent form for drug testing equates to a refusal to submit to drug testing and shall be cause for

immediate withdrawal of the offer of employment. The County's drug testing program shall be administered in accordance with applicable federal and state regulations.

Any former employee who has had 12 months or more elapse since their last work day for the County is considered a rehire, and subject to drug testing as outlined above.

Employees offered transfer, promotion, or demotion into a position requiring random drug screening shall be required to submit to a drug test within 48 hours of their acceptance of such offer. Should the employee's drug test result indicate a confirmed positive, the offer of transfer, promotion or demotion will be withdrawn, and the employee shall be subject to disciplinary action up to and including dismissal. Further provisions related to drug testing are found in Section 13-8 of this policy.

## **Chapter 7: Employee Training and Development**

### **Section 7-1: Employee Training and Development**

The County encourages the development of, and attendance at, training and education programs that enhance employees' ability to perform their work more effectively and/or to qualify for promotion within the employees' career field. Such programs shall be planned, coordinated, and conducted so as to maximize the effectiveness of training and education funds available within departments. Where subject matter or available resources do not permit the use of in-service training, specialized training or education courses by outside resources may be approved. Whenever possible, in-service training shall be provided when the same or similar training is required of groups of employees. Department Heads are encouraged to pool their training resources to facilitate lower cost training in mutual areas of interest.

### **Section 7-2: Rules for County Funding**

The following policies determine when requests for training or education will be



approved (assuming available funds) for County funding:

(a) Job Required Training. The County will reimburse classified employees for approved training or education expenses when the subject matter is essential to proper performance of the employee's assigned position and the employee was not expected to have completed the training or education prior to employment. Attendance may be authorized during working hours. Undergraduate or graduate education courses which fall into this category will be approved for reimbursement of the cost of tuition and books only when employees satisfactorily complete the course (completion of course with a grade of "C" or better). The fact that such courses are part of a degree program shall not disqualify them from reimbursement; however, the County will not pay for courses within the degree program which are not job essential.

(b) Job Related Training. The County will reimburse classified employees for approved expenses when the subject matter is job related and in the view of the County Administrator or Department Head should lead to improved performance on the job. Attendance may be authorized during working hours. This training generally consists of short courses, seminars, conferences, meetings, etc. coincident with the employee's routine responsibilities with the County. Undergraduate or graduate courses which fall into this category will be approved for reimbursement of the cost of tuition and books only when employees volunteer to attend classes on their own time and satisfactorily complete the course (completion of course with grade "C" or better). The fact that such courses are part of a degree program shall not disqualify them from reimbursement; however, the County will not pay for courses within the degree program which are not job related.

(c) Reimbursement for any training or education program that does not meet the conditions set forth in the preceding two subparagraphs is not authorized.

(d) Reimbursement for training or education programs that meet the conditions set forth may be reimbursed at a rate not to exceed \$600 per course with a maximum of three courses approved for reimbursement in any given fiscal year. The tuition reimbursement request must be pre-approved prior to enrollment and the employee is responsible for submitting the completed

course documentation reflecting a “C” or better grade to receive reimbursements.

**Section 7-3: Application.**

Applications for training or education courses are made on prescribed forms that are available in all departments and agencies of the County. Training applications must be submitted and approved by the Department Head and reviewed by the designated personnel officer for consistency prior to the start date of the training.

**Section 7-4: Approval Authority.**

The County Administrator approves training or education programs for Department Heads. Department Heads may approve training in accordance with this Chapter for assigned employees within the limits of training funds in the departmental budget. After being approved by the Department Head, the designated personnel officer will review all applications for compliance with this Chapter.

**Section 7-5: Repayment of Training Funds**

All training payments are contingent upon presentation of satisfactory evidence of successful completion of the enrolled program. Training payments made by the County in advance, are subject to repayment by the employee if 1) conditions for completion are not met, or 2) the employee voluntarily separates from County employment prior to the completion of the training, or 3) the employee voluntarily separates from County employment within 12 months of the satisfactory completion of the training. This requirement is to ensure the County receives the benefit of the training from the employee for the financial support. The County reserves the right to require that the employee sign a Training Payment Reimbursement Agreement. Such agreements will normally only be used when the training payments and associated costs are expected to exceed \$1,000 or, in the opinion of the County, the training will substantially improve the employee’s marketability. The use of an Agreement will be handled on a case-by- case basis and must be approved by the County Administrator to ensure County-wide consistency. If an employee

voluntarily separates from County employment within 12 months following the completion of training, the Agreement will require repayment of training payments and associated costs.

## **Chapter 8: Performance Appraisal**

### **Section 8-1: General**

Performance appraisal addresses the following objectives:

(a) Provides a basis for the determination of performance, involves the employee in this determination, and identifies areas of work which need improvement or which exceed the expectations of the position.

(b) Provides a performance based evaluation for the award of compensation increases based on performance levels.

(c) Improves communication between employees and management.

### **Section 8-2: Job Description**

The basis for evaluating performance is the job description. Department Heads assure that job descriptions for positions in their departments are accurate and reflect essential functions. Employees are accountable for performing all aspects of the job description in a proficient manner.

### **Section 8-3: Standards of Performance**

The standards expected of an employee are to be established and communicated by the Department Head or supervisor prior to the appraisal process. The Department Head or supervisor is expected to involve the employee:

(a) In establishing the criteria by which his/her performance is to be judged;

(b) In planning future improvements in that performance; and

(c) In establishing mutual responsibilities and expectations with respect to improving job performance.

Section 8-4: Communication with Employee

The Department Head or supervisor is required to meet with new employees, within 30 days of hire, transfer, promotion, demotion, etc., and with all other employees at the beginning of each employee's evaluation cycle for the following purposes:

(a) To review the job description to assure that it is accurate. Any necessary revisions in essential functions should be recommended to the designated personnel office in the form of a revised job description.

(b) To identify and clearly define the responsibilities of the employee and the expectations of the supervisor. The weight for each element shall be established by the Department Head or supervisor and communicated to the employee.

(c) To establish specific objectives for the employee using a department work plan as a basis for the performance rating.

#### **Section 8-5: Interim Reviews**

At any time, the supervisor may arrange a time to meet with the employee for the following purposes:

(a) Review progress. To share with the employee any performance problems that have been noted and outline measures needed for improvement. Supervisors are also encouraged to schedule a review with those employees who are exceeding their performance objectives in order to support their achievements.

(b) Review employee concerns. The employee identifies any problems being experienced which may be hindering job performance. For example, sometimes equipment or personnel problems exist that could be corrected by the supervisor, or daily operations have changed to the point of making it difficult to accomplish an initially agreed upon objective.

At this time, any changes in the initial expectations may be noted. This conference may be requested by either the supervisor or the employee. Whether or not a formal conference is held, it is the supervisor's responsibility to advise the employee of performance deficiencies.

### **Section 8-6: Evaluation Conference**

At least two weeks prior to the employee's Performance Review Date (PRD), or at such other performance evaluation date as may be established from time to time by the County Administrator, the immediate supervisor shall schedule a time for the evaluation conference. Before this conference, the supervisor must complete the evaluation document approved for use by the County Administrator and any supporting narrative necessary to clarify the performance appraisal rating or describe any corrective actions necessary to achieve satisfactory performance.

Prior to meeting with the employee, the completed evaluation document must receive any necessary departmental approvals

The employee is provided with a copy of the evaluation document prior to the conference. Discussion between the employee and the supervisor should be related to performance factors and should deal only with job related matters.

The employee is required to acknowledge receipt of the evaluation document and should be encouraged to submit a response to the evaluation, particularly if there are areas of disagreement. If an employee refuses to sign the evaluation form and any additional pages, the reviewer should note this on the evaluation form and sign and date the notation.

The completed form is forwarded to the designated personnel office for computation of any performance based increase.

### **Section 8-7: Performance Appraisal Rating**

Performance appraisal ratings may qualify the employee for a performance based salary increase or may result in disciplinary action for unsatisfactory performance up to and including termination.in accordance with rules and regulations established by the County Administrator.

### **Section 8-8: Corrective Action**

A written corrective action plan must be developed for each employee whose performance requires improvement. The plan clearly identifies for the employee the expectations

of the supervisor and establishes a realistic time frame for achievement. An additional performance evaluation document (reevaluation) must be completed in 60 days. No additional compensation is awarded to an employee on a reevaluation for corrective action.

## **Chapter 9: Employee Recognition**

### **Section 9-1: Purpose**

The accomplishments and values of County employees provide the cornerstone of successful operations. It is the policy of the County that there be a program to recognize employees whose quality performances contribute significantly to the advancement of the goals, values, and business of the County.

### **Section 9-2: Department Implementation**

While each function of County government is important to the organization, there are extensive differences in the type and nature of the roles of each department. It is the responsibility of each Department Head to insure that one or more programs are used in a timely fashion for the purpose of recognizing employees within that department. This policy provides sufficient flexibility to acknowledge diversity in determining the criteria for selection and the manner of presentation is required. In all cases, however, recognition considers quality employee performance, is consistent with the values of the organization, and strives to foster teamwork and cooperation rather than competition. Department Heads are responsible for keeping the County Administrator informed as to the implementation of recognition programs within their department.

Department Heads, and all others in the supervisory chain, are expected to regularly recognize employee accomplishment through verbal and written affirmation. Tangible expressions of appreciation are permitted within departmental funds appropriated by the Board for that purpose.

### **Section 9-3: Service Recognition**

a. Length of Service. It is the policy of the County to recognize classified employees for each five years of continuous service. Continuous service is defined as service with the County where there has been no break in service for a period of thirty (30) or more consecutive days. Authorized leaves of absence shall not destroy continuity of service and credit for such time will be granted for purposes of this chapter. Employees who voluntarily resign or are laid off and later re-employed with the County shall not receive credit for the previous employment with the County. Awards shall be made according to the following schedule:

Years of Service Recognition Schedule:

5	Value not to exceed \$50
10	Value not to exceed \$100
15	Value not to exceed \$ 150
20	Value not to exceed \$ 200
25	Value not to exceed \$ 250
30	Value not to exceed \$ 300

b. Employees Who Leave in Good Standing. Recognition for retiring or departing employees in good standing with fifteen (15) or more years of service shall be presented at a regular Board of Supervisors meeting just prior to retirement or departure unless the employee wishes otherwise. Recognition normally consists of a proclamation and, if funds are appropriated for such purpose, a gift in appreciation for such service as determined by the Board.

## **Chapter 10: Disciplinary Policy**

### **Section 10-1: Policy**

It is the policy of the County to discourage behavior that violates rules, policies,

procedures, acceptable standards of ethical conduct, regulations, or laws, or that results in unacceptable performance. Disciplinary action is to be in proportion to the seriousness of the violation. Supervisors are primarily responsible for beginning the disciplinary process when situations that warrant discipline occur.

**Section 10-2 : Purpose**

The primary purpose of discipline is to supplement and strengthen self-discipline within each individual and within each work group. It is the County's intention to foster an employment relationship with high morale that promotes self-discipline in every employee and group discipline within every work team.

**Section 10-3: Reasons for Disciplinary Measures**

Reasons for discipline include, but are not limited to, the following:

- Commission of any act constituting a crime under Federal or State law or County ordinance while on County time or property, or any act of such a nature (including a violation of law) as to indicate unfitness or unsuitability for continued employment in the particular position, regardless of where or when such act is committed.



- Disregard for work or safety rules.
- Failure to follow County or department policies or procedures whether the same are established in writing or by standard practice.
- Failure to meet job standards.
- Falsification or improper use of County records.
- Gambling on County time or property.
- Incompetence or inefficiency in the performance of required job duties.
- Insubordination.
- Lying, cheating, or stealing in any of the forms these might take.
- Misuse of position with the County.
- Placing property or persons at risk of injury.
- Possession, use, distribution or sale of, or reporting to work under the influence of, alcohol or controlled substances. The term “controlled substance” means any drug, narcotic, or other substance that the use or possession of is prohibited or controlled by federal or state law or regulation.
- Provoking, instigating, or participating in a fight while on duty or on County property.
- Refusal to comply with reasonable instructions from an authorized supervisor.
- Recurring tardiness.
- Sleeping on the job.
- Use of offensive, abusive, threatening, coercive, indecent or discourteous language towards supervisors, other employees, or members of the public.
- Violation of the County’s harassment policy set forth in Chapter 13.
- Weapons possession and/or physical violence.
- Willful or negligent damage to County property.

The preceding examples are intended only as guidelines and disciplinary action is not limited to these offenses.

#### **Section 10-4: Use of Disciplinary Measures**

Graduated forms of discipline will frequently be used in addressing disciplinary matters. Employees will often be informed and reminded about accepted standards and rules of conduct before more severe disciplinary action is taken. However, even in the absence of prior disciplinary measures, any infraction may incur serious disciplinary action up to and including termination.

#### **Section 10-5: Available Disciplinary Actions**

The following measures of discipline are established, and, unless otherwise specifically provided, are documented on prescribed forms available from the designated personnel office. Depending on the nature and seriousness of the problem, the appropriate level of discipline may be imposed without consideration to the progression. For example, it is not necessary to issue a Verbal or Written Reprimand if the offense is such a nature to warrant suspension or termination. Department Heads must approve any disciplinary measure imposed beyond a verbal warning, including dismissals.

a. Verbal Warning or Reprimand

This measure may be imposed by the immediate supervisor and is used in situations where the violation is considered to be minor and the warning or reprimand can be expected to resolve the problem or alert the employee of expected future conduct and the consequences of reoccurrence of the behavior in question. Verbal warnings or reprimands are not documented for any official file, but shall be noted in writing by the supervisor for the supervisor's use in the event that further discipline is needed.

b. Written Warning or Reprimand

This measure is used for more significant first violations or repeated minor infractions. Employees are advised that the behavior must improve or further specified action will be taken.

c. Suspension

Suspension for up to ten (10) days without pay may be used when a more serious violation occurs or when previous warnings have not succeeded in bringing about the desired change in the employee's behavior. For suspensions without pay of five (5) days or longer, the employee shall be notified in writing of the reasons for the proposed suspension and shall be afforded an opportunity to schedule an administrative hearing with the Department Head prior to the proposed effective date. In order to insure compliance with the Fair Labor Standards Act, employees designated as exempt must be suspended in increments of days that represent a full workweek. In certain appropriate cases, suspension with pay may be imposed.

d. Demotion or Salary Reduction

These measures may be used in place of, or in addition to, suspensions when dealing with violations deemed serious enough to otherwise warrant a suspension.

e. Dismissal

This measure is used for the most serious violations or when other measures have failed. It is also used when it is the opinion of management that no level of discipline will be successful in correcting the behavior. The Department Head, prior to dismissing an employee, shall compile the complete disciplinary record and forward it to the designated personnel officer. Prior to any final decision concerning the dismissal of a non-probationary employee, the Department Head shall conduct an administrative termination hearing, if requested by the affected employee, to determine whether the charges leading to the recommendation for dismissal are founded. (See Chapter 12 on Separation and Termination.)

**Section 10-6: Review of Proposed Action**

In each instance of the imposition of a disciplinary action beyond a verbal warning or reprimand, a copy of the prescribed disciplinary form must be sent to the designated personnel office for inclusion in the employee's official personnel file. To assure the consistency of discipline throughout the County workforce, all disciplinary actions beyond verbal warnings must be reviewed

for compliance and consistency by the designated personnel officer prior to approval by the Department Head. In the event the personnel officer believes that the proposed action is not in accord with policy or is inconsistent with other actions taken in the County workforce, the personnel officer shall forward the matter to the County Administrator for review and decision. The designated personnel officer shall keep the County Administrator informed of all current disciplinary actions.

## **Chapter 11: Grievance Policy and Procedures**

### **Section 11-1: Purpose**

This Chapter establishes an effective process for the fair, expeditious, and orderly adjustment of grievances before they become major issues of discontent or dispute. Nothing in this Chapter is intended to imply that employees may be dismissed only “for cause” or to otherwise alter an employee’s “at will” status. Employees also have access to the open door policy for discussion of employment issues. (See Section 13-17).

### **Section 11-2: Policy**

The County seeks to employ and retain the most qualified persons available for positions with the County and is justly proud of the accomplishments of its staff in serving the public. When an employee of the County believes that any condition affecting him or her is unjust, inequitable, arbitrarily applied or a hindrance to work performance, the employee may use the following procedure without fear of reprisal. The same procedure may be followed by a group of employees. Because justice delayed is justice denied, grievances must be resolved with dispatch.

Responsible action under the grievance procedure is a right of employment. Each step of the procedure is to be conducted with the open, thoughtful communication and mutual respect that is characteristic of successful day-to-day contact between employees and their supervisors. Responsibility for finding satisfactory solutions to employment-related problems is shared by all participants at each stage of the grievance procedure.

### **Section 11-3: Objectives**

The grievance procedure is intended to provide an immediate and fair method for resolving problems that may arise during the course of an employee's service with the County. The grievance procedure is designed to assure the employee of the fairness of the process by providing for a right of appeal in the event that an employee believes that fair treatment has been denied.

Through the good faith observance of this procedure, the County hopes to prevent conditions which may give cause for grievance. This can be achieved in many ways, among which are:

- a. a reduction in employee concerns caused by supervisory decisions;
- b. a more uniform application and interpretation of policies and conditions which govern employment;
- c. avoidance of prejudice;
- d. alerting management to supervisory problems.

### **Section 11-4: Coverage**

This grievance procedure is available to all regular full-time and part-time County employees in the classified service (See Section 1-3), except probationary employees, Deputy or Assistant County Administrators, Department Heads and employees otherwise covered by applicable grievance procedures of State or local agencies. The procedure is not available to employees in the unclassified service. The procedure is available to regular employees of constitutional offices of the County or the Department of Social Services when the constitutional officer has requested that their employees be covered and the Board of Supervisors has approved such request, or the local social services board has adopted this procedure pursuant to the provisions of Sections 63.2-219 or 2.2-3008 of the Code of Virginia. Law enforcement officers as defined in Section 9.1-500 of the Code of Virginia have the option of using this procedure or the law enforcement officer's procedure set out in Chapter 5 of Title 9.1 of the Code of Virginia. The procedure is also available to employees of

such other agencies as may from time to time be specified in the Code of Virginia when the prerequisites established by state law have been met.

The County Administrator shall be responsible for creating and maintaining and up to date list of those positions not covered by this grievance procedure.

**Section 11-5: Definition of Grievance**

a. A grievance is a complaint or dispute relating to the employment of the employee or employees making the complaint. A grievance involves, but is not necessarily limited to, one or more of the following:

- (1) Disciplinary actions, including those that involve dismissal, demotion or suspension, provided that dismissals shall be grievable whenever resulting from formal discipline or unsatisfactory job performance;
- (2) Concerns regarding the meaning, interpretation or application of personnel policies, procedures, rules and regulations;
- (3) Acts of retaliation<sup>1</sup> for using the grievance procedure or for participation in the grievance of another County employee;
- (4) Complaints of discrimination on the basis of race, color, creed, religion political affiliation, age, disability, national origin or sex;
- (5) Acts of retaliation\* because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, or has sought any change in law before the Congress of the United States or the General Assembly.

(6) Acts of retaliation\* because an employee has reported an incident of fraud, abuse, or gross mismanagement.

b. The Board of Supervisors and its management team retain the exclusive right to manage the affairs and operations of County government. Accordingly, the following complaints, among others, are non-grievable:

(1) The contents of ordinances, resolutions, statutes, or established personnel policies, procedures, rules, and regulations;

(2) Work activity accepted by the employee as a condition of employment or work activity which may be reasonably expected to be a part of the job content;

(3) Establishment and revision of wages or salaries, position classifications or general benefits;

(4) Failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly;

(5) The methods, means, and personnel by which such work activities are to be conducted;

(6) Non-disciplinary discharge, demotion, suspension from work or layoff because of lack of work or reduction in work force, or job abolition, except where such action affects an employee who has been reinstated within the previous six months as the result of a grievance;

(7) The hiring, promotion, transfer, assignment and retention of employees;

(8) The relief of employees from duties of the County in emergencies.

In any grievance brought under the exception contained in (6) above, 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 such reason in writing prior to the effective date of the action.

### **Section 11-6: Determination of Grievability**

Decisions regarding whether or not a matter is grievable, including questions of access to the procedure, shall be made by the County Administrator at the request of the County or the grievant. The issue of grievability may be raised at any step of the procedure subsequent to the submission of a written grievance and prior to the panel hearing, but once raised the issue shall be resolved before further processing of the grievance. The issue of grievability must be resolved prior to the panel hearing or it shall be deemed to have been waived. The request for a determination of grievability is made by completing Grievance Form D and forwarding it to the County Administrator. The decision on grievability shall be made within ten (10) calendar days of the request. A copy of the ruling shall be sent to the grievant. Decisions concerning grievability may be appealed by the grievant to the Circuit Court of King William County for a hearing on the issue of grievability.

Proceedings for review of the County Administrator's decision shall be instituted by filing a notice of appeal on Grievance Form D with the County Administrator within ten (10) calendar days from the date of the grievant's receipt of the decision, and giving a copy thereof to all other parties. Within ten (10) calendar days thereafter, the County Administrator or his designee shall transmit to the Clerk of the Circuit Court a copy of the decision, 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 to transmit the record within the time allowed shall not prejudice the rights of the grievant. The court, on motion of the grievant, may issue a writ of certiorari requiring the County Administrator to transmit the record on or before a certain date. The court shall hear and decide the appeal within the time frames established by Va. Code Section 15.2-1507. The court may affirm the decision of the County Administrator or may reverse or modify the decision. The decision of the court is final and not appealable.



## **Section 11-7: Procedural Steps**

Step I: Supervisory Level. An employee who has an employment-related complaint or problem first discusses it directly with his or her immediate supervisor. The grievance need not be placed in written form at this step. The grievance shall be reported within twenty (20) calendar days from the time that the employee first becomes aware of the condition or work activity giving rise to the grievance. The supervisor shall render a response to the aggrieved employee within five (5) workdays of the complaint. This first step is intended to provide for an informal, initial processing of employee complaints by the immediate supervisor through a non-written, discussion format.

Step II: Department Head Level. If a satisfactory resolution of the problem is not reached through Step I, the employee may file a written grievance, identifying the nature of the complaint and the expected remedy, on Grievance Form A. The written grievance is presented to the Department Head and a copy is given to the immediate supervisor within five (5) workdays of the supervisor's response to Step I. A meeting to review the grievance shall be held among the grievant, the immediate supervisor and the Department Head within five (5) workdays of receipt of the written grievance, unless this time limit is extended by mutual agreement for a period not to exceed five (5) workdays. The Department Head shall provide a written reply to the grievant within five (5) workdays after the second step meeting. Concurrently, a copy of the grievance and reply, together with a copy of all related materials, shall be forwarded by the Department Head to the designated personnel officer. For purposes of this policy, "Department Head" shall mean the head of the employee's department; in the case of employees of constitutional offices, it shall mean the constitutional officer; in the case of employees of the Department of Social Services or other agencies, it shall mean the director of that department or agency.

Step III: County Administrator Level. If a satisfactory resolution of the problem is not reached at the second step, the employee may submit the written grievance on Grievance Form A

to the designated personnel officer; provided, however, that an employee of a constitutional officer or the Department of Social Services or other agency covered by this procedure may, in the employee's discretion, proceed immediately to Step IV. Submission of the written grievance to the third step shall occur within five (5) workdays of the second step reply. The designated personnel officer will coordinate the Step III meeting. The County Administrator and the immediate supervisor shall meet with the employee within five (5) workdays or indicate that an extension is necessary. Such extension shall not exceed five (5) additional workdays except by mutual agreement of the County Administrator and the grievant. The Department Head or other intermediate supervisor may attend this meeting if requested by the grievant, the immediate supervisor, or the County Administrator. Using Form B, a written reply by the County Administrator shall be provided to the grievant within five (5) workdays of this meeting.

Step IV: Panel Level. If the response of the County Administrator does not resolve the grievance, the employee may proceed with the grievance by requesting a panel hearing (or a hearing before an administrative hearing officer if both parties agree). This request shall be made in writing to the County Administrator on Grievance Form B within five (5) workdays of the grievant's receipt of a response from Step III, or Step II if applicable. The County Administrator shall insure selection of the panel and arrange an organizational meeting of the grievance panel within ten (10) working days of receipt of the request. The date of the hearing shall be established at the organizational meeting and shall be within ten (10) working days of such meeting. The County Administrator shall provide the panel with copies of the grievance record at their organizational meeting. The County Administrator shall provide the grievant with a list of the documents furnished to the panel. The grievant and/or the grievant's attorney, at least ten (10) days prior to the scheduled panel hearing, shall be allowed access to and copies of all relevant files intended to be used in the grievance proceeding. Documents, exhibits, and lists of witnesses shall be exchanged between the parties in advance of any panel hearing.

### **Section 11-8: Panel Procedures**

The panel (or hearing officer) is charged with the responsibility of interpreting the application of appropriate government policies and procedures in the case. It does not have the prerogative to formulate or to alter existing policies or procedures nor to direct subsequent action of management when the panel determines that the action of management grieved was inappropriate.

The conduct of the panel hearing is as follows:

- a. The panel determines the propriety of attendance at the hearing of persons not having a direct interest in the hearing, and, at the request of either party, the hearing shall be private.
- b. The panel may at the beginning of the hearing ask for statements clarifying the issues involved.
- c. Exhibits, when offered, may be received in evidence by the panel, and when so received, are marked and made part of the record.
- d. The grievant and then the grievant's supervisor, or their representative(s), present the claim and proofs and witnesses who submit to questions or other examination or cross-examination. The panel may, at its discretion, vary this procedure but must afford full and equal opportunity to all parties and witnesses for presentation of any material or relevant proofs.
- e. The parties may offer evidence and shall produce such additional evidence as the panel may deem necessary to an understanding and determination of the dispute. The panel is the judge of relevancy and materiality of the evidence offered. The panel has the authority to determine the admissibility of evidence, without regard to the burden of proof or the rules of evidence. All evidence shall be presented in

the presence of the panel and the parties, except by mutual consent of the parties. Documents, exhibits, and lists of witnesses shall be exchanged between the parties a minimum of three working days in advance of the hearing. Hearings are not intended to be conducted like proceedings in courts.

- f. The panel chair shall specifically inquire of all parties whether they have any further proofs to offer or witnesses to be heard. Upon receiving negative replies, the chairman shall declare the hearing closed.
- g. The hearing may be reopened by the panel on its own motion or upon application of a party for good cause shown at any time before a decision is made.
- h. The majority decision of the panel is final and binding in all its determinations, and shall be consistent with existing policies, procedures, and law. No panel member shall be allowed to abstain from voting.
- i. Any relief granted by the panel shall not be final if the County Administrator, or his designee, determines that the relief granted is not consistent with law or written policy of the County. In the event that the County Administrator has had a direct personal involvement with the event or events giving rise to the grievance, the question of consistency of the relief granted by the panel with law or written policy of the County shall be made by the Commonwealth's Attorney.
- j. Either party may petition the circuit court for an order requiring the implementation of the decision of the panel.

The decision shall be filed in writing by the panel chairman with the County Administrator not later than ten (10) working days after completion of the hearing. The decision shall be prepared in the format shown on Grievance Form C. Copies of the decision shall be transmitted to the employee and to the employee's supervisor by the County Administrator within five (5) working days after the County Administrator receives it.

### **Section 11-9: General Provisions**

- a. Step II is not observed by direct reports of Department Heads; such grievants proceed from Step I to Step III.
- b. A grievance shared by a group of employees begins at Step II, using Step I time limits.
- c. References to "workdays" are to the days during which the administrative offices of the County are customarily open, from Monday through Friday, not including holidays observed by the County. All time periods listed in this procedure may be extended by mutual agreement of the grievant and the County Administrator, or by others as specifically provided elsewhere in this procedure.
- d. After the initial filing of a written grievance, 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) workdays of receipt of written notification by the other party of the compliance violation. Such written notification by the grievant shall be made to the County Administrator. The County Administrator, may require a clear written explanation of the basis for just cause extensions or exceptions. The County Administrator, shall determine compliance issues. Compliance determinations made by the County Administrator shall be subject to judicial review upon the filing of a petition with the circuit court seeking such review within thirty (30) days of the compliance determination.
- e. All stages of the grievance beyond the first step shall be prepared in writing on forms supplied by the designated personnel office.

- f. The only persons who may normally be present at Step I or II meetings are the grievant, the individual hearing the matter, and appropriate witnesses for each side. The grievant shall bear the cost, if any, of calling the grievant's witnesses. Witnesses shall be present only while actually providing testimony. At Step III, the grievant, at his option, may have present a representative of his choice. If the grievant is represented by legal counsel, the County may also be represented by counsel. Either or both parties may be represented by legal counsel at Step IV.
- g. Once an employee reduces the grievance to writing, the specific relief expected to be obtained through use of this procedure must be stated on the appropriate form and may not later be changed by the grievant.
- h. The determination that an employee is not covered by this grievance procedure or that a complaint is not grievable shall not be construed to restrict any employee's right to seek, or management's right to provide, customary administrative review of complaints outside the scope or coverage of the grievance procedure.

**Section 11-10: Composition of Panel**

The panel shall be impartial and composed of three (3) members. One member shall be chosen by the grievant, one member shall be chosen by the County Administrator and the third member shall be chosen by the first two. If no agreement on a third member can be reached, the selection shall be made by the Judge of the Circuit Court. In all cases, the third panel member shall be the Chairperson of the 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, any person 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, and child,

descendants of a child, sibling, niece, nephew, and first cousin. No attorney having direct involvement with the subject matter of the grievance nor a partner, associate, employee or co-employee of such an attorney shall serve as a panel member.

## **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 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.

## **Chapter 13: Miscellaneous Employment Policies**

### **Section 13-1: Applicability**

This Chapter applies to the classified service and to the unclassified service to the extent set forth in any contract or, in the absence of a contract, to the extent the Board is authorized by law to apply the particular policy to the unclassified service.

### **Section 13-2: Hours of Work**

The standard weekly work period for all King William County Employees shall be from 12:01 a.m. Saturday through midnight Friday. The core hours for administrative offices of the County to be open for public business are 8:30 a.m. to 4:30 p.m., Mondays through Fridays, including periods of lunch.

The normal work schedule for regular full-time employees is thirty-five (35) hours per week, seven (7) hours per day, Mondays through Fridays. The workday begins at 8:30 a.m. and ends at 4:30 p.m. and includes an hour lunch period. Because of differing requirements, schedules may vary from these times. Department Heads may adjust the workday beginning and ending times and lunch schedules provided that full-time employees work a minimum of seven (7) hours each day (not including a lunch period) and administrative offices are adequately staffed and open from 8:30 a.m.

to 4:30 p.m., Monday through Friday. Any regular schedule for more than eight (8) or less than seven (7) hours per workday must be approved by the Department Head with notice to the County Administrator. The fifty-two (52) week work year consists of 2080 work hours.

Part-time employees will work varied hours and days. Part-time employees are to report at their designated time, date and location per the published schedule. Failure to report for an assigned shift may be considered an absence without notice and the employee may be subject to disciplinary action or termination.

**Section 13-3: Time and Attendance Records**

Attendance and time reports for employees are prepared by each department and agency of the County and are furnished to the designated personnel office for proper posting and accounting of hours worked, leave balances, etc.

**Section 13-4: Emergency Closing of County Facilities**

Working hours and schedules may be adjusted by the County Administrator in response to inclement weather or other emergency conditions. Individuals are notified through media or telephone "calling trees" of the change in hours or schedules.

Employees' essential to operations during inclement weather or emergencies may be required to report to work as normally scheduled. Such employees are generally notified by the Department Head in advance of any announcement to report to work as scheduled and receive pay in accordance with policy. Others, in the interest of safety, receive paid emergency conditions leave. Please see Section 5-11 for information regarding emergency conditions leave.

**Section 13-5: Holidays**

King William County observes the following holidays and other such holidays as may be prescribed by the Board of Supervisors:

- |                        |                         |
|------------------------|-------------------------|
| New Year's Day         | First day of January    |
| Martin Luther King Day | Third Monday in January |

Washington's Birthday	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	Nineteenth Day of June
Independence Day	Fourth day of July
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Election Day	Tuesday After the First Monday of November
Veteran's Day	Eleventh day of November
Thanksgiving	Fourth Thursday in November
Day After Thanksgiving	Fourth Friday in November
Christmas Day	Twenty-fifth day of December

In addition to the above holidays the County will follow special state holidays as announced by the Governor. When a holiday falls on a Saturday, the preceding Friday shall be observed; when a holiday falls on a Sunday, the following Monday shall be observed.

The Board of Supervisors may designate other days as official holidays of the County. When granted, employees receive compensation in the same manner as is the case for other holidays.

**Section 13-6: Uniforms and Personal Equipment**

The County may provide personal equipment and/or uniforms for certain employees. Job descriptions of employees required to wear uniforms will include this requirement within the description body. All clothing and equipment issued by the County shall be inventoried by the issuing department and remains the property of the County. Non-serviceable clothing and equipment is replaced on a one-for-one basis when the particular item is returned to the County's inventory.

Employees are expected to maintain issued uniforms and equipment and return them to the County's inventory upon separation from service. All lost or negligently damaged clothing or equipment will be replaced at the employee's expense.

### **Section 13-7: Bonds**

The County provides funding for adequate bonding of employees when required by the assigned position or when it is in the best interest of the County to do so.

### **Section 13-8: Use of Alcohol and Controlled Substances**

a. All Employees.

It is the policy of the County to maintain a work place that is free from the effects of drug and alcohol abuse. The County is gravely concerned when its employees violate laws, create situations that cause potential safety hazards to themselves or to their fellow employees, or are parties to an act or situation that is detrimental to the image of the County in the eyes of the public it serves.

In furtherance of this policy and concern, unless prescribed by a duly licensed physician and the employee's supervisor is notified in advance, the possession, use, gift, distribution, sale, or being under the influence of any of the following substances by an employee in the course of County employment is prohibited and is cause for dismissal:

- Amphetamines.
- Barbiturates.
- Hallucinogens.
- Any other substance defined and listed as a controlled substance in the "The Drug Control Act" (Chapter 34 of Title 54.1 of the Code of Virginia, 1950, as amended).
- Any drug, narcotic, or other substance that the use or possession of is prohibited or controlled by federal or state law or regulation.

As a condition of employment each employee shall notify his or her supervisor if arrested for any criminal drug statute violation within one (1) workday after such arrest. Upon subsequent conviction the employee shall also notify the supervisor within one (1) workday.

Additionally, being in possession of or drinking alcoholic beverages in the course of employment, or reporting for work in an intoxicated condition or under the influence of alcohol, are

causes for dismissal. For purposes of this policy, "in the course of employment" or "work" refers to normal working hours, including lunch periods, periods between office hours and night meetings of boards and agencies attended by the employee, and in addition includes after hours activities and functions during which an employee is serving in an official capacity as a representative of the County.

The fact of intoxication or degree of influence must be a determination made by the Department Head or supervisor involved. Any employee who is observed by a supervisor to exhibit overt symptoms of the use of alcohol or other prohibited substances shall be required to submit to testing for both alcohol and other prohibited substances.

In furtherance of this policy, any position whose work involves the operation of a County vehicle or vehicular equipment on more than an occasional or intermittent basis in order to carry out County business; any position with direct responsibilities for public safety and health; and any position whose work involves hazardous or potentially hazardous equipment will be entered into a random drug screen pool. This random drug screen pool will be separate from the random drug screen pool as described in Section 13-8 (b) (3). The County Administrator shall designate the aforementioned positions and may add or delete positions from the list as deemed appropriate. The designated personnel officer shall administer the County's random drug testing program in accordance with applicable federal and state laws and regulations.

Employees who test positive or who refuse to submit to such testing for alcohol or other prohibited substances shall be subject to disciplinary action up to and including dismissal.

b. Commercial Drivers (Covered Employees).

In order to comply with the federal Omnibus Transportation Employees Testing Act of 1991 ("the Act") and maintain a safe workplace free from illegal drug use and the misuse of alcohol, it shall be a condition of employment for those employees of the County who are required, in connection with their employment, to operate a vehicle requiring a commercial driver's license (hereinafter

"covered employees"), to submit to periodic breath analysis or urinalysis to test for the use of alcohol or other drugs and controlled substances as set out in this Policy. The County Administrator shall promulgate standard operating procedures to affect the implementation of this policy consistent with the Act.

The unlawful possession or use of alcohol or any controlled substance by any covered employee while operating a vehicle requiring a commercial driver's license, or while performing any "safety sensitive function" with respect to such a vehicle or the use of any substance to a degree to which renders the covered employee incapable of safely operating a motor vehicle, is prohibited.

For purposes of this Policy, the term "controlled substance" means any drug, narcotic, or other substance that the use or possession of is prohibited or controlled by federal or state law or regulation. With respect to drugs, narcotics, and other substances that the use or possession of is not prohibited but is merely controlled by law, the term "controlled substance" shall mean any such drug, narcotic, or other substance which has been used or possessed in violation of such law or regulation. The County Administrator shall designate those controlled substances for which testing will be conducted as mandated or authorized by the Act and by regulations of the United States Department of Transportation, but at a minimum covered employees shall be tested for amphetamines (including methamphetamines), cocaine, THC (including but not being limited to marijuana and other cannabanoids), opiates, phencyclidine (PCP), or any derivative thereof. All references in this Policy to testing for controlled substances shall mean testing for those substances identified in the preceding sentence and for any other drug or substance designated by the County Administrator.

For purposes of this Policy, a "safety sensitive function" includes being present on County property waiting to be dispatched, inspecting or servicing a vehicle, operating a vehicle, being in or upon a vehicle while the vehicle is being operated, supervising or assisting in the loading or unloading of the vehicle, or repairing or obtaining assistance for or attending a disabled vehicle.



For purposes of this Policy, a covered employee will be deemed to be using alcohol or a controlled substance while driving a vehicle or performing a safety sensitive function if the covered employee partakes of, or ingests, any alcohol or controlled substance during work hours, or if the covered employee performs any such job functions while under the influence of alcohol or any controlled substance.

For purposes of this Policy, a covered employee will be deemed "under the influence of" alcohol if a test conducted pursuant to this Policy reveals that the covered employee's blood alcohol concentration (BAC), expressed in terms of grams of alcohol per 210 liters of breath, is 0.02 or higher, or regardless of the BAC level in the event that the covered employee becomes impaired in their ability to perform a "safety sensitive function" as a result of alcohol use. Moreover, a covered employee will be deemed under the influence of alcohol if the covered employee has consumed alcohol within four hours of operating a vehicle or performing any safety sensitive function. Covered employees discovered to have a BAC level of 0.02 or higher may, if not dismissed, be subjected to the requirements of this Policy for return to duty testing, and follow up testing, and the requirement for counseling as set out in section IV of this Policy. Absent of any observable evidence of impairment, a BAC level of less than 0.02 shall be considered a negative test for alcohol.

For purposes of this Policy, a covered employee will be deemed "under the influence of" a controlled substance if a urinalysis or other test conducted pursuant to this Policy reveals the presence of any controlled substance. A covered employee will not be deemed under the influence of a controlled substance if the controlled substance is contained in a medication for which the covered employee has been given a prescription by a physician or other person licensed to prescribe drugs or medications, and the covered employee has taken the medication in accordance with the dosage set out in the prescription.

In order to ensure full compliance with this Policy, all covered employees shall be required to submit to periodic testing for the presence of alcohol or controlled substances, by means of breath

analysis tests or urinalysis, whenever requested to do so by the County. The refusal by any covered employee to submit to such testing, when requested by a supervisor, is prohibited, and any such refusal shall be treated for all purposes under this policy as a positive test for controlled substances, or a BAC test level of 0.02 or higher, as the case may be. As a result, such refusal may be cause for dismissal. The County, or its agents, will administer such tests routinely or periodically at the following times or upon the occurrence of the following events:

(1) Pre-employment Testing or Transfer within the County to a Safety Sensitive Position: Prior to the first time that any new covered employee performs any job functions, or prior to the time that any current covered employee first performs any safety sensitive functions as a result of a transfer into a position requiring the performance of safety sensitive functions, the covered employee will be tested for alcohol and controlled substances. The County Administrator is authorized to make exceptions for covered employees who have been successfully tested within the previous six months for alcohol or controlled substances by a testing method that conforms to the requirements of the Act.

As part of the job application process, an applicant for a position requiring a commercial driver's license or the performance of safety sensitive functions will be required to execute appropriate releases and consents allowing the County to obtain from the applicant's previous employers any records pertaining to the applicant's use of alcohol or controlled substances within the previous two years, including records of test results showing a BAC level of 0.02 or greater, or showing the presence of any controlled substance, or indicating that the applicant has refused to be tested.

(2) Post-Accident Testing: Following an accident involving a vehicle, the County will test any covered employee who receives a traffic citation for a moving traffic violation arising from the accident, or in the event the accident results in a loss of life, will also test any covered employee who was performing a safety sensitive function with respect to the vehicle at the time of the accident.

Any covered employee subject to being tested following an accident shall remain available for such testing for a period of up to eight hours following the accident, or until such testing has been performed, or the covered employee has refused to consent to being tested.

For purposes of this paragraph, an "accident" is any use of a vehicle which results in personal injury or property damage.

(3) Random Testing: The County will conduct random unannounced testing of all covered employees, at such times as deemed appropriate. No covered employee will be removed from the random sampling pool for any period of time by virtue of having been required at any time to submit to random testing. The selection of covered employees to be tested randomly shall be based on a scientifically valid method for random selection, as permitted by the Act or procedures thereunder. Any covered employee notified of selection for random testing shall proceed immediately (or as soon thereafter as possible) to the testing site.

(4) Reasonable Suspicion Testing: The County may test any covered employee who exhibits behavior which gives rise to a reasonable suspicion on the part of the employee's supervisor that the covered employee has violated the prohibitions of this Policy with respect to alcohol or controlled substances. In the absence of any testing, a covered employee whose conduct gives rise to a reasonable suspicion of impairment from alcohol or controlled substances shall perform no safety sensitive functions with respect to any vehicle until at least 24 hours have elapsed, or an alcohol test reveals a BAC level of less than 0.02 and the covered employee evidences no impairment as a result of alcohol or controlled substance use, whichever first occurs.

(5) Return to Duty Testing: Any covered employee who has violated the provisions of this Section shall be tested for the presence of alcohol or controlled substances, as the case may be, before being allowed to operate a vehicle or perform any safety sensitive function. In the case of a violation of a prohibition related to alcohol, the return to duty test for alcohol must reveal a BAC of less than 0.02 and the covered employee must evidence no impairment in his or her ability to

perform safety sensitive functions as a result of alcohol use.

(6) Follow-Up Testing: In the event of a determination that a covered employee is in need of counseling or other assistance to resolve problems related to the abuse or misuse of alcohol or controlled substances, the covered employee shall submit to periodic testing as determined by the counselor, but in any case not less than six (6) tests in the first twelve months following the covered employee's return to duty.

Referral To Counseling. Before any covered employee who violates any prohibitions set out in this Section is allowed to return to employment with the County the covered employee shall be evaluated by a substance abuse professional to determine what assistance, if any, is needed to assist the covered employee in resolving problems associated with abuse of alcohol or controlled substances. The County Administrator or designee shall assist the covered employee in locating a suitable substance abuse professional, and shall advise the covered employee of any resources available to resolve such issues. It shall be the responsibility of the covered employee to pay for any costs associated with the evaluation, or any recommended counseling or treatment. It shall be a condition for continued employment that the covered employee shall successfully comply with all recommendations for counseling or treatment recommended by the substance abuse professional. Any such counseling or treatment program shall include follow-up testing as provided above. Nothing in this paragraph shall obligate the County to offer continued employment to any covered employee who violates any of the prohibitions of this Section.

Testing Procedures, Record Retention, and Confidentiality. The County Administrator shall promulgate procedures to ensure that all testing, record keeping and retention, and confidentiality

of records, shall comply with the Act and the regulations of the Federal Department of Transportation promulgated thereunder as they may be amended from time to time.

Penalties For Violations. Covered employees may be disciplined by the County for any violation of this Section, including without limitation the use or possession of alcohol or controlled substances on the job, the performance of safety sensitive functions or other job duties while under the influence of alcohol or controlled substances, the refusal to be tested in accordance with this Section, the refusal to execute a release form as required by this Section, or the refusal to comply with treatment or counseling as recommended by a substance abuse professional. All of the incidences cited above are cause for dismissal.

Though paragraph (b) pertains to covered employees who must possess a Commercial Driver's License in order to perform their job duties or who are employed in related safety sensitive positions, it neither adds to nor detracts from paragraph (a) of this section which addresses the use of alcohol and controlled substances regardless of Commercial Driver's License or safety sensitive status.

### **Section 13-9: Harassment**

a. Policy Statement: Employees shall be treated with respect and courtesy. Abusing the dignity of others through derogatory or objectionable conduct will not be tolerated and is cause for disciplinary action. The County does not tolerate sexual or other types of harassment of its employees and will promptly initiate an investigation whenever a complaint is brought to the attention of management. Any employee who perceives the conduct of co-workers, supervisors, visitors, contractors, volunteers, customers and others entering the workplace to be harassing are expected to immediately inform the individual(s) that the conduct is unwelcomed and make a report through the complaint procedure outlined in this section.

b. Sexual Harassment: Sexual harassment is an infringement of an employee's right to work in an environment free from sexual pressure of any kind. The determining factor as to whether

or not an action or remark is offensive is if the recipient deems it to be so and if a reasonable person in similar circumstances would find it offensive.

(1) Sexual harassment may consist of unwanted advances, requests for sexual favors, or other verbal/nonverbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of employment; using the submission to or rejection of, such conduct as the basis for decisions affecting the individual; or conduct which has the purpose or effect of unreasonably interfering with the individual's work, performance, or full participation in the benefits of employment, or creates an intimidating, hostile, or offensive environment for work.

(2) Sexual harassment may take many forms and includes physical assault, subtle or overt pressure or direct requests for sexual favors, inappropriate display of sexually suggestive objects or pictures, a pattern of unwelcomed and unwanted conduct that would be offensive to a reasonable person including unnecessary touching, using sexually abusive language or gestures (including remarks about a person's clothing, body, or body movements, or sexual activities) and teasing and joking of a sexual nature.

c. Enforcement: Enforcement of this policy is the responsibility of all employees.

(1) Department Heads are to advise all employees that County policy prohibits all types of harassment and that complaints of such harassment should be brought to the attention of management. Department Heads must also advise all employees of this policy and the means by which complaints can be filed and resolved.

(2) Department Heads are also to brief all supervisors on the problems of sexual harassment and their duty to take timely corrective action when they believe that such problems exist.

(3) Prior to the initiation of an investigation and the imposition of remedial/disciplinary actions, the Department Head shall notify the designated personnel officer

that a complaint has been received. The designated personnel officer will assist with the investigation of violations of this policy and handling any follow up necessary to ensure compliance.

(4) Employees must report any known or suspected violations of this policy.

(5) Impeding an investigation or otherwise covering up a violation is prohibited conduct. Any employee who willfully fails or refuses to cooperate with the investigation of a harassment complaint shall also be the subject of a disciplinary action.

(6) Employees bringing complaints or identifying potential violations, or witnesses interviewed during the investigation will be protected from retaliatory acts.

(7) If a violation by a County employee is found, remedial/disciplinary action will be imposed on the offending employee(s).

d. Complaint Procedure: Employees must initiate a complaint on any matter that is believed to be in violation of this policy.

(1) Employees may report a violation or bring a complaint in person, by phone, or in writing. Any employee found, on investigation, to have brought a complaint in bad faith shall be subject to disciplinary action.

(2) Employees may complain to their immediate supervisor, or in the event the immediate supervisor is the source of the complaint, to the next supervisor in the organizational chain of command. If preferred, employees may go outside the chain of command and complain to the designated personnel officer or any Department Head.

(3) If the complaint is brought anonymously, the County will have the matter investigated but may be limited in its ability to investigate the matter fully.

(4) The County reserves the right to have the matter investigated by persons external to the organization.

e. Investigations and Confidentiality of Information: Complaints will be investigated promptly. Although absolute confidentiality cannot be legally guaranteed, to the extent possible, the complaint and information from witnesses will be kept confidential and the complainant and witnesses will be protected from retaliatory action by a harasser.

(1) All employees are charged with maintaining confidentiality of information.

(2) If the complainant has not already confronted the accused, and name of the complainant must be revealed to the accused, the complainant will be informed prior to that communication.

(3) State and Federal law may require disclosure of information in certain circumstances.

(4) In the event that the County Administrator, or any elected official of the County, is the subject of the complaint, the investigating official shall be the Commonwealth's Attorney. The Commonwealth's Attorney shall provide a written report to the appropriate body or official authorized to discipline the offender and/or correct the behavior and/or take such other steps as the Commonwealth's Attorney deems necessary.

f. Rights of the Accused: An employee accused of violating this policy will be fully informed of the allegations and will be able to offer to management an explanation or defense to the charges prior to any report being prepared. If a violation should be found, the accused employee will be provided an opportunity to respond to the charges prior to the imposition of remedial/disciplinary action.

g. Retaliation Prohibited: Retaliation for reporting harassment is illegal and is contrary to this policy. Retaliation embraces more than just economic harm; it includes words and actions that are intimidating or hostile.

(1) If any employee who has made a complaint or has participated in an investigation believes they are being retaliated against for doing so, they should report it to their



immediate supervisor, or in the event the immediate supervisor is the source of the complaint, to the next supervisor in the organizational chain of command. If preferred, employees may go outside the chain of command and complain to the designated personnel officer or any Department Head.

(2) Those who are found to be acting in a retaliatory fashion will be disciplined for such conduct.

h. Remedial Action: Appropriate disciplinary action will be taken against those who violate this policy. Such discipline will be consistent with the County's disciplinary policies. Remedial actions may also include participation in further training or counseling. Interim actions may be taken when there is a reasonable belief that the employee involved in the complaint may be adversely affected by the status quo. Interim actions may include, but are not limited to, internal transfers or the placement of the accused on leave until such time as the investigation is concluded.

i. Questions: The designated personnel officer is available to discuss any concerns of employees or questions arising under this policy.

j. Application and Distribution: This harassment policy shall apply to all officers and employees of the County including all those in the classified and unclassified service. A copy of this policy shall be distributed to all present employees of the County. Each such employee shall acknowledge his or her receipt in writing and such acknowledgement shall be kept on file. New employees of the County shall be furnished with a copy of this policy at the time of hire and they shall provide written acknowledgement of the receipt of same.

### **Section 13-9.1: Workplace Violence Prevention Policy**

The County strives to maintain a safe and secure workplace. Accordingly, the County does not tolerate any acts or threats of violence in the workplace, whether involving a friend, acquaintance, stranger or family member. The County will not tolerate any acts or threats of

stalking or domestic violence against any employee while on County property or while conducting the County's business. Employees who threaten, harass, or abuse anyone either at the workplace, or away from the workplace, while conducting the County's business and/or using any of the County's property, such as computers, telephones, facsimile machines, mail, vehicles, or other means, may be subject to disciplinary action up to and including discharge.

Employees who become aware of threats or acts of stalking or domestic violence that may occur or have occurred in the workplace must immediately inform their Department Head. In addition, employees with stalking or domestic violence Protective Orders must provide their Department Head with a copy of the Order. In response to possible threats, the Department Head will confer with the designated personnel office, and others as needed, to undertake an assessment of the risk and implement a safety response plan specific to the circumstances of the threat, implementing security options to minimize the risk. This plan will take into consideration the needs and rights of the targeted employee and others in the workplace, maintaining confidentiality when to do so would not interfere with safety needs.

#### **Section 13-9.2: Safety Policy**

It is the policy of the County to maintain a work place that is both safe and healthful for employees. Prevention of occupational-induced injuries and illnesses is of such consequence that it shall be given precedence over operating productivity, whenever necessary. No employee shall be required to work at a task that is not safe or healthful. Employees shall inform their supervisor immediately of any unsafe or unhealthful situation they encounter. It is the responsibility of every employee at every level of the organization to cooperate with others in detecting hazards and, in turn, controlling them.

#### **Section 13-10: Americans with Disabilities Act**

Procedures for filing complaints alleging discrimination on the basis of disability in the provision of County services are as follows:

a. The Human Resources Manager is hereby designated as the County's Americans with Disabilities Act Coordinator (ADA Coordinator). The office address is 180 Horse Landing Road, King William, Virginia 23086, and the telephone number is (804) 769-4927. The ADA Coordinator shall be responsible for coordinating the County's efforts to comply with 28 C.F.R. Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services.

b. It is the policy of the County to comply fully with the requirements of the ADA applicable to local governments and that no qualified individual with a disability as defined in the ADA shall, on the basis of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of the County, or be subjected to discrimination by the County.

c. This procedure is adopted pursuant to the requirements of 28 C.F.R. Section 35.107(b), and is intended to provide for prompt and equitable resolution of complaints alleging any action by the County that is prohibited by the ADA.

d. Persons who wish to complain of a perceived violation of any provision of the ADA are encouraged to contact the ADA Coordinator. The ADA Coordinator shall promptly investigate the complaint, and attempt to resolve it to the satisfaction of the complainant if determined to be well founded.

e. If the ADA Coordinator is not able to resolve a complaint to the satisfaction of the complainant, the complainant may submit to the County Administrator a signed written complaint, containing the complainant's name and address and a description of the alleged discriminatory action in sufficient detail to describe the date and nature of the alleged violation.

f. The County Administrator shall promptly investigate any written complaint, and, if unable to resolve the complaint to the complainant's satisfaction, shall schedule a meeting with the complainant within fifteen (15) days of receiving the complaint, at which meeting the complainant shall be accorded the opportunity to present evidence as to the nature of the complaint. A record

of such meeting shall be maintained, and the County Administrator shall provide the complainant with a written response to the complaint within seven (7) days of the meeting. This response shall be final, but shall not impair the complainant's right to pursue other remedies, State or Federal.

**Section 13-11: Use of Tobacco Products in Public Facilities and Vehicles**

Smoking or use of tobacco products is not allowed in County owned or leased offices, buildings, or vehicles with the exception of the Courthouse facilities. The Courthouse comes under the auspices of the Judge of the Circuit Court who establishes the smoking/tobacco use policy within the Courthouse. Tobacco products include but are not limited to cigarettes, cigars, e- cigarettes (vape pens), pipes, chewing tobacco and snuff.

Persons less than eighteen years of age are strictly prohibited from using or possessing tobacco products while at work or on County premises.

**Section 13-12: Political Activity**

Every County employee is entitled to exercise the right to vote and may join or affiliate with civic organizations of a partisan or political nature, attend political meetings, advocate and support the principles and policies of civic or political organizations in accordance with Federal, State, and local laws.

No employee, may (1) engage in any political campaigning or electioneering while on duty; (2) be required to contribute to, solicit for, or act as a custodian of funds for political purposes; (3) be coerced or compelled to contribute by any other employee of the County for political purposes; or (4) use any County supplies, materials, equipment or facilities for political purposes or to aid a political candidate, party or cause.

**Section 13-13: Gifts and Gratuities**

An employee is subject to disciplinary action if the employee accepts gifts or gratuities of value from any individual, organization or business concern with which they have official relationships in the business of County government. The provisions of the Virginia Conflict of

Interest Act govern the acceptance of gifts and gratuities and County employees should familiarize themselves with the provisions of that Act. County related business trips paid for by others must receive prior approval of the Board of Supervisors. Although certain courtesy gifts of nominal value may be accepted under law, as a general rule employee should discourage any gifts whenever possible.

**Section 13-14: Outside Employment**

A full-time position with King William County is considered to be the employee's primary occupation. Employees may not engage in other employment which presents a conflict of interest with their County position and/or which interferes with and detracts from the efficient and effective performance of their duties with the County. County employees should notify their department head if they are currently engaged or plan to become engaged in other or secondary employment as a courtesy. At no time should the secondary employment impact the employee's primary occupation with the County.

**Section 13-15: Employment of Immediate Family Members/Nepotism**

It shall be the policy of the County to avoid relationships by blood or marriage among employees in positions which require a supervisory link in the organizational chain. Employment of immediate family members in the same department or division where the relationship, influence or physical location could create conflicts, difficulties or a supervisor - subordinate situation is prohibited. Any employment of immediate family members in the same department is subject to review and prior approval of the County Administrator.

Immediate family members are defined as: spouse, parent, guardian, brother, sister, son, daughter, aunt, uncle, grandparent, grandchild, or any of these as a relationship in-law or as a step relation.

This policy pertains to new hires, promotions, demotions, transfers and reinstatements.

### **Section 13-16: Reference Inquiries**

Inquiries regarding employment reference checks, whether written or telephonic, are referred to the designated personnel office for response. It is the policy of the County to release only information which is in the public domain, i.e, classification title, salary, and dates of employment. Reasons for termination, and references as to character and performance are not to be released without written authorization from the subject of the information. Referring inquiries to the designated personnel officer assures proper application of policy in these matters and is recommended.

### **Section 13-17: Open Door Policy**

Employees have the opportunity to use the organization's "chain of command" whenever they desire to raise job related concerns to higher levels of supervision. The issue must first be discussed with the immediate supervisor. If the issue cannot be resolved, the employee has the right to discuss the concern with the next level of supervision. Until a resolution can be found, the employee may continue up the organizational chain, talking eventually with the Department Head, and finally the County Administrator. No adverse effect on the employee shall result from the use of this prerogative. If the employee has filed a formal grievance, this process is not available and the use of this process shall not toll the time periods within which a grievance must be filed.

Normally, both the employee and a supervisor will be present when discussing the issue with a higher level of supervision or management. If the job-related issue happens to involve the actual person in the employee's chain of command, the employee has the right after attempting to resolve the issue with the supervisor involved, to seek a solution through the organizational command.

### **Section 13-18: Confidential Information**

An employee may not make use of or permit others to make use of confidential information acquired by virtue of employment with the County for the purpose of furthering the employee's or another's private interest. To do so is grounds for dismissal.

### **Section 13-19: Travel and Expense Reimbursement Policy**

Travel funds, when approved in the annual budget, are provided for employees who travel on official County business. The County Administrator approves such travel for Department Heads. Constitutional Offices may elect to deviate from this section in the use of personal vehicles versus County fleet vehicles and reimbursement rates for their employees. Department Heads are delegated the authority to approve travel for assigned employees. While specific determinations will be made by the applicable approving authority, expenditures to be paid for by the County shall be in connection with travel or official business to an area where the employee incurs costs that he or she would not normally incur had the travel or business not taken place. There will be no travel advances unless unusual circumstances exist and such advances are approved, prior to being made, by the County Administrator.

Other business-related expenses may be reimbursed with the approval of the Department Head or County Administrator as appropriate.

Requests for reimbursements for expenses are made on a voucher which itemizes all expenses and includes all appropriate receipts. The voucher is submitted as soon as practical but no later than thirty (30) days after completion of the travel. Reimbursement for such expenses will normally be made within two (2) weeks of submission of the voucher. The employee certifies to the accuracy of the expenses by submission of the voucher. The Finance Office validates travel vouchers and establishes internal procedures to assure proper accounting and control of reimbursement payments.

The County maintains a fleet available for travel for County employees. When traveling, the employee must first attempt to obtain a fleet vehicle. If no fleet vehicle is available then the employee may elect to drive their personal vehicle. If an employee elects to drive their personal vehicle when a fleet vehicle is available the County will reimburse at the lower rate of \$0.246 per mile. Reimbursement for mileage will be calculated from the employee's routine place of business to the destination using a site such as MapQuest or Google Maps, whichever reflects the lower mileage.

[https://www.doa.virginia.gov/reference/CAPP/CAPP\\_Topics\\_Cardinal/20335-2019-July.pdf](https://www.doa.virginia.gov/reference/CAPP/CAPP_Topics_Cardinal/20335-2019-July.pdf)

### **Section 13-20: Membership in Professional Organizations**

When approved by the County Administrator or Department Head, as appropriate, and subject to budget constraints, the County will pay the professional dues for membership in job-related associations, travel expenses, and registration fees required for attendance at annual meetings, training sessions or similar gatherings of appropriate professional associations.

### **Section 13-21: Personal Appearance**

A neat professional appearance – business casual - is a requirement of employment and it is expected that all employees will exercise good judgment and dress appropriately for their jobs. Department Heads are responsible for compliance within their departments.

### **Section 13-22: Solicitations**

The solicitation of County employees on County property other than for participation in bona fide benefit programs offered by the employer or when specifically, authorized by the County Administrator is prohibited.

### **Section 13-23: Special Licensing Requirements**

When required as a condition of employment, any licenses or certifications required for County positions are identified as a licensing requirement of work in the official position classification description.



### **Section 13-24: Weapons Possession**

Other than the Sheriff, Sheriff's deputies and officers, Animal Control Officers, and any other County employee whose official job description requires that a weapon be carried, no County employee shall carry about his or her person any weapon during work hours or while on County property, unless the carrying of such weapon is approved in writing by the County Administrator. In addition, other than the aforementioned positions, no employee shall store any weapons on County property including weapons stored in private vehicles, unless such storage is specifically authorized by state law or is approved in writing by the County Administrator.

The term weapon shall include, but not be limited to, the following: (a) any pistol, revolver, rifle, shotgun, or other weapon designed or intended to propel a missile of any kind, or (b) dirk, bowie knife, switchblade knife, ballistic knife, slingshot, spring stick, metal knucks, blackjack, or (c) any flailing instrument consisting of two (2) or more rigid parts connected in such a manner as to allow them to spring freely, which instrument may also be known as a nunchuck, nunchucks, nunchalcu, shuriken or fighting chains or (d) any disc, of whatever configuration, having at least two (2) points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or (e) any weapon of like kind as those enumerated.

### **Section 13-25: Use of County Vehicles**

County vehicles are provided for the use by employees and authorized volunteers in conducting official business of the County. Personal use of County vehicles is prohibited. Certain employees are required or allowed to take a County vehicle home at night, as they are required to respond to the needs of the County outside of normal business hours. Take home vehicles must be approved by the County Administrator who shall maintain a current record of all authorized take home vehicles. Take home vehicles are not to be driven to secondary employment.

Operators of County vehicles should practice “defensive driving” and anticipate and observe the actions of other drivers and control their own vehicle in such a manner so as to avoid an accident. Operators of County vehicles and all passengers therein shall properly use seatbelts at all times. Injury resulting from a failure to wear seatbelts may constitute gross negligence on the part of the individual and upon case review may jeopardize an employee’s eligibility for relief normally provided under the worker’s compensation or disability claims. Smoking is not permitted in County vehicles.

**Section 13-26: Bidding to Purchase County Property**

No County employee or member of his/her immediate family shall be eligible to bid to purchase any County property at County sponsored auctions. For the purpose of this policy, a member of the immediate family shall be defined as any person who is a natural or legally defined offspring, spouse, or parent of the employee.

**Section 13-27: Electronic Communication and Social Media**

It is the policy of the County to ensure the appropriate, responsible, and safe use of electronic communications and social media by employees. This policy establishes minimum standards for all County employees.

**Employee Responsibilities and Requirements**

**A. Business Use**

County provided electronic communications tools are the property of King William County and are provided to facilitate the effective and efficient conduct of governmental business. Users are permitted access to the Internet and electronic communications tools to assist in the performance of their jobs. Some users may also be permitted to access and use social media to conduct County business.

## B. Personal Use

Personal use means use that it is not job-related. In general, incidental and occasional personal use of King William County's electronic communications tools including the Internet is permitted as long as the personal use does not interfere with the user's productivity or work performance, does not interfere with any other employee's productivity or work performance, and does not adversely affect the efficient operation of the County's systems and networks. Personal use of social media that refers to any aspect of the work environment should be done in a responsible and professional manner. All personnel are advised that content posted, on-duty or off-duty, on social media pursuant to their official duties is not protected by the First Amendment and may result in disciplinary action up to and including termination.

## C. User Requirements

### 1. General Requirements

When using electronic communications tools and social media, users should:

- Be responsible and professional in their activities. Employees should conduct themselves in a manner that supports the County's mission and the performance of their duties.
- Exercise the appropriate care to protect the County's electronic communications tools against the introduction of viruses, spyware, malware, or other harmful attacks. When using the County's electronic communications tools, social media or Internet access, employees must:
  - Use the Internet, electronic communications tools and social media only in accordance with County policy;
  - Maintain the conditions of security (including safeguarding of passwords) under

which they are granted access to such media;

- Check with the appropriate County or contracted staff prior to downloading or accessing a file or document if the source of the file or other circumstances raises doubts about its safety.
- Be respectful of the County, other employees, customers, vendors, and others when posting and communicating information. Users should be sensitive to referring to or including others in their communications and posts and should be aware of any associated potential liabilities. Users may desire to obtain consent prior to communicating or posting information about the work place.

## 2. Business Use Requirements

When using electronic communications tools and social media, users should:

- Use their accurate identities and state their affiliation when using electronic communications or social media for business purposes.
- Ensure the security of sensitive or confidential information when communicating electronically or posting the information on internal or external websites including social media.
- Ensure information is accurate prior to posting on social media sites, County websites, or other electronic media sites. If it is discovered that information is inaccurate after posting, users should work to quickly correct the errors.

## 3. Personal Use Requirements

Personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships in the community, impede performance of duties, or negatively affect the public perception of King William

County personnel.

When using electronic communications and social media, users should:

- Be clear that their communication or posting is personal and is not a communication of the County when using electronic communications or social media for personal use, including personal use of social media outside of the work environment. For example:

- Users should use their personal email addresses and not those related to their positions with the County when communicating or posting information for personal use.
- Users may use a disclaimer when posting opinions or views for personal use such as, "The views expressed on this (website, blog, social media site) are my own and do not reflect the views of my employer King William County." when appropriate to ensure these views are not viewed as official County communications.

#### D. Prohibited Activities

Certain activities are prohibited when using the County's Internet and electronic communications media or using social media in reference to the work environment. Employees who engage in prohibited activities may be subject to disciplinary action according to Section 10-3: Reasons for Disciplinary Measures. Investigative activities performed by personnel within the Sheriff's Office, Commonwealth's Attorney Office, Clerk of the Courts, Commissioner of Revenue's Office, Treasurer's Office and General Registrar Office are excluded from this section.

Prohibited activities include, but are not limited to:

- Any use that is in violation of applicable local, state, and federal law.
- Accessing, uploading, downloading, transmitting, printing, posting, or storing

information with sexually explicit content as prohibited by law (see Code of Virginia §2.2-2827).

- Accessing, uploading, downloading, transmitting, printing, posting, or storing fraudulent, threatening, obscene, intimidating, defamatory, harassing, discriminatory, or otherwise unlawful messages or images.
- Accessing, uploading, downloading, transmitting, printing, communicating, or posting access-restricted County information, proprietary County information, sensitive data or records, or copyrighted materials.
- Using proprietary County information, data or records, and social media to locate customers for personal reasons.
- Posting information or sending electronic communications such as email using another's identity.
- Permitting a non-user to use for purposes of communicating the message of some third-party individual or organization.
- Posting photos, videos, or audio recordings taken in the work environment without written consent.
- Using County logos without written consent.
- Texting, emailing, or using hand-held electronic communications devices while operating a County vehicle.

## County Responsibilities and Requirements

King William County has the following responsibilities and requirements related to this policy.

### A. Monitor Usage

No user shall have any expectation of privacy in any message, file, image or data created, sent, retrieved, received, or posted in the use of the County's equipment and/or access.

King William County has a right to monitor any and all aspects of electronic

communications and social media usage. Such monitoring may occur at any time, without notice, and without the user's permission. In addition, except for exemptions under the Act, electronic records may be subject to the Freedom of Information Act (FOIA) and, therefore, available for public distribution.

Constitutional Offices are exempt from the requirement of County monitoring of usage. It is the responsibility of the Constitutional Officer to monitor the usage of employees within their own offices. In addition, requests for information to Constitutional Offices under the Freedom of Information Act (FOIA) must be submitted directly to the Constitutional Officer or their designated contact.

#### B. Communication

King William County is responsible for ensuring employees have access to, read, understand, and acknowledge this policy and any related policies. With regard to use of electronic communications and social media, King William County is responsible for:

- Communicating this policy to current and new users.
- Retaining electronic records in accordance with the retention requirements of the Library of Virginia.

#### C. Address Violations

Violations of this policy must be addressed under Section 10-3, Reason for Disciplinary Measures. The appropriate level of disciplinary action will be determined on a case-by-case basis by the County Administrator or Department Head, with sanctions up to or including termination depending on the severity of the offense, consistent with Chapter 10: Disciplinary Policy.