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**SECTION 00-01**  
**Effective Date:**

**ADOPTING RESOLUTIONS OF THE BOARD OF SUPERVISORS**

Resolutions 96-26 and 97-27 of the Washington County Board of Supervisors are incorporated into this Manual and included on the following pages.



# COUNTY OF WASHINGTON

205 ACADEMY DRIVE  
ABINGDON, VIRGINIA

(540) 676-6202

(540) 676-6201 (FAX)

BOARD OF SUPERVISORS

JOE W. DERTING  
CHAIRMAN

BOBBY D. INGLE  
VICE-CHAIRMAN

JACKSON BARKER  
KENNETH G. MATHEWS  
DULCIE M. MUMPOWER  
JAMES T. OSBORNE  
MAURICE H. PARRIS

## VIRGINIA:

At a meeting of the Washington County Board of Supervisors held Tuesday, June 25, 1996, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia, the following were present:

### PRESENT

Joe W. Derting, Chairman  
Bobby D. Ingle, Vice Chairman  
Kenneth G. Mathews  
James T. Osborne  
Maurice H. Parris  
Jackson Barker  
Dulcie M. Mumpower

Mark K. Reeter, County Administrator  
Joseph B. Lyle, County Attorney  
Mark W. Seamon, Accounting/Purchasing Manager  
Sandra M. Hatfield, CPS, Administrative Assistant

On motion of Mr. Ingle, second by Mr. Osborne, it was resolved to adopt the following Resolution:

### **RESOLUTION NUMBER 96-26**

WHEREAS, the Board of Supervisors of Washington County has determined that the present *Personnel Policy For Employees of Washington County, Virginia* first adopted by the Board of Supervisors on February 10, 1981, effective as of March 1, 1981, and including all subsequent amendments thereto is now largely inadequate to meet the needs of County employees and the Board of Supervisors as a public employer, and

WHEREAS, the Board of Supervisors desires to revise and re-adopt certain rules, relative to the conduct of personnel administration for County employees under the employment of the Board of Supervisors, and

WHEREAS, the Personnel Policies Review Committee of the Board of Supervisors recommends the re-adoption of certain revised rules, regulations, guidelines, policies and procedures now embodied in the *Washington County Board of Supervisors Personnel Policies and Procedures Manual*;

# COUNTY OF WASHINGTON

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that it hereby approves, adopts and makes effective the provisions of Sections 1 through 9 inclusive of the *Washington County Board of Supervisors Personnel Policies and Procedures Manual* effective as of July 1, 1996.

BE IT FURTHER RESOLVED that all provisions of the *Personnel Policy For Employees of Washington County, Virginia* first adopted by the Board of Supervisors on February 10, 1981, effective as of March 1, 1981, and including all subsequent amendments, and all previous actions of the Board of Supervisors relative to personnel administration which are inconsistent with or superseded by the *Washington County Board of Supervisors Personnel Policies and Procedures Manual* are hereby repealed effective July 1, 1996.

BE IT ALSO RESOLVED that those provisions of the *Personnel Policy For Employees of Washington County, Virginia* not otherwise superseded by the provisions of the *Washington County Board of Supervisors Personnel Policies and Procedures Manual* remain in full force and effect until otherwise repealed by the Board of Supervisors.

BE IT ALSO RESOLVED the record copies of the *Washington County Board of Supervisors Personnel Policies and Procedures Manual* as adopted hereby this Resolution be maintained in the Offices of County Administrator and County Attorney pursuant to Section 1.5 of this Manual, and that original Extract Copies of the Minutes of the Meeting of the Board of Supervisors containing this Resolution be made part of those record copies.

BE IT ALSO RESOLVED that this Manual be distributed to County employees in accordance with the provisions of the Manual; and that copies also be distributed to all elected officials and other heads of agencies and organizations of the Constitutional, Independent Agency, Judicial and Political Sub-Divisions of the Washington County government as set forth in the *Preface* of the Manual.

I hereby certify that the aforementioned Resolution is a true exact copy of the Resolution adopted by the Washington County, Virginia Board of Supervisors at their regular meeting held Tuesday, December 9, 1997.

**The vote on this motion was as follows: (7-0)**

<b>Mr. Derting</b>	<b>Aye</b>	<b>Mr. Ingle</b>	<b>Aye</b>	<b>Mr. Mathews</b>	<b>Aye</b>
<b>Mr. Osborne</b>	<b>Aye</b>	<b>Mrs. Mumpower</b>	<b>Aye</b>	<b>Mr. Parris</b>	<b>Aye</b>
<b>Mr. Barker</b>	<b>Aye</b>				



---

Mark K. Reeter, County Administrator



# COUNTY OF WASHINGTON

205 ACADEMY DRIVE  
ABINGDON, VIRGINIA

(540) 676-6202  
(540) 676-6201 (FAX)

## BOARD OF SUPERVISORS

JAMES T. OSBORNE  
CHAIRMAN

BOBBY D. INGLE  
VICE-CHAIRMAN

JACKSON BARKER  
JOE W. DERTING  
KENNETH G. MATHEWS  
DULCIE M. MUMPOWER  
MAURICE H. PARRIS

## VIRGINIA:

At a meeting of the Washington County Board of Supervisors held Tuesday, December 9, 1997, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia, the following were present:

### PRESENT

James T. Osborne, Chairman  
Bobby D. Ingle, Vice Chairman  
Kenneth G. Mathews  
Joe W. Derting  
Maurice H. Parris  
Jackson Barker  
Dulcie M. Mumpower

Mark K. Reeter, County Administrator  
John A. Martin, County Attorney  
Mark W. Seamon, Accounting/Purchasing Manager  
Sandra M. Hatfield, CPS, Administrative Assistant

On motion of Mr. Mathews, second by Mr. Barker, it was resolved to adopt the following Resolution:

### **RESOLUTION 97-27**

WHEREAS, the Board of Supervisors of Washington County, Virginia approved and adopted Sections 1 through 9, inclusive, of the *Washington County Board of Supervisors Personnel Policies and Procedures Manual for Administrative Division Employees* on June 25, 1996, effective as of July 1, 1996, and

WHEREAS, the Board of Supervisors desires to amend the current version of this Manual and revise and re-adopt certain rules, relative to the conduct of personnel administration for County employees under the employment of the Board of Supervisors, and

WHEREAS, the Personnel Policies Team under the general direction of the County Administrator recommends the amendment of this Manual and re-adoption of certain revised rules, regulations, guidelines, policies and procedures;

# COUNTY OF WASHINGTON

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that it hereby approves, adopts and makes effective the provisions of Sections 1 through 14, inclusive, of the *Washington County Board of Supervisors Personnel Policies and Procedures Manual for Administrative Division Employees* effective as of January 1, 1998.

BE IT ALSO RESOLVED that all remaining provisions of the *Personnel Policy For Employees of Washington County, Virginia* first adopted by the Board of Supervisors on February 10, 1981, effective as of March 1, 1981, and including all subsequent amendments thereto, are hereby repealed as of January 1, 1998.

BE IT ALSO RESOLVED the record copies of this Manual as adopted hereby this Resolution be maintained in the Offices of County Administrator and County Attorney pursuant to Section 1.5 of this Manual, and that original Extract Copies of the Minutes of the Meeting of the Board of Supervisors containing this Resolution be made part of those record copies.

BE IT ALSO RESOLVED that this Manual be distributed to County employees in accordance with the provisions of this Manual; and that copies be also distributed to all elected officials and other heads of agencies and organizations of the Constitutional, Independent Board, Judicial, Political Subdivision and School Divisions of the Washington County government as set forth in the *Preface* of this Manual.

I hereby certify that the aforementioned Resolution is a true exact copy of the Resolution adopted by the Washington County, Virginia Board of Supervisors at their regular meeting held Tuesday, December 9, 1997.

**The vote on this motion was as follows: (7-0)**

<b>Mr. Derting</b>	<b>Aye</b>	<b>Mr. Ingle</b>	<b>Aye</b>	<b>Mr. Mathews</b>	<b>Aye</b>
<b>Mr. Osborne</b>	<b>Aye</b>	<b>Mrs. Mumpower</b>	<b>Aye</b>	<b>Mr. Parris</b>	<b>Aye</b>
<b>Mr. Barker</b>	<b>Aye</b>				



---

Mark K. Reeter, County Administrator

## **SECTION 01-01**

**Effective Date: July 1, 1996**

### **GENERAL**

The *Washington County Board of Supervisors Personnel Policies and Procedures Manual* (hereinafter referred to as "Manual") will contain policies and procedures governing employees of the Administrative Division of the Washington County government. These policies and procedures are to be followed with regard to employment, promotion, demotion, dismissal and any other activities dealing with personnel which is deemed necessary in order to clarify the County's or employee's position in the personnel system established by the Washington County Board of Supervisors.

# WASHINGTON COUNTY, VIRGINIA



## EQUAL EMPLOYMENT OPPORTUNITY

**Policy Title:** Equal Employment Opportunity

**Policy Number:** 01-02

**Effective Date:** August 28, 2018

**Policy Covers:** All Employees at all Locations

## POLICY

Washington County shall provide equal opportunity in employment and advancement and shall administer its employment policies without regard to race, sex, color, national origin, religion, sexual orientation, gender identity, age, veteran status, political affiliation, genetics, or disability in accordance with the Governor's Executive Order No. 1 on Equal Opportunity (January 11, 2014) and state and federal laws.

## PURPOSE

The purpose of this policy is:

- To promote diversity, inclusiveness and equality in all levels of the County's workforce;
- To encourage within the County staff a respect for diversity, accepting and celebrating individual differences, and valuing all employees;
- To prohibit employment discrimination against qualified persons on the basis of race, sex, color, national origin, religion, sexual orientation, gender identity, age, veteran status, political affiliation, genetics, or disability;
- To prohibit all employees from taking retaliatory action against any person making allegations of violations of this policy.
- To direct development of recruitment practices to expand employment outreach to populations with diversity of race, sex, color, national origin, religion, sexual orientation, gender identity, age, veteran status, political affiliation, genetics, and disability.
- To establish procedures for making complaints of violation of this policy.
- Does not permit the lowering of bona fide job requirements, performance criteria, or qualifications in order to give preference to any employee or applicant for employment on the basis of the above prohibitions.

# WASHINGTON COUNTY, VIRGINIA

## **APPLICABILITY**

The prohibition against employment discrimination applies to all aspects of the hiring process and employment practices, including:

- Hiring, demotion, promotion, transfer, layoff, and termination;
- Performance evaluation and employee development;
- Corrective actions, including disciplinary actions;
- Compensation, pay practices, benefits; and
- Other terms, conditions, and privileges of employment.

## **PROGRAM**

(a) Equal opportunity in employment shall be afforded by the County to all qualified persons, and no person shall be discriminated against in employment by the County because of race, sex, color, national origin, religion, sexual orientation, gender identity, age, veteran status, political affiliation, genetics, or disability.

(b) The County shall disseminate its equal employment opportunity program to job applicants, employees, and those with whom it regularly does business. For example, this requirement may be met by:

- (1) Posting a notice on the County website, in the public lobbies of the County Government Center Administrative Division offices, and in other County offices informing employees, and applicants for employment, of their equal employment opportunity rights, and their right to notify the County Department of Human Resources, the Equal Employment Opportunity Commission, or other appropriate agency, if they believe they have been discriminated against.
- (2) Placing a notice on the employment application form to advise prospective employees that discrimination because of race, sex, color, national origin, religion, sexual orientation, gender identity, age, veteran status, political affiliation, genetics, or disability is prohibited and that they may notify the County Department of Human Resources, Equal Employment Opportunity Commission, or other appropriate agency if they believe they have been discriminated against.

(c) The County shall establish, maintain, and carry out a positive continuing program of specific practices designed to assure equal opportunity of employment. The program shall include:

- (1) Preparation of an annual statistical report to examine composition of the County Administrative Division full-time and part-time workforce in regard to race, sex, and position categories to consider if the workforce is generally consistent with the composition of the County labor pool based on U.S. Census data. The annual statistical report also may include a description of activities conducted in the reported time period in support of the County's equal employment opportunity program.
- (2) Review of the annual statistical report by the County Personnel Committee.

# WASHINGTON COUNTY, VIRGINIA

- (3) Presentation of the annual statistical report for public review, which may be accomplished by including the report in the agenda materials for a regular meeting of the Board of Supervisors, posting the report on the County website, or both.

(d) The County shall establish, maintain and carry out a positive continuing program of activities designed to ensure equal opportunity and nondiscrimination in employment. For example, the following activities may be components of such a program:

- (1) Inform its employees of the positive equal employment opportunity policy and program.
- (2) Communicate its equal employment opportunity policy and program and its employment needs to sources of qualified applicants without regard to race, sex, color, national origin, religion, sexual orientation, gender identity, age, veteran status, political affiliation, genetics, or disability.
- (3) Conduct a continuing program to exclude every form of prejudice or discrimination based upon race, sex, color, national origin, religion, sexual orientation, gender identity, age, veteran status, political affiliation, genetics, or disability from its personnel policies and practices and working conditions.
- (4) Use recruitment sources for each position vacancy sufficient in reasonable, good faith judgment to widely disseminate information concerning the vacancy.
- (5) Provide notification of each full-time vacancy to any organization that distributes information about employment opportunities to job seekers or refers job seekers to employers, upon request by such organization. To be entitled to notice of vacancies, the requesting organization must provide the Employer its name, mailing address, e-mail address (if applicable), telephone number, and contact person, and identify the category or categories of vacancies of which it requests notice. (An organization may request notice of all vacancies.)
- (6) Offer internship(s) designed to assist members of the community in acquiring skills needed for employment.
- (7) Participate in events or programs sponsored by educational and non-profit institutions relating to career opportunities in government.
- (8) Provide training to management level personnel as to methods of ensuring equal employment opportunity and preventing discrimination.
- (9) Participate in activities reasonably calculated by the County to further the goal of disseminating information as to employment opportunities in local government to job candidates who might otherwise be unaware of such opportunities.

## **COMPLAINT PROCEDURES**

Complaints of violations of this policy shall be reported and shall be managed in accordance with Personnel Policy 10-04 "Workplace Harassment and Discrimination". Any employee determined to have taken retaliatory action against any person making allegations of violations of this policy shall be subject to disciplinary proceedings, up to and including termination of employment.

## **SECTION 01-03**

**Effective Date: July 1, 1996**

### **ESTABLISHMENT OF POLICIES**

The following rules, regulations, and other administrative provisions for personnel administration (hereinafter called "Policies") are established for the information and guidance of all concerned.

## **SECTION 01-04**

**Effective Date: July 1, 1996**

### **APPLICABILITY OF POLICIES**

The Policies herein established and set forth in this Manual shall apply to all permanent/full-time employees of the Administrative Division of the County government as defined. Application of these Policies to permanent/part-time, temporary/full-time and temporary/part-time employees are as may be indicated within the various provisions of this Manual.

These Policies may be adopted for application to employees of agencies and organizations not part of the Administrative Division as defined. The Board of Supervisors may establish the procedures by which these Policies may be so adopted and applied. Effective July 1, 1996, any agencies or organization wishing to adopt these Policies must take such appropriate official or legal action necessary to do so and must advise the Board of Supervisors in writing of their adoption of these Policies and an effective date of adoption. In the absence of action to adopt these Policies, the Board of Supervisors and its administrative personnel shall consider any previously adopted policies by these agencies and organizations to remain in full force and effect.

## **SECTION 01-05**

**Effective Date: July 1, 1996**

### **DISSEMINATION OF POLICIES**

The County Administrator or his/her designee will make public complete copies of all Policies and amendments thereto within thirty (30) calendar days, and shall be responsible for maintaining a complete current set of Policies, and for bringing these Policies to the attention of all officers and employees of the Administrative Division of the County government.

One (1) complete set of these Policies and all amendments thereto will be maintained at all times in the Office of the County Administrator and Office of County Attorney; these sets shall be considered as official record copies of these Policies and shall be noted as such. For purposes of the public records of the Board of Supervisors, these record copies shall be considered sufficient for the purpose of documenting the initial adoption of these Policies and any subsequent amendments thereto where the full text of same is not contained in the Minutes of the Meetings of the Board of Supervisors of Washington County. Where the text of the Minutes of the Board of Supervisors differs from the text contained in these record copies, the text contained in the Minutes shall prevail.

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** Definitions

**Policy Number:** 01-06

**Replaces Policy Number:** 01-06

**Effective Date:** July 1, 1996

**Policy Covers:** All Employees at All Locations

**Revised Date:** April 1, 2013

## DEFINITIONS

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

A. Administrative Division:

The various offices, departments and employees of the County government established by the Washington County Board of Supervisors and placed under the Office of County Administrator and County Attorney. These are as follows:

Office of County Administrator  
Office of County Attorney  
Department of Budget and Finance  
Department of Building and Development Services  
Department of Economic Development and Community Relations  
Department of Emergency Management  
Department of General Services  
Department of Information Systems  
Department of Planning  
Department of Recreation  
Department of Solid Waste  
Department of Zoning Administration

B. Appointing Authority:

That officer or body having authority under the laws or policies of the Washington County Board of Supervisors to make appointments to Administrative Division positions. Unless otherwise specified, the Appointing Authority shall be construed to mean the County Administrator or his/her Designee, working under the general direction of the Washington County Board of Supervisors.

# WASHINGTON COUNTY, VIRGINIA

## C. At-Will Employment:

Employment with the County is at-will, for an indefinite period of time, until terminated by either the County or the employee, with or without cause. That means either party may end the relationship at any time.

## D. Budget Authority:

A condition where sufficient funds have been appropriated by the Washington County Board of Supervisors and available for expenditure within a budgetary department of the County's Operating Budget to undertake the purchase of a good or service. In certain situations, sufficient funds must exist with a specific line-item(s) of a budgetary department and be available for expenditure before budget authority shall exist.

## E. Complaint:

As used in Part 11 of the Personnel Policy Manual, an allegation of a violation of or offense against the provisions of the County personnel, departmental or other policies, procedures, regulations, rules or practices by a County official, another employee, or from the public, against an Administrative Division employee.

## F. Demotion:

County Administrator or his/her Designee initiated assignment of an employee to a lower position with less job responsibilities that results in a minimum of a 5% reduction in base salary.

## G. Employee:

An individual filling an authorized compensated position in the Administrative Division of the County government. Employees are of two types:

1. Full-Time: A salaried employee or position employed to work up to eight hours or more per day, forty hours or more per seven consecutive calendar day work week for not less than fifty weeks per year. P.T.O. (Paid Time Off), Sick Leave and designated County holidays shall count as time worked for this purpose. Meal Periods shall not count as time worked for this purpose. As used herein the Personnel Policy Manual, the term "Full Time" shall apply only to Full Time employees and positions unless otherwise specified.
2. Part-Time: Employees that are paid by the hour and limited to (1,500) hours of work in a consecutive (365) day period beginning on the anniversary of their hire date. They are paid only for hours worked.

## H. Guideline:

# WASHINGTON COUNTY, VIRGINIA

A term used to refer to policies, procedures or principles that may not require strict adherence in interpretation or application, but rather may be broadly construed.

## I. Position Description:

A written description of minimum job qualifications and essential duties and responsibilities for a specific position of employment. It identifies job requirements and development needs and lets the employee know what is expected by defining the work to be performed in relation to the overall goals of the Department. The Position Description shall not be interpreted to limit an employee's role but is, instead, intended to define the minimal requirements.

## J. Permanent Personnel Record:

The body of official records maintained by the Department of Human Resources on all Administrative Division employees relative to their employment within the Administrative Division.

## K. Full Time Position:

A position of employment within the Administrative Division that has been approved by the Washington County Board of Supervisors for an employee to provide services on behalf of the County for a minimum of (40) hours per work.

## L. Promotion:

County Administrator or his/her Designee initiated assignment of an employee to a higher position with more job responsibilities that results in a minimum of a 5% increase in base salary.

## M. Resignation:

The permanent separation of employment from the Administrative Division initiated voluntarily by an employee. Resignations must be submitted in writing to the Human Resources Department and likewise accepted.

## N. Sexual Harassment:

As defined in guidelines published by the Equal Employment Opportunity Commission and in Section 10-13 of the Personnel Policy Manual, sexual harassment includes sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

## O. Suspension:

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A temporary separation from paid employment for disciplinary purposes. An employee's paid employment may be suspended by action of the County Administrator or his/her Designee without pay for a period not to exceed thirty working days as a disciplinary action.

## P. Temporary Position:

A position within the Administrative Division where budget authority has been provided for the County Administrator or his/her Designee to establish such position where there exists a short term need for an employee to provide services. Budget authority for temporary positions is said to exist where funds have been appropriated to a specific line-item(s) within a budgetary department for compensation of temporary employees. Temporary positions are not established for more than one County fiscal year but may be reauthorized indefinitely so long as budget authority exists. Temporary positions will be part time. No temporary position may be established and filled for more than fifty calendar weeks within any County fiscal year.

## Q. Termination:

The permanent separation of employment from the Administrative Division. Termination from employment may result from any of the following non-exclusive list of actions: voluntary resignation, retirement, layoff, discharge for failure to meet minimal standards of performance, or disciplinary discharge for reasons of misconduct or otherwise.

## R. Verbal Admonishment:

The mildest form of disciplinary action involving an informal discussion and correction of a violation of personnel or departmental policies, procedures, rules, practices or guidelines undertaken by the County Administrator or his/her Designee, Department Director and an employee. If such a discussion is a disciplinary action, the employee shall be advised that the discussion is a verbal warning within the context of the provisions concerning employee discipline.

## S. Verbal Warning:

A disciplinary action involving formal discussion and correction of a violation of personnel or departmental policies, procedures, rules, practices or guidelines undertaken between the County Administrator or his/her Designee, Department Director and an employee. When using a verbal warning as a disciplinary action, the employee must be advised that the discussion is considered a verbal warning within the context of the provisions concerning employee discipline.

## T. Written Warning:

A disciplinary action involving the preparation of a written record of a violation of personnel or departmental policies, procedures, rules, practices or guidelines taken by

# WASHINGTON COUNTY, VIRGINIA

the Department Director, the County Administrator or his/her Designee against an employee. Written warnings shall be placed in the employee's Permanent Personnel Record with prior approval of the County Administrator or his/her Designee. When a formal written warning is used as a disciplinary procedure, it must be so stated as part of the written warning.

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** Terminology

**Policy Number:** 01-07

**Replaces Policy Number:** 01-07

**Effective Date:** July 1, 1996

**Policy Covers:** All Employees at All Locations

**Revised Date:** July 1, 2012

## TERMINOLOGY

Throughout this Personnel Policy Manual, the use of the word “shall” or “must” is interpreted as mandatory or compulsory; the word “may” is interpreted as permissive or discretionary.

## **SECTION 01-08**

**Effective Date: July 1, 1996**

### **ADMINISTRATION**

The Washington County Board of Supervisors and the County Administrator are empowered under the *Code of Virginia* and the County ordinances to establish Offices and departments, to employ personnel and to set salaries. These Policies are intended to cover all facets of the County's personnel management practices in accordance with that grant of authority. The County Administrator is responsible for overall personnel management practices and maintaining a modern personnel program.

The County Administrator is the chief personnel officer for the Administrative Division of the County government and may delegate certain duties, authorities and responsibilities to other Administrative Division employees for the routine administration of these Policies.

## **SECTION 01-09**

**Effective Date: July 1, 1996**

### **EFFECTIVE DATE**

The Policies set forth in Sections 1 through 9 of this Manual are effective and in full force as of July 1, 1996. These were adopted by the Washington County Board of Supervisors on June 25, 1996. Certain policies contained in Sections 1 through 9 were amended by Board of Supervisors' action taken on December 9, 1997, and made effective January 1, 1998.

The Policies set forth in Sections 10, 11 and 13 and 14 of this Manual are effective and in full force as of January 1, 1998. These were adopted by the Washington County Board of Supervisors on December 9, 1997.

## **SECTION 01-10**

**Effective Date: July 1, 1996**

### **AMENDMENTS**

When, in the opinion of the County Administrator, reasonable change has occurred to warrant an amendment to this Manual, such an amendment will be made with the approval of the Washington County Board of Supervisors. The Board of Supervisors may direct the County Administrator to review these Policies and recommend changes and shall allow a minimum of thirty (30) calendar days for the County Administrator to prepare same. No change to these Policies may be made without said change being first reviewed and prepared by the County Administrator.

Within thirty (30) calendar days of such approval, or as soon as practicable, the Department of Accounting shall disseminate written copies of any amendments to these Policies to all employees of the Administrative Division of the County government. Failure of any employee to receive written notice of amendments shall not relieve the employee of responsibility for compliance with any amendment so issued.

If, in the opinion of the County Administrator, circumstances arise where an immediate change to these Policies is needed, the County Administrator is empowered to prepare and disseminate an interim amendment effective to a maximum of forty-five (45) calendar days. Within this period, the County Administrator shall bring the circumstances to the attention the Washington County Board of Supervisors and recommend a permanent amendment changing these Policies. An interim amendment once issued may not be extended or subsequently reissued by the County Administrator.

## **SECTION 01-11**

**Effective Date: July 1, 1996**

### **OBJECTIVES AND SCOPE**

The specific objectives of the Board of Supervisors' personnel management practices shall be:

- to provide a clear statement of policies, rules, regulations and standards that shall govern the conduct of Administrative Division officers, employees, and Washington County Board of Supervisors with regard to personnel practices and policies.
- to provide a definition of rights and procedures that regulate the personnel actions of the Washington County Board of Supervisors and employees of the Administrative Division of the County government;
- to define the rights and responsibilities of all Administrative Division personnel who are not otherwise exempted from these policies;
- to establish and maintain a sound salary structure which will attract and retain qualified employees;
- to establish and maintain salary ranges which will assure internal equity of compensation based on the systematic evaluation of each job;
- to maintain the salary structure in a proper relationship with competitive pay practices in the labor market in which the County competes;
- to assure each employee a performance review at specified intervals;
- to provide effective control of salary payments on a uniform basis; and
- to furnish County management with a consistent and effective means of recognizing improved and outstanding performance.

## **SECTION 01-12**

**Effective Date: July 1, 1996**

### **INTERPRETATION**

These Policies are intended to cover most personnel problems and actions for which the County Administrator is responsible. Those not specifically covered shall be interpreted by the County Administrator or his/her designee in keeping with the intent of these policies.

## **SECTION 02-01**

**Effective Date: July 1, 1996**

### **GENERAL**

It is the policy of the Washington County Board of Supervisors to recruit and employ the most qualified individuals meeting the broad general requirements found in the Position Descriptions. The Position Descriptions contain general information concerning the nature, responsibilities of and desired qualifications for positions; they are not absolute standards or minimum requirements for either job performance or candidacy for consideration of a posted position.

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## POLICY

**Policy Title:** Vacancies and New Positions

**Policy Number:** 02-02

**Effective Date:** July 1, 1996

**Updated:** August 13, 2019

**Policy Covers:** All Employees at All Locations

## **POSITION DESCRIPTIONS FOR VACANCIES AND NEW POSITIONS:**

Upon vacancy of an existing full-time or part-time Administrative Division position, the County Administrator may advertise the position as vacant for the purpose to fill the vacancy in accordance with the policies and procedures of this Section. The County Administrator may seek review and approval of the Board of Supervisors for the position description for an existing position that has become vacant; however, such action generally shall not be necessary unless significant changes are proposed to be made to the position description prior to filling the vacancy.

Any request to create a new full-time or part-time Administrative Division position shall be made to the County Administrator. If the County Administrator determines that creation of the new position is justified, Human Resources shall prepare a draft position description for review and approval by the County Administrator, the County Attorney, and the Board of Supervisors. The County Administrator shall recommend a salary or wage range for the position consistent with the provisions of Section 13.03 and Section 13.10 of this Manual. The Board of Supervisors must act to approve the position description and recommended salary or wage range and to appropriate funds for the position prior to the County advertising to fill or filling the position.

Notwithstanding the foregoing, position descriptions for temporary/full-time and temporary/part-time positions are not required, but the County Administrator at his/her discretion may require preparation of such position descriptions. Position descriptions for temporary/full-time and temporary/part-time positions do not require review and approval of the Board of Supervisors, but the County Administrator at his/her discretion may require such Board of Supervisors review and approval. No temporary/full-time or temporary/part-time position may be posted or filled without prior written approval of the County Administrator.

## **SECTION 02-03**

**Effective Date: July 1, 1996**

### **POSITION DESCRIPTIONS**

A written Position Description shall be established by the County Administrator and approved by the Board of Supervisors for all permanent/full-time and permanent/part-time Administrative Division positions. Generally, Position Descriptions shall contain a statement as to the *General Description of Responsibilities, Examples of Work, and Qualifications* for the position. Position titles shall be in conformance with the Position Classification Plan set forth in Part 05 of this Manual.

Position Descriptions are intended to serve as guidance and reference documents with respect to the scope, responsibilities and authority of Administrative Division positions. They are not intended and should not be interpreted to be binding or limiting with respect to a position, nor shall the *Qualifications* set forth for a position be considered absolutely essential or required in all instances with respect to filling vacancies in a position. The Board of Supervisors and the County Administrator reserves the right to fill vacancies in positions by hiring persons appearing the best suited for such positions, all factors being considered, regardless of whether that person meets all stated *Qualifications* within a Position Description.

Once established and approved, all Administrative Division employees shall be provided a copy of their Position Description. Position Descriptions may be substantively amended or modified from time to time upon recommendation of the County Administrator and approval of the Board of Supervisors Personnel Committee or Board of Supervisors. Minor changes to Position Descriptions may be made at the discretion of the County Administrator after review by the Personnel Committee.

## **SECTION 02-04**

**Effective Date: July 1, 1996**

### **RECLASSIFICATION, RETITLING AND/OR CONSOLIDATION OF EXISTING POSITIONS**

From time to time, existing positions within the Administrative Division may be (i). reclassified (moved from one class of positions to another within the Position Classification Plan set out in Part 05 of this Manual, the position usually also being retitled); (ii). retitled (a new position title given to an existing position), and/or (iii). consolidated (two (2) or more positions merged into a single position). Consolidation of positions may result in a reduction of the workforce of the Administrative Division. The Board of Supervisors may direct or the County Administrator may recommend to the Board of Supervisors positions for reclassification, retitling and/or consolidation with the position(s) affected to be filled by present Administrative Division employees. No provisions herein this Section shall be construed so as to prevent reclassification, retitling and/or consolidation and filling positions in this manner, nor shall any provisions herein be construed so as to compel the posting of any such affected positions unless so directed by the Board of Supervisors. If posting of such positions are directed, the position shall be treated as a new position and shall be posted and filled in accordance with this Section.

## **SECTION 02-05**

**Effective Date: July 1, 1996**

### **TRANSITION OF TEMPORARY TO PERMANENT POSITIONS**

In the event an existing temporary/full-time or temporary/part-time position is approved for transition to a new permanent/full-time or permanent/part-time Administrative Division position (the new position having been first approved pursuant to Section 02-02), the employee holding the temporary position may be offered the new position upon recommendation of the employee's department head and at the discretion of the County Administrator. Should the temporary employee decline the position, the position shall be posted pursuant to Section 02-11.

## **SECTION 02-06**

**Effective Date: July 1, 1996**

### **PROMOTION OF PART-TIME TO FULL-TIME POSITIONS**

Where a vacancy exists in an existing permanent/full-time position, and a permanent/part-time position exists within the same Administrative Division department have similar duties and responsibilities, the employee holding the permanent/part-time position may be offered promotion to the full-time position upon recommendation of the employee's department head and at the discretion of the County Administrator. Should the part-time employee decline the position, the position shall be posted pursuant to Section 02-11.

## **SECTION 02-07**

**Effective Date: July 1, 1996**

### **TRANSFER OR PROMOTION OF EMPLOYEES**

Where vacancies exist in previously approved Administrative Division positions of the *Supervisor/Specialist, Assistant/Operator/Technician* and *Aide* Classes, upon recommendation of the Department Head and approval of the County Administrator a permanent/full-time or permanent/part-time employee within the same department as the vacancy may be transferred or promoted to that position. The County Administrator shall establish a probationary employment period of no less than two (2) nor more than six (6) calendar months for any employee so transferred or promoted. During the probationary employment period, the probationary employee's previous position shall remain vacant. In the event of unsatisfactory performance during the probationary employment period, the transferred or promoted employee may be returned to his/her former position at the same compensation prior to transfer or promotion or may be (i). be returned to his/her former position at the same compensation prior to transfer or promotion; (ii). be offered an alternative position within the same department, or (iii). be terminated. Subsequent vacancies in positions due to such transfers or promotions may be filled in like fashion or filled pursuant to Part 02 of this Manual.

Employees transferred or promoted to positions shall have their compensation set upon recommendation of the Department Head and approval of the County Administrator pursuant to the Attachment A of this Manual. Transferred or promoted employees are ineligible to receive probationary employment period increases pursuant to Section 13.04 of this Manual.

## **SECTION 02-08**

**Effective Date: July 1, 1996**

### **PHYSICAL STANDARDS**

Applicants for employment and all Administrative Division employees must meet and maintain the physical standards established for the position for which they apply or hold, if any, as set out in the Position Descriptions. Pre-employment physical examinations if required shall be administered under the guidelines of applicable federal and/or state standards. In addition, the County will adhere to the non-discriminatory policies set forth in federal and state law, including reasonable accommodations to allow handicapped persons to perform the essential functions of positions within the Administrative Division.

**SECTION 02-09**

**Effective Date: July 1, 1996**

**EMPLOYEE IDENTIFICATION**

All applicants for employment must furnish references and be interviewed prior to being considered for employment. Certain employee may be fingerprinted and/or bonded if determined necessary by the Appointing Authority immediately after acceptance of employment. The Appointing Authority shall determine and advise potential applicants at the time of posting the Notice of Position Vacancy/Availability if fingerprinting or bonding will be required.

All permanent/full-time and permanent part-time Administrative Division employees shall be provided official Employee Identification cards with photograph as soon as possible upon acceptance of employment. Employee Identification cards shall be of the design and contain the information depicted below. Cards shall be both of wallet and clip-on badge design and shall be carried or worn by employees while on duty as prescribed by the County Administrator or Administrative Division department head with the approval of the County Administrator. Employee Identification cards shall be turned in by the employee to his/her department head or the County Administrator upon termination of employment. Employee Identification cards shall be considered proof of employment within the Administrative Division. The County Administrator may encode cards through magnetic strips or other electronic media with such information as deemed necessary for specific employment-related purposes.

FRONT:

	<b>COUNTY OF WASHINGTON VIRGINIA</b> <b>EMPLOYEE IDENTIFICATION</b>	
<b>First, Middle Initial, Last Name</b> Position Title Name of Administrative Division Department		
<b>EMPLOYEE NO.: ###</b>	<b>PHOTO</b>	
<b>HIRE DATE: ####/##/##</b>		
<b>DATE OF BIRTH: ####/##/##</b>		

REVERSE:

IF FOUND PLEASE RETURN TO: WASHINGTON COUNTY OFFICE OF COUNTY ADMINISTRATOR 205 ACADEMY DRIVE ABINGDON, VIRGINIA 24210

## **SECTION 02-10**

**Effective Date: July 1, 1996**

### **FORM OF APPLICATION**

All applicants for Administrative Division employment must prepare an application for employment form supplied by the County with all requested information completed. All application forms shall comply with applicable state and federal regulations and executive orders, and have the approval of the Board of Supervisors before being adopted for use.

In addition to complete employment applications forms, certain Administrative Division positions may require resumes as part of complete employment applications. Resume submission if required shall be stated in the Notice of Position Vacancy/Availability posting. The Appointing Authority may waive any irregularities or deficiencies in employment applications submitted if such are determined immaterial to informational needs supporting the application and selection process.

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** Application Process

**Policy Number:** 02-11

**Effective Date:** July 1, 1996

**Updated:** August 13, 2019

**Policy Covers:** All Employees at All Locations

## APPLICATION PROCESS:

The County will adhere to the following rules and procedures concerning the application process:

(A). The Department of Human Resources shall develop, maintain and update as necessary all forms needed to constitute a complete application for employment for Administrative Division positions. The County Administrator in consultation with the County Attorney shall review all such forms prior to use.

(B). A "Notice of Position Availability" shall be prepared by the Department of Human Resources for all open positions within the Administrative Division. This Notice shall contain text of the Position Description's Nature of Work & Essential Duties sections or an adequately summarized version thereof along with the Closing Date for receipt of applications and full mailing address for submission of applications. The initial starting salary or wage range for the position in accordance with Section 13.03 and 13.10 of this Manual shall also be included in the Notice. Any additional information required for a complete application shall be specified in the posting. All Administrative Division applications shall be directed to the Department of Human Resources for receipt and initial processing.

(C). Vacancies may be posted (publicized) in the employment section of one (1) newspaper of general circulation serving Washington County, job posting websites or thru the Virginia Employment Commission. At the direction of the County Administrator, additional local, regional, state or national postings may be specified. The Notice of Position Vacancy/Availability will be posted on the County website until the Closing Date for receipt of applications.

(D). Closing Date for receipt of applications shall be no less than seven (7) days or until the position is filled. Closing Dates shall be established so as to conclude at the close of business of an Administrative Division working day.

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(E). The Department of Human Resources shall assemble application packets containing the Application for Employment forms, copy of the full Position Description, and other information relevant to making application for a vacant position. Application packets shall be available for pick-up in the Department of Human Resources during regular County working hours and such other locations as may be listed in the notice posted for the position.

(F). Completed applications must be received by the Department of Human Resources before the close of business of the specified Closing Date. Applications received after the Closing Date shall not be considered, postmarks notwithstanding. Emailed applications will be accepted but telefax copies of applications will not be accepted. If any additional information is requested as part of an application, this information must be included with the application to be considered as complete. Applications that are incomplete may not receive consideration. The Department of Human Resources shall review applications received for completeness in accordance with the posted application documentation requirements. The Department of Human Resources is not required to notify individuals submitting incomplete applications prior to the Closing Date.

(G). Upon receipt of any application for employment for a posted position, the Department of Human Resources will mark the date of receipt on the first page of the County application form. All correspondence to the applicant will be maintained with the application for employment.

(H). All employment applications and supporting materials received for any Administrative Division position become the property of the County of Washington upon receipt and may not be returned.

(I). All employment applications submitted must be for a presently posted position. The Department of Human Resources shall not solicit or accept any applications for positions not posted at the time of receipt of application materials, nor accept employment applications where the position being applied for is not stated or uncertain. The Department of Human Resources shall require new employment applications and supporting materials for each posted position, regardless of whether an applicant has previously submitted an employment application for a recently filled position (the provisions of (K). and (L). of this Section excepted). Any unsolicited application materials received may be disposed.

(J). The Department of Human Resources will retain all information relative to applicants and applications for employment in strict confidence. No information will be released to any official, officer or employee of the County.

(K). If a position has been previously posted, but no applicant was chosen due to the belief that no applicant was qualified or the responsibilities of the position have been changed, the vacancy may be re-posted. In this event, all original applicants for the posted position shall be so notified in writing. Original applicants may re-apply for the position by

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forwarding a letter to the Department of Human Resources requesting continued consideration of their original application for the re-posted position.

(L). In the event a position becomes vacant for any reason during the position's first six months employment period, the original applications for the vacant position shall be reviewed and a successor group of candidates chosen. If no candidate is qualified for the position, it shall be re-posted in accordance with (B), (C), and (D), of this Section. If vacancy occurs after completion of the first six months employment period, the position shall be re-posted if required.

(M). The Department of Human Resources shall retain all employment applications and supporting materials for a period of three years from the Closing Date of a posted position.

## **SECTION 02-12**

**Effective Date: July 1, 1996**

### **POSTING OF TEMPORARY POSITIONS**

At the discretion of the County Administrator, temporary/full-time and temporary/part-time Administrative Division positions may be filled without posting the position. Where posting is required to fill such positions, the procedures in Section 02-11 shall be used, with the exception that a Closing Date for receipt of applications may be reduced to seven (7) calendar days from the date of second posting.

## **SECTION 02-13**

**Effective Date: July 1, 1996**

### **OTHER STANDARDS FOR EMPLOYMENT**

Where standards or requirements for a particular position are established which are in accordance with federal and state guidelines, all applicants shall be required to meet those standards as a condition of initial or continuing employment. Such standards shall be listed on the Position Description. Any substitution for or deviation from established standards must have prior approval by the Board of Supervisors and/or appropriate state/federal oversight agency. The Appointing Authority may establish or prescribe tests or examinations to determine whether or not an applicant or employee meets such standards or requirements.

Any applicant or employee who must operate a County-owned motor vehicle in the performance of a position must possess and maintain an appropriate and valid driver's license as a condition of initial and continuing employment. An affected employee whose driver's license is suspended or revoked shall have his/her employment status reviewed by the department head and County Administrator. Possession of a valid driver's license shall not be a condition of initial or continuing employment in the Administrative Division where the position does not require same and where the applicant or employee has alternate means of transportation.

## **SECTION 02-14**

**Effective Date: July 1, 1996**

### **NEPOTISM**

In addition to the provisions of this Part, no applicant for any position in the Administrative Division may be considered for the position under the following circumstances:

- (A). Where the applicant is related by blood or marriage to the County Administrator or to his/her immediate supervisor or department head of the department to which the employee is assigned;
- (B). Where the applicant is related by blood or marriage to any member of the Board of Supervisors.

For the purposes of this Section, "related by blood or marriage" shall be considered as being parents, step-parents, spouse, children, stepchildren, brother, stepbrother, sister, stepsister, cousin, aunt, uncle, niece, nephew, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law or any relative living in the household.

No Administrative Division employee terminating employment for any reason may be rehired to his/her previous position in violation of this Section. Nothing herein shall be construed so as to affect the employment status of any present Administrative Division employee to whom this policy would apply upon its adoption. Should a violation of this policy be discovered upon filling any Administrative Division position, it shall be grounds for termination of employment and/or disciplinary procedures at the discretion of the County Administrator.

## **SECTION 02-15**

**Effective Date: July 1, 1996**

### **RESIDENCY REQUIREMENTS**

No residency requirements are established for Administrative Division employees with the exception of the County Administrator, who must be a resident of Washington County or reside within the Towns of Abingdon, Damascus, Glade Spring or Washington County portion of the Town of Saltville.

## **SECTION 03-01**

**Effective Date: July 1, 1996**

### **GENERAL**

Those persons empowered to participate in the hiring and appointment of Administrative Division employees shall endeavor to do so in the most effective, neutral and responsible way possible. Accordingly, the provisions of this Section shall govern the means and procedures by which hiring and appointments are performed.

## **SECTION 03-02**

**Effective Date: July 1, 1996**

### **STEPS IN THE SELECTION PROCESS**

The steps in hiring and appointing officers and employees of the Administrative Division is known as the "employment selection process". The County shall conduct this process generally as set out below:

- (A). review of all employment applications received for a posted position,
- (B). designation of candidates,
- (C). interview of candidates,
- (D). recommendation of candidate to Appointing Authority, subject to:
  - (i). any required skills or other pre-employment performance testing;
  - (ii). any required pre-employment medical examination;
  - (iii). criminal background check,
- (E). offer of employment by County Administrator or Board of Supervisors.

## **SECTION 03-03**

**Effective Date: November 1, 2000**

### **SELECTION PROCESS PARTICIPANTS**

Within five (5) working days of the Closing Date for any posted Administrative Division position, the Department of Accounting shall make available and/or copy and distribute all applications for employment received to those elected or appointed officials, officers and employees charged under this Section to be participants in the employment selection process. At the direction of the County Administrator, the Department of Accounting may distribute such materials in advance of the Closing Date.

Participants in the employment selection process shall be referred to as "application reviewers". Employment applications shall be reviewed accordance with the Class of the position, as follows:

(A). *Officer Class:*

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(B). *Manager Class:*

(i). County Administrator, Assistant County Administrator and/ or Accounting Manager and

(ii). One (1) or two (2) members of the Board of Supervisors or other body within or outside of the Administrative Division of the County government (depending on relationship of the position to other organizations of the County government).

(C). *Supervisor/Specialist Class:*

(i). County Administrator and/or Assistant County Administrator;

(ii). Accounting Manager, and

(iii). Department Manager.

(D). *Assistant/Operator/Technician and Aide Classes:*

(i). Department Manager and

(ii). Department Supervisor/Specialist and/or Accounting Manager.

The department manager(s) of the department(s) to which the position is assigned shall review employment applications for temporary/full-time and temporary/part-time positions. The County Administrator may alter the composition of those participating in the review of applications for *Supervisor/Specialist* and *Assistant/Operator/Technician* Class positions at his/her discretion. Where indicated above, participation in the employment selection process by the Personnel Services Manager is to insure compliance with applicable employment laws. The County Attorney may participate in this process upon the invitation of the County Administrator. Where a *Manager* Class position is to be filled, the Washington County Board of Supervisors shall designate its participants in the employment selection process at the time the position is authorized to be posted.

## **SECTION 03-04**

**Effective Date: July 1, 1996**

### **REVIEW OF EMPLOYMENT APPLICATIONS**

Depending on the number of complete applications received, a maximum of five (5) applicants deemed most qualified shall be designated by the above application reviewers, and a minimum of three (3) of these top five applicants shall be granted employment interviews. Applicant references if provided may be contacted at the discretion of the application reviewers. Present or past employers listed as references shall not be contacted if the applicant so requests. Applicants selected for interviews shall be designated as "candidates".

## **SECTION 03-05**

**Effective Date: July 1, 1996**

### **EMPLOYMENT INTERVIEW**

Interviews with candidates shall be conducted by the application reviewers. All application reviewers need not participate in the interview process at the direction or consent of the County Administrator. Prior to the conduct of interviews, the reviewers shall determine a reasonable number of questions to pose to each candidate during the interview in order to achieve some consistency in the interview process (interviews are not limited to the pre-determined line of questioning). Only questions about information on the employment application or job-related information may be asked. Questions may be changed for subsequent interviews for new vacancies in a similar position.

## **SECTION 03-06**

**Effective Date: July 1, 1996**

### **CANDIDATE RECOMMENDATION**

The candidate deemed most qualified by the application reviewers based on the employment application, interview, and comparison to Position Description requirements shall be recommended by the highest-ranking reviewer in writing to the Appointing Authority. The written recommendation shall generally state the findings supporting the recommendation. The recommendation shall be made part of the candidate's Permanent Personnel Record upon completion of the employment selection process and acceptance of employment.

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** Negotiation of Salary or Wage

**Policy Number:** 03-07

**Effective Date:** January 1, 1996

**Policy Covers:** All Employees at All Locations

**Revised Date:** November 14, 2018

## NEGOTIATION OF SALARY OR WAGE

During the candidate interview process, the application reviewers may discuss the Salary or wage available to the position in accordance with Section 13-10 of this Manual. In the absence of a previously approved salary or wage range for a position, the County Administrator shall provide instruction to the application reviewers in this regard. Application reviewers may not establish the exact initial starting salary or wage for the position unless the exact figure has previously been set by the County Administrator prior to the candidate interview process. Application reviewers may forward an exact starting salary or wage recommendation to the County Administrator based on discussion of this issue with the recommended candidate. The County Administrator may accept this recommendation or may offer a different initial starting salary or wage consistent with the provisions of Section 13-10 of this Manual or other appropriate guideline.

## **SECTION 03-08**

**Effective Date: July 1, 1996**

### **PRE-EMPLOYMENT REQUIREMENTS**

Any candidate for a position whose Position Description contains pre-employment requirements such as required skills, competency or other performance testing shall be required to complete such testing prior to being offered employment. Any skills testing, competency or other performance testing shall be designed so as to be a fair evaluation of the abilities and knowledge needed to meet the minimum requirements of the position. Skills or performance testing if required shall be developed by the department head(s) to which the position is assigned and approved by the County Administrator. Computer skills tests shall be developed and administered by the Department of Information Systems in concert with the position's department head or County Administrator. The County Administrator with the concurrence of the department head(s) concerned may waive such testing if in his/her opinion the candidate's previous employment or education sufficiently demonstrates competency in the required skill or knowledge area. Pre-employment medical examination if required may not be waived by the County Administrator. Any such examination may be conducted by the candidate's personal physician subject to pre-approval of cost, which shall be paid for by the County whether or not the candidate is offered employment.

## **SECTION 03-09**

**Effective Date: April 11, 2007**

### **PRE-EMPLOYMENT CRIMINAL RECORD REVIEW**

In the interest of public welfare and safety, offers of permanent/full-time and permanent/part-time employment with the County shall be conditioned on fingerprinting in order to facilitate a review of the applicant's criminal history record, except as follows: (i) applicants for voluntary (uncompensated) positions; (ii) temporary clerical and/or seasonal workers whose anticipated employment is less than six (6) calendar months, and (iii) applicants for re-hire by the County within a twelve (12) month period of prior County employment and who were fingerprinted during their prior employment may be exempt from criminal history record review. With the exception of re-hire as stated in the foregoing sentence, no exemption applies if the position involves working with cash or minors. The County Administrator may require fingerprinting of exempted positions on a case-by-case basis at his/her discretion.

(A) This policy shall apply to all candidates for employment within the Administrative Division except as otherwise specified herein and shall apply to candidates for employment in the office of any Constitutional Officer, board, authority, commission or agency of the County government if such employer adopts a written pre-employment criminal records review policy consistent with the provisions of this section.

(B) The County reserves the right to fingerprint and conduct a criminal history record review for any employee of the County after employment has commenced. Refusal by an employee to submit to a criminal history record review as described herein shall be grounds for termination.

(C) All applicants for positions of employment with the County shall sign a release to authorize the County to conduct a criminal history record review. Refusal to sign such written release shall be grounds to discontinue further consideration of an application for employment.

(D) When criminal history record review is required, an offer of employment within the Administrative Division shall not be made until after results of the criminal history record review have been received and reviewed by the County Administrator or his/her designee. Failure by the County to implement this requirement prior to making an offer of employment shall not waive the County's authority to require a criminal history record review as a prerequisite to continued employment with the County.

(E) Upon determination that an offer of employment with the County would be made to an applicant contingent upon results of criminal history record review, the County Administrator shall require the applicant to request the Washington County Sheriff's Office to provide to the County two sets of the applicant's fingerprints. Upon receipt of the fingerprints, the County Personnel Department shall have the fingerprints submitted to the Virginia State Police Central Criminal Records Exchange and the Federal Bureau of Investigation for review.

(F) Upon receipt of the results of criminal records review, the County Administrator shall review such results to determine the applicant's fitness for employment. The County Administrator may consult with the County Attorney and/or the Department Head for the position to which the applicant has applied as necessary in making this determination.

(G) Criminal history information considered in accordance with this section shall include outstanding warrants, pending criminal charges, and records of conviction. Records of dispositions that occurred while an applicant was considered a juvenile shall not be referenced unless authorized by court order, federal law or regulation, or state statute authorizing such dissemination.

(H) In determining whether a criminal conviction revealed by the report would disqualify an applicant, the County Administrator shall consider the following criteria:

1. whether the report is consistent with information provided by the applicant in his/her employment application materials;
2. the nature and seriousness of the crime;
3. the relationship of the crime to the work to be performed in the position applied for;
4. the extent to which the position applied for might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;
5. the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the position being sought;
6. the extent and nature of the person's past criminal activity;
7. the age of the person at the time of the commission of the crime;
8. the amount of time that has elapsed since the person's last involvement in the commission of a crime;
9. the conduct and work activity of the person prior to and following the criminal activity; and
10. evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

(I) If an applicant is denied employment because of information appearing in his/her criminal history record, the County shall provide written notification to the applicant that information obtained from the Central Criminal Records Exchange contributed to such denial.

(J) If the criminal history record wrongly shows that the applicant had no criminal convictions, the County shall consider information regarding criminal convictions in accordance with this policy at the time such information becomes known to the County.

(K) The criminal history information provided in accordance with this policy shall be used solely to assess eligibility for public employment or service, and shall not be disseminated to any person not involved in the assessment process.

(L) The County shall maintain the confidentiality of all criminal history record reports and contents and shall provide the subject of the report a copy within five (5) working days of a request. In the event the applicant is not offered a position of employment due to the criminal history report, the County shall maintain a copy of the report for the period of time required by Virginia law from the date of application, after which time the report shall be shredded. The information from the records review shall not be disseminated except as provided for in this section.

(M) If an applicant seeks to amend or correct his/her record, the applicant may contact the Virginia State Police Central Criminal Records Exchange or the Federal Bureau of Investigation.

## **SECTION 03-10**

**Effective Date: July 1, 1996**

### **MANAGER CLASS POSITIONS**

At the discretion of the Washington County Board of Supervisors, appointments to *Manager* Class positions may be subject to prior approval of the Board of Supervisors. Such exercise of discretionary authority shall be determined at the time of approval to fill any vacancy in such position, or upon initial authorization of a new *Manager* Class position. In this event, the County Administrator shall bring forth a formal recommendation to the Board of Supervisors as to an appointment, whereupon Board approval or rejection shall be given, including discussion of same in a closed meeting of the Board of Supervisors as deemed appropriate. Any such recommendation shall not be construed as a Board appointment of a *Manager* Class position, nor alter any prescribed employer-employee relationship as set out in the Position Description.

**SECTION 03-11**

**Effective Date: July 1, 1996**

**OFFICER CLASS POSITIONS**

The selection process for appointment to *Officer* Class positions shall be conducted in the manner prescribed by the Washington County Board of Supervisors.

## **SECTION 03-12**

**Effective Date: July 1, 1996**

### **TEMPORARY POSITIONS**

The selection process for temporary/full-time and temporary/part-time employees may follow the procedure described in this Part for positions of the *Assistant/Operator/Technician* Class.

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** Temporary Employees

**Policy Number:** 03-13

**Replaces Policy Number:** 03-13

**Effective Date:** July 1, 1996

**Policy Covers:** All Employees at All Locations

**Revised Date:** July 1, 2012

## TEMPORARY EMPLOYEES

When a vacancy due to termination of employment or absence due to extended medical leave or other use of leave time exists within a full-time or part-time Administrative Division position, and where there exists an immediate, urgent need to fill that position, the County Administrator or his/her Designee may authorize the hiring of a temporary employee to fill positions on a short-term basis. Vacancies to fill in this manner are not required to be posted and filled in the manner prescribed by Part 02 of the Personnel Policy Manual. The person hired as a temporary employee may be recommended by the Department Director where the employee is needed or otherwise selected by the County Administrator or his/her Designee. Where a vacant position is filled on this basis, a temporary employee may be used for up to six successive calendar months during which time the vacancy shall be posted and filled pursuant to Part 02 of the Personnel Policy Manual. Where a position is being filled due to an employee absence of extended medical leave or other use of leave time, the position may continue to be filled by a temporary employee for the period of the absence. Periodic use of such temporary employees on a "fill-in" basis may continue after the regular employee returns to his/her position if needed and as necessary at the discretion of the County Administrator or his/her Designee. Temporary employees may also be used for seasonal needs or as business demands.

Temporary employees employed within the Administrative Division are considered part time employees for the purposes of other applicable policies set out in the Personnel Policy Manual. The hourly wage for such employees shall be negotiated and set by the Department Director with the approval of the County Administrator or his/her Designee not to exceed the hourly wage range established for temporary employees set forth in the "Approved Initial Starting Salaries and Wages – Administrative Division Positions". In the case of a temporary employment services worker, the hourly wage and other fees associated with the use of such workers may exceed this wage range with approval of the County Administrator or his/her Designee.

## **SECTION 03-14**

**Effective Date: January 1, 1998**

### **MOVING AND RELOCATION EXPENSES**

New permanent/full-time employees of the *Officer* and *Manager* Classes who wish relocate from their current residence in order to accept employment within the Administrative Division are eligible to be reimbursed a portion of their moving and relocation expenses. To be eligible, such employees must reside outside of Washington County or the City of Bristol, Virginia at the time of their hiring and must relocate to a residence within Washington County within six (6) calendar months of the first day of employment. No reimbursement shall be made if the employee chooses to relocate to a residence outside of Washington County. The County Administrator may authorize County reimbursement of the employee's actual household moving and relocation expenses up to seventy-five (75%) percent of cost not to exceed seven hundred and fifty (\$750.00) dollars. The employee must submit appropriate documentation of moving and relocation expenses prior to authorization for reimbursement. Reimbursement costs may be charged to the Office or department where the employee is assigned or may be paid for by additional appropriation of the Board of Supervisors. The Board of Supervisors may increase the amount of reimbursement at their discretion.

## **SECTION 04-01**

**Effective Date: July 1, 1996**

### **GENERAL**

It is the policy of the Board of Supervisors to provide for adequate initial orientation to new employees as well as a period of probationary employment to ensure that new employees may be trained and tested in the performance of their duties.

## **SECTION 04-02**

**Effective Date: July 1, 1996**

### **ORIENTATION SESSION**

After employees have been hired, they will be given an orientation session to the organization of the Administrative Division and County government generally; review of important personnel policies and procedures and employment benefits, and their new position. The responsibility for conducting the orientation session shall be shared between the Department of Accounting and the new employee's department head or his/her designee. The Department of Accounting and department heads or their designees are responsible for the development of adequate procedures for conducting the orientation session. The County Administrator shall participate in orientation sessions for all *Manager* Class positions.

## **SECTION 04-03**

**Effective Date: July 1, 1996**

### **ORIENTATION INFORMATION PACKET**

Each new employee shall receive an information packet and each administrative department head to supplement verbal orientation. At minimum, this information packet shall contain a current copy of this Manual or information concerning the Manual's location on the County website for employees with County-provided Internet access at their workstations; information, forms and other materials pertinent to the County's employment benefits programs; any written or graphic departmental policies and procedures, and such other information as deemed relevant to the new employee's position. Such materials become the personal property of the employee upon completion of the probationary employment period.

## **SECTION 04-04**

**Effective Date: July 1, 1996**

### **ON-THE-JOB TRAINING**

During the new employee's probationary period, each department head shall facilitate on-the-job training whereby the new employee may be instructed in the conduct, techniques and procedures of the position while contributing positively to the work of the department. On-the-job training may extend to the full length of the probationary employment period, and each department head shall establish fair and reasonable standards concerning progress of the employee undergoing on-the-job training in relation to the employee's level of previous work experience.

## **SECTION 05-01**

**Effective Date: July 1, 1996**

### **GENERAL**

It is the policy of the Washington County Board of Supervisors to provide a well-structured employment environment and competitive levels of compensation to attract and retain quality employees within the Administrative Division. In furtherance of this policy, the Board of Supervisors may establish and maintain a Position Classification Plan, as well as other policies, rules and procedures governing issues relating to the structure of positions within the Administrative Division and the nature of employee compensation.

## **SECTION 05-02**

**Effective Date: July 1, 1996**

### **ESTABLISHMENT OF POSITION CLASSIFICATION PLAN**

The Administrative Division Position Classification Plan has been established by the Board of Supervisors as set out in Sections 05-03, 05-04 and 05-05 herein. The Classification Plan is intended as a management tool to facilitate the definition of Administrative Division positions through Position Descriptions, to categorize positions by Position Classes, and to recognize the relationships between different positions among the Position Classes.

## **SECTION 05-03**

**Effective Date: July 1, 2004**

### **DESIGNATION OF POSITIONS AND POSITION CLASSES**

The following Position Classes are designated within the Administrative Division:

- A. *Officer* Class – Limited to the County Administrator and County Attorney as direct employees of the Board of Supervisors.
- B. *Manager* Class – Heads of departments within the Administrative Division.
- C. *Supervisor/Specialist* Class – Positions possessing supervisory authority over others within their Administrative Division department and/or requiring advanced job knowledge or skills relative to others within their department.
- D. *Assistant/Operator/Technician* Class – Positions providing administrative assistance and/or requiring basic job knowledge or skills relative to other within their department
- E. *Aide* Class – All permanent/part-time positions within the Administrative Division.

*Officer* Class positions are limited to those positions under the direct employment of the Washington County Board of Supervisors (those employees directly hired by the Board of Supervisors and serving at the pleasure of the Board). *Manager* Class positions are those under the employment of the Office of County Administrator, reporting directly to the County Administrator, and responsible for the day-to-day operation of the various administrative departments as department heads. *Supervisor/Specialist* Class positions may be generally characterized as those serving as a "second-in-charge" of the departments to which they are assigned, and may have supervisory authority over other departmental employees delegated to them by their department head. *Specialist* positions also fall into this classification where advanced job knowledge or skills are required. *Assistant/Operator/Technician* Class and *Aide* Class positions constitute the non-managerial, non-supervisory workforce of the departments within the Administrative Division.

All positions within the Administrative Division shall be assigned to one of the above Position Classes. Generally, formal position titles shall contain the word *Manager*, *Supervisor*, *Specialist*, *Assistant*, *Operator*, *Technician* or *Aide* denoting to which class the position is assigned. Certain position titles shall be as prescribed by the 1950 Code of Virginia. A further distinction may be made by the use of the roman numerals "I" or "II" in the position title, with "I" being an entry-level position and "II" being a more experienced and/or skilled position. Any distinction between levels "I" and "II" of a position shall be described within the Position Description.

Temporary/full-time or temporary/part-time positions may be afforded official position titles as may be necessary or appropriate at the discretion of the County Administrator or the Administrative Division department head to which the position is assigned.

## **SECTION 05-04**

**Effective Date: July 1, 1996**

### **ASSIGNMENT AND CLASSES OF POSITIONS**

The County Administrator shall make all assignments of existing Administrative Division positions to Position Classes, subject to approval of the Board of Supervisors. The County Administrator shall be responsible for the assignment of newly-created, retitled and/or consolidated positions to the existing classes or to new classes of positions in the Administrative Division, subject to approval of the Board of Supervisors. The Board of Supervisors may direct that such assignments be reviewed and approved or recommended by a committee or other body appointed by the Board of Supervisors prior to same being brought to the Board of Supervisors for final approval.

## **SECTION 05-05**

**Effective Date: July 1, 1996**

### **MAINTENANCE OF POSITION CLASSIFICATION PLAN**

*Officer* and *Manager* Class employees shall be responsible for bringing attention to any material change in the nature of duties, responsibilities, working conditions, or other factors affecting the classification of any position within Administrative Division Offices and departments. Following the receipt of such information, the County Administrator may review the position and determine if the classification should be changed.

## **SECTION 05-06**

**Effective Date: July 1, 1998**

### **SPECIAL PROVISIONS FOR LIMITED FULL-TIME EMPLOYEES**

At the discretion of the Board of Supervisors, an Administrative Division position may be established or an existing position reclassified as "limited full-time". Limited full-time positions are those which the Board of Supervisors have determined merit compensation on the basis of an annual salary with fringe benefits similar or proportional to that provided regular full-time employees for working hours of less than forty (40) per week. Persons within the Administrative Division holding such positions may be employed to work up to eight (8) hours or more per day, thirty-nine (39) hours or less per seven (7) consecutive calendar day work week for not less than fifty (50) weeks per year. The total working hours per week for a limited full-time position shall be established by the Board of Supervisors consistent with its determination of the amount of time needed per week for such position. The days of the week during which limited full-time positions work may be established by the County Administrator or Board of Supervisors.

For the purposes of the application of policies set out in this Manual, limited full-time employees are treated the same as regular full-time employees except as otherwise provided for in this section. Limited full-time employees shall be permitted to participate in County-provided retirement and health insurance benefits programs on the same basis as regular full-time employees subject to eligibility and approval of the benefit program providers. Personal Leave, Annual Leave and Sick Leave for limited full-time employees are provided on a proportionate basis to leave time provided to regular full-time employees consistent with the provisions of Sections 07-04, 07-05 and 07-07 of this Manual. As an example, a limited full-time employee compensated for a twenty (20) hour work week (or 50% percent of a regular full-time 40-hour work week) would receive fifty (50%) percent of the Personal Leave time of a regular full-time employee (thirty-six (36) hours per County fiscal year); fifty (50%) percent of the Annual Leave time of a regular full-time employee based on the limited full-time employee's time in continuous service, and fifty (50%) percent of the Sick Leave time (four (4) hours per month) of a regular full-time employee. Annual Leave days may be continuously accumulated by limited full-time employees; the County will compensate such employees for up to one hundred and ninety-two (192) hours or twenty-four (24) Annual Leave days accrued but unused at the time of termination of employment consistent with the provisions of Section 07-04 of this Manual. Limited full-time employees classified as "exempt" pursuant to Section 08-02 of this Manual are eligible to receive Discretionary Leave pursuant to Section 07-13 of this Manual for time worked in excess of the position's designated regular working hours. Such time may be taken off by the employee on an hour for hour basis by the end of the calendar month following the month in which it is earned. Limited full-time employees classified as "non-exempt" pursuant to Section 08-03 of this Manual are eligible to receive compensatory time off or overtime pay pursuant to Section 08-04 of this Manual for all hours worked in excess of the position's designated working hours (i.e., if a non-exempt, limited full-time employee is compensated for a twenty (20) hour work week, the employee would receive compensatory time off or overtime pay for each hour worked over twenty (20) in any given work week). If a designated County holiday pursuant to Section 07-12 of this Manual falls on a limited full-time employee's scheduled working day, the employee shall receive Holiday Leave on a proportionate basis to leave time provided to regular full-time employees. As an example, a limited full-time employee compensated for a twenty (20) hour work week (or 50% percent of a regular full-time 40-hour work week) would receive fifty (50%) percent of the Holiday Leave time of a regular full-time employee (i.e., four (4) hours for each designated County holiday). The time remaining within a

designated County holiday may be taken off as Annual, Personal, or Discretionary Leave or compensatory time off, or otherwise must be worked within the seven-day work week in which the holiday falls. No allowance shall be made if a holiday falls on a limited full-time employee's scheduled day(s) off. Where the working days of a limited full-time employee are established by the County Administrator, the working days may be altered during the week of a designated County holiday if so agreed to by the employee and the employee's department head.

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** General

**Policy Number:** 06-01

**Effective Date:** January 1, 1996

**Policy Covers:** All Employees at All Locations

**Revised Date:** November 28, 2018

## GENERAL

Employees of the Administrative Division shall be assigned to a position within one (1) or more administrative Offices and/or departments for the conduct of the duties of that position. Each administrative office or department shall be immediately overseen and supervised by an administrative department director. Non-department head employees will report directly to their respective Directors or the County Administrator (or, where personnel of the *Supervisor/Specialist* class are employed, to departmental Supervisors as may be directed by the department director). All department heads (Directors) report directly to the County Administrator who is responsible for the general direction and oversight of all Administrative Division departments.

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** Administrative Division Departmental Organization

**Policy Number:** 06-02

**Effective Date:** January 1, 1996

**Policy Covers:** All Employees at All Locations

**Revised Date:** November 28, 2018

## ADMINISTRATIVE DIVISION DEPARTMENTAL ORGANIZATION

The following listing depicts the organizational structure of the Administrative Division, its Offices, departments and full-time positions assigned to same:

### Office of County Administrator

County Administrator  
Executive Assistant/Public Information Officer

### Office of County Attorney

County Attorney

### Department of Budget & Finance

Budget & Finance Director (department head)  
Budget & Finance Deputy Director  
Budget & Finance Specialist

### Department of Building Development

County Building Official/Director (department head)  
Building Inspector  
Environmental Inspector-Plan Reviewer  
Permits Technician

### Department of Economic Development & Community Relations

Economic Development & Community Relations Director (department head)  
Administrative Assistant/Receptionist

### Department of Emergency Management

Emergency Management Coordinator (department head)  
Emergency Management Deputy Coordinator

# WASHINGTON COUNTY, VIRGINIA

## Department of General Services

General Services Director (department head)  
General Services Supervisor  
Custodial Technician  
Maintenance Technician  
HVAC Technician

## Department of Human Resources

Human Resources Director (department head)

## Department of Information Systems

Information Systems Director (department head)  
Network Administrator  
Application Specialist  
Technician I  
Technician II

## Department of Recreation

Recreation Director (department head)  
Programs Specialist

## Department of Solid Waste

Solid Waste Director (department head)  
Solid Waste Specialist  
Technician  
Operator/Driver  
Convenience Station Attendant

## Department of Zoning Administration

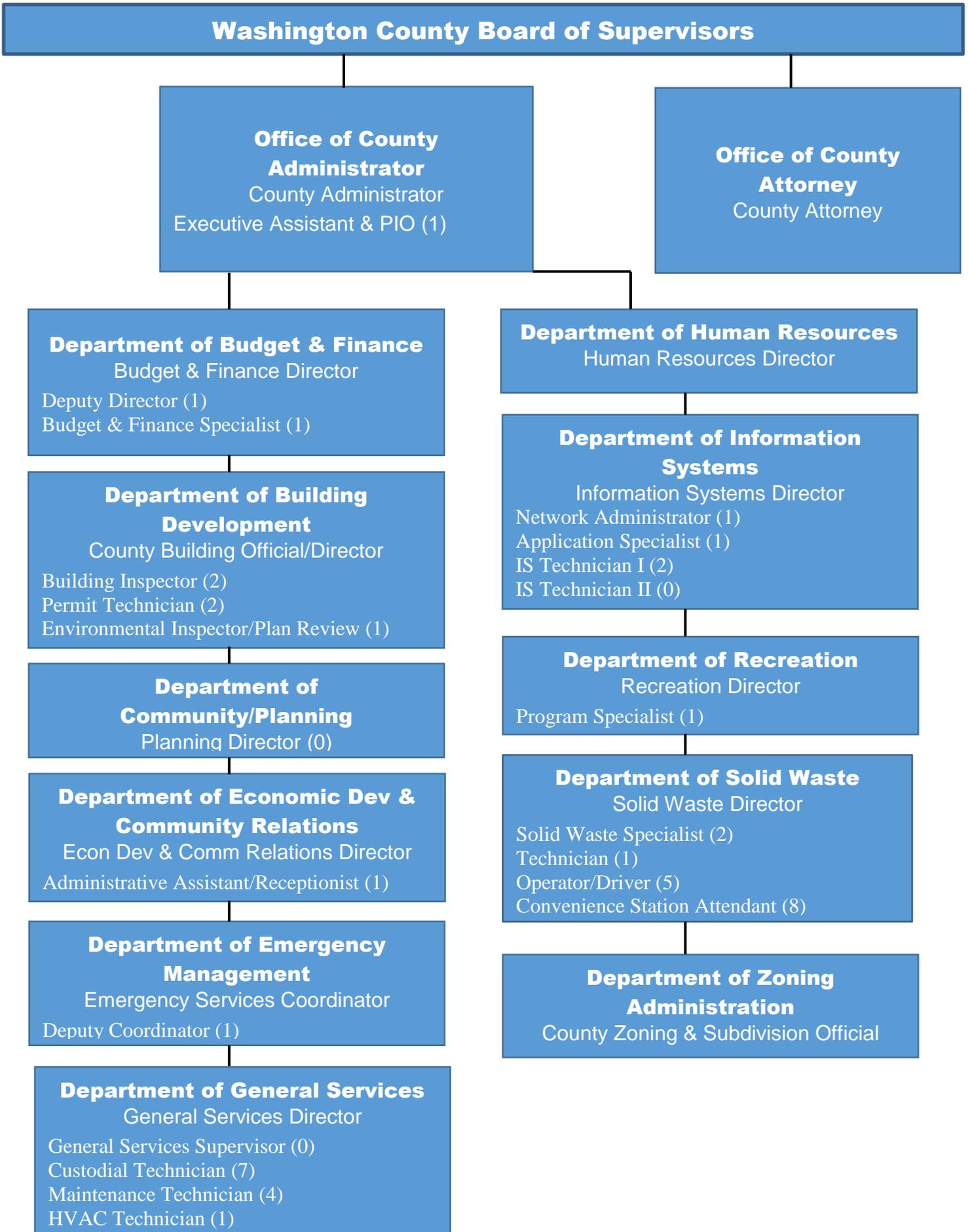
County Zoning & Subdivision Official (department head)

## Department of Community Development & Planning

Community Development & Planning Director (department head)

An Organization Chart of the Administrative Division is presented on the following page. Numbers in parenthesis (#) following each position title indicates the number of positions by position title presently authorized for each Office and department (does not include part-time and seasonal positions).

# WASHINGTON COUNTY, VIRGINIA



# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** Shared Positions Between Departments

**Policy Number:** 06-03

**Effective Date:** January 1, 1996

**Policy Covers:** All Employees at All Locations

**Revised Date:** November 28, 2018

## **SHARED POSTIONS BETWEEN DEPARTMENTS**

Upon the recommendation of the County Administrator and approval of the Board of Supervisors, certain positions of the *Supervisor/Specialist and Assistant/Operator/Technician* may be “shared” between two (2) administrative departments. “Shared” positions shall provide services to both departments to which the position is assigned on a continuous basis under arrangements and conditions approved by the County Administrator and set forth generally in the Position Description for the position.

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** Designated Work Day, Work Week and Work Year

**Policy Number:** 06-04

**Effective Date:** January 1, 1996

**Policy Covers:** All Employees at All Locations

**Revised Date:** November 28, 2018

## **DESIGNATED WORK DAY, WORK WEEK AND WORK YEAR**

The designated "work day" for all Administrative Division employees shall be a period of eight (8) hours. The designated "work week" for all Administrative Division employees shall consist of forty (40) hours beginning at 12:01 AM Monday and ending 12:00 midnight Sunday.

The "work year" for all Administrative Division employees shall consist of two thousand and eighty (2,080) hours per County Fiscal Year, beginning July 1 and ending June 30. Fifty-two (52) work weeks comprise the work year.

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** Hours of Operation

**Policy Number:** 06-05

**Effective Date:** January 1, 1996

**Policy Covers:** All Employees at All Locations

**Revised Date:** November 28, 2018

## HOURS OF OPERATION

The regular working hours of operation for the following Administrative Division departments and personnel shall be Monday through Friday, 8:00 AM to 5:00 PM:

Office of County Administrator  
Office of County Attorney  
Department of Budget & Finance  
Department of Building & Development  
Department of Economic Development & Community Relations  
Department of Emergency Management  
Department of Human Resources  
Department of Information Systems  
Department of Planning  
Department of Recreation  
Department of Zoning Administration

The regular working hours of operation for the above consist of eight (8) hours of work per day, with one-half (0.5) to one hour (1) unpaid, duty-free Meal Period. No Meal Period may be taken between 8:30 AM and 9:30 AM, and generally no Meal Period may be taken between 4:00 PM and 5:00 PM unless the employee is to return to work after 5:00 PM that same day.

The regular working hours for positions and individual employees of the Department of General Services and Department of Solid Waste shall be established according to the needs of those departments by their department directors with the approval of the County Administrator. The regular working hours of operation for these departments shall consist of up to eight (8) hours of work per day, with one-half (0.5) to one hour (1) unpaid, duty-free Meal Period.

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** Meal Periods

**Policy Number:** 06-06

**Effective Date:** January 1, 1996

**Policy Covers:** All Employees at All Locations

**Revised Date:** November 14, 2018

## MEAL PERIODS

Meal Periods consisting of one-half (0.5) to one (1) hour shall be provided to Administrative Division employees working at least eight (8) consecutive hours per day at which time the employee must leave his/her work place or station for meals and/or personal use. A Meal Period is not provided for employees working less than eight (8) consecutive hours as a daily work schedule. Where provided, Meal Periods are not compensated or compensable time; no employee shall be compelled to work through his/her Meal Period.

Department directors or the County Administrator may establish policies specific to individual departments regarding when Meal Periods may be taken by employees; office closures for Meal Periods and other related issues.

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** Establishment of Departmental Operating Policies and Procedures

**Policy Number:** 06-07

**Effective Date:** January 1, 1996

**Policy Covers:** All Employees at All Locations

**Revised Date:** November 28, 2018

## ESTABLISHMENT OF DEPARTMENTAL OPERATING POLICIES AND PROCEDURES

From time to time and/or at the direction of the Board of Supervisors or the County Administrator, Administrative Division Offices and departments may establish specific policies, guidelines, rules, regulations and procedures to aid in the conduct of their operations not inconsistent with the provisions of this Manual, other policies of the Board of Supervisors, and the ordinances, laws and regulations of the County, state and federal governments. Such departmental policies and procedures shall be set out in writing and be subject to review, modification and approval by the County Administrator and Board of Supervisors as may be directed. Nothing herein shall be construed so as to prohibit Administrative Division Offices and departments from establishing or continuing informal or routine practices or procedures as may have been customary prior to the adoption of this Manual, nor shall the provisions of this Section annul or abridge those so established so long as they are not inconsistent with this Manual.

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** Office Closure During Emergencies

**Policy Number:** 06-08

**Effective Date:** January 1, 1996

**Policy Covers:** All Employees at All Locations

**Revised Date:** November 28, 2018

## **OFFICE CLOSURE DURING EMERGENCIES**

The County Administrator is empowered by the Board of Supervisors to close the offices and operations of all Administrative Division departments when in his/her judgment circumstances warrant due to a health, safety or other threat to County employees or to the public who must use County facilities and properties. Such threats include severe inclement weather or other unusual conditions. In the absence of the County Administrator, the Acting County Administrator or Chairman of the Board of Supervisors is empowered to direct such closure. In certain circumstances, the County Administrator may be directed to close such facilities by law enforcement or other emergency personnel exercising their legal authority pursuant to local, state or federal law.

The County Administrator, the Acting County Administrator or Chairman of the Board of Supervisors may direct that certain Administrative Division employees and departments report to or remain at work during an emergency closure. In this event, all hours worked by such employees will be compensated at the "holiday rate" set out in Section 07-12 of this Manual. All full-time Administrative Division employees relieved of duty due to an emergency closure will be paid for the time relieved at their regular rate of compensation. All other Administrative Division employees will receive no compensation for lost work time due to such closure. Employees voluntarily working during such closures (doing so purely from personal initiative) shall not be eligible for "holiday rate" compensation or paid time off.

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** General

**Policy Number:** 07-01

**Replaces Policy Number:** 07-01

**Effective Date:** July 1, 1996

**Policy Covers:** All Employees at All Locations

**Revised Date:** July 1, 2012

## GENERAL

It is the policy of the Washington County Board of Supervisors to provide certain employment benefits, including paid leave from work in consideration of the service provided by the Administrative Division employees and to provide an attractive work environment to interest and retain quality personnel. The policies set out in this Section shall apply to all Administrative Division employees. Such benefits are not continuing obligations of the Board of Supervisors and do not vest themselves as rights or obligations to Administrative Division employees from the Board of Supervisors as an employer.

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** Types of Employment Benefits

**Policy Number:** 07-02

**Replaces Policy Number:** 07-02

**Effective Date:** July 1, 1996

**Policy Covers:** All Employees at All Locations

**Revised Date:** July 1, 2012

## TYPES OF EMPLOYMENT BENEFITS

The Board of Supervisors may offer to full-time employees of the Administrative Division the following employment benefits, among others:

- A. Health Insurance
- B. Retirement Plan
- C. Life Insurance
- D. Paid Leave
- E. Paid Holidays

The types of benefits and benefit packages, level of employer versus employee contributions, and conditions and limitations on the scope, extent and duration of such benefits are dictated by decisions of the Board of Supervisors and the policies of participating benefits providers. Information on these employment benefits may be obtained through the Human Resources Department.

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** Administration of Leave

**Policy Number:** 07-03

**Replaces Policy Number:** 07-03

**Effective Date:** July 1, 1996

**Policy Covers:** All Employees at All Locations

**Revised Date:** July 1, 2012

## ADMINISTRATION OF LEAVE

The types of leave set out under this Part are administered by the County Administrator or his/her Designee unless otherwise noted. It is the responsibility of the Human Resources Department to generally oversee such leave provisions to ensure accuracy and accountability in their application and employees' use of same. The County Administrator or his/her Designee along with the Human Resources Department shall develop appropriate mechanisms and documentation for accurately tracking and recording the use of leave and instructing employees concerning leave policies. Only such mechanisms and documentation as are approved for use in this regard by the County Administrator or his/her Designee will be accepted for the purpose of official County records concerning leave.

The County Administrator or his/her Designee is authorized to exercise his/her best judgment in the interpretation and application of leave policies where uncertainty or ambiguity may exist or arise under certain circumstances.

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## POLICY

**Policy Title:** P.T.O. (Paid Time Off) Leave

**Policy Number:** 07-04

**Replaces Policy Number:** 07-04 & 07-07

**Effective Date:** July 1, 1996

**Policy Covers:** All Employees at All Locations

**Revised Date:** July 1, 2012

### Leave With Pay (Paid Time Off or P.T.O.)

Leave with pay (i.e., P.T.O.) will be provided for each completed calendar month of employment in the Administrative Division as follows:

<u>Years of Service</u>	<u>Monthly Accrual Rates</u>	<u>Maximum Balance</u>	<u>Maximum Payout</u>
0 – 5	10 Hours	192 Hours	192 Hours
5 – 10	12 Hours	240 Hours	240 Hours
10 – 15	14 Hours	288 Hours	240 Hours
15 – 20	16 Hours	288 Hours	240 Hours
20 Plus	18 Hours	336 Hours	240 Hours

Increases in P.T.O. monthly accrual rates as a result of accumulated years of service will occur starting the month following an employee's employment anniversary date

P.T.O. will be earned in accordance with the provisions of Section 07-17 of the Personnel Policy Manual. P.T.O. may be accumulated by all Administrative Division employees up to the Maximum Balance shown above. At termination of employment, the County will compensate up to the Maximum Payout, according to the schedule above. Compensation will be rendered on the basis of the employee's rate of compensation at the time of termination of employment. Any P.T.O. accumulated in excess of the Maximum Payout shall be forfeited without compensation.

An employee may use P.T.O. upon approval by the employee's Department Director for vacation, personal, sick and other leave purposes as needed. P.T.O. may not be taken in excess of (15) consecutive working days within any (60) calendar day period unless approved by the County Administrator or his/her Designee. No P.T.O. can be taken during any period of absence following an absence of (60) consecutive calendar days until the employee has been back at work at least (30) consecutive working days,

# WASHINGTON COUNTY, VIRGINIA

unless the Family and Medical Leave Act or other law mandates approval of continued leave.

Employees are encouraged to submit requests for the use of P.T.O. with as much advance notice as possible, but at minimum, in accordance with the following advance request schedule.

All requests shall be made in writing using the County P.T.O. Request Form. An employee requesting no more than (2) consecutive working days of P.T.O. must provide to his/her Department Director (or the Deputy County Administrator if the employee is a Department Director) a completed County P.T.O. Request Form at least (24) hours in advance of the date or time for which the P.T.O. is requested. P.T.O. requests in excess of (2) consecutive working days but less than (5) consecutive working days must be submitted at least (3) working days in advance of the date the leave is requested. P.T.O. requests of (5) consecutive working days or more must be submitted at least (5) working days in advance of the date the leave is requested. Department Directors, County Administrator, and the County Administrator Designee have authority to grant or deny a request for P.T.O. A request for P.T.O. may be denied if an employee's absence would be disruptive to departmental operations, if the request was not filed in the manner and within the time frame specified above, or for other reasons related to operation of County business. Non-Department Director employees may appeal to the County Administrator or his/her Designee for review of a denial; Department Director employees may appeal to the Board of Supervisors to be heard at the next regular meeting of the Board following the denial. All appeals must be submitted in writing to the Human Resources Department, using the County P.T.O. Appeal Form.

When an employee is unable to provide an advance request for P.T.O. for reasons such as an unexpected emergency or event, the employee shall provide notice of such absence as soon as possible but no later than 9 A.M. on the day of such anticipated absence, or if the employee's usual work shift does not begin until after 9 A.M., the employee notice shall be provided as soon as possible after 8 A.M., but no later than within one hour after the employee's start-time. Such notice shall be given telephonically to the employee's Department Director, or if the Department Director is unavailable or if the requestor is a Department Director, then to the County Administrator or his/her Designee. Time requirements for providing notice may be waived if the Department Director or County Administrator or his/her Designee determines that circumstances prohibited timely notification. A written request for P.T.O. for such unexpected absence shall be submitted as soon as possible, but no later than one business day after an employee's return to service.

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## POLICY

**Policy Title:** Sick Leave

**Policy Number:** 07-05

**Replaces Policy Number:** 07-05

**Effective Date:** July 1, 2006

**Policy Covers:** All Employees at All Locations

**Revised Date:** July 1, 2012

## Sick Leave

The following table states the rate of accrual of Sick Leave, the Maximum Balance of accrued leave that may be maintained by an employee from one Fiscal Year (FY) to the next, and the rate of compensation for unused Sick Leave in excess of the Maximum Balance. A Fiscal Year (FY) is the twelve-month period from July 1 – June 30.

<u>Years of Service</u>	<u>Monthly Accruals</u>	<u>Maximum Balance</u>	<u>Payout Over Maximum</u>
0 – 10	8 Hours	1,040 Hours	\$6.25 per hour @ end of FY
10 - 20	8 Hours	1,040 Hours	\$6.25 per hour @ end of FY
20 Plus	8 Hours	1,040 Hours	\$6.25 per hour @ end of FY

The maximum payout each year over the accrual limit will be \$600 per employee. Example: 12 months X 8 hours per month @ \$6.25 per hour = \$600.

Sick Leave will be earned in accordance with the provisions of Section 07-17 of the Personnel Policy Manual. The payout for unused Sick Leave accrued in excess of the Maximum Balance will be at the rate of \$6.25 per hour (not to exceed \$600 per employee), at the end of each fiscal year. At termination of employment, the County will provide compensation for accrued Sick Leave up to the Maximum Balance (1,040 hours) at the rate of \$6.25 per hour, not to exceed \$6,500.

The justification for use of Sick Leave shall be subject to verification at the discretion of an employee's Department Director and/or the Human Resources Department. Verification may be required in the form of a signed statement from the employee's attending physician describing the employee's medical condition and stating that the employee was unable by reason of this condition to be at work during the entire period of absence. Where extended absence (after 5 consecutive working days) is indicated, FMLA procedures (Section 07-11 of the Personnel Policy Manual) will be followed.

Sick Leave may be used only for the following:

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1. An illness, injury or medical procedure and recuperative period, including the birth of a child, incapacitating the employee to perform his/her duties.
2. An exposure to a contagious disease such that the employee's presence on duty would jeopardize the health of fellow employees or the public.
3. Appointment for examination and treatment related to health when such an appointment cannot reasonably be scheduled during non-work hours.
4. Illness or death in the immediate family. The immediate family includes only the employee's parents; grandparents; spouse; children; brother; sister; mother-in-law; father-in-law; sister-in-law; brother-in-law; son-in-law; daughter-in-law; or any person living as family in the household of the employee.
5. Exceptions to these policies for extenuating circumstances may be granted by the Board of Supervisors upon written request through the County Administrator or his/her designee.

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## POLICY

**Policy Title:** Hybrid Plan Sick Leave

**Policy Number:** 07-06

**Effective Date:** January 1, 2014

**Policy Covers:** All Employees at All Locations Hired on January 1, 2014 and Later

**Exception:** LODA Covered Employees

## Sick Leave

The following table states the rate of accrual of Sick Leave, the Maximum Balance of accrued leave that may be maintained by an employee from one Fiscal Year (FY) to the next. A Fiscal Year (FY) is the twelve-month period from July 1 – June 30.

<u>Years of Service</u>	<u>Monthly Accruals</u>	<u>Maximum Balance</u>
0 – 10	8 Hours	240 Hours
10 - 20	8 Hours	240 Hours
20 Plus	8 Hours	240 Hours

Sick Leave will be earned in accordance with the provisions of Section 07-17 of the Personnel Policy Manual. Sick Leave will not be paid out at termination of employment.

The justification for use of Sick Leave shall be subject to verification at the discretion of an employee's Department Director and/or the Human Resources Department. Verification may be required in the form of a signed statement from the employee's attending physician describing the employee's medical condition and stating that the employee was unable by reason of this condition to be at work during the entire period of absence. Where extended absence (after 5 consecutive working days) is indicated, FMLA procedures (Section 07-11 of the Personnel Policy Manual) will be followed.

Sick Leave may be used only for the following:

1. An illness, injury or medical procedure and recuperative period, including the birth of a child, incapacitating the employee to perform his/her duties.
2. An exposure to a contagious disease such that the employee's presence on duty would jeopardize the health of fellow employees or the public.
3. Appointment for examination and treatment related to health when such an appointment cannot reasonably be scheduled during non-work hours.

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4. Illness or death in the immediate family. The immediate family includes only the employee's parents; grandparents; spouse; children; brother; sister; mother-in-law; father-in-law; sister-in-law; brother-in-law; son-in-law; daughter-in-law; or any person living as family in the household of the employee.
5. Sick Leave can be used to supplement Short Term Disability (STD) and Long Term Disability (LTD) benefits to receive 100% pay during periods of 60%-80% disability benefit.
6. Exceptions to these policies for extenuating circumstances may be granted by the Board of Supervisors upon written request through the County Administrator or his/her designee.

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## SICK LEAVE BANK & LEAVE SHARING

**Policy Title:** Sick Leave Bank & Leave Sharing

**Policy Number:** 07-07

**Effective Date:**

**Policy Covers:** All Employees at all Locations

## **POLICY**

Washington County recognizes that employees may have a family medical emergency or be affected by a major medical disaster, resulting in a need for additional time off in excess of their accumulated sick leave and paid time off. To address this need, eligible employees will be allowed to join a Sick Leave Bank and donate to the Sick Leave Bank hours of sick leave and paid time off from their accumulated balances. Hours so donated to the Sick Leave Bank may be used by members of the Sick Leave Bank in need of sick leave in accordance with this Policy. Participation in the Sick Leave Bank is strictly voluntary.

## **PURPOSE**

This Policy permits employees who voluntarily participate in the Sick Leave Bank program as described in this Policy to receive income when such Members experience qualifying events of illness or disability and have exhausted their own accumulated sick leave and paid time. In such circumstances, Members may apply to use leave hours donated to the Sick Leave Bank.

## **DEFINITIONS**

For purposes of this Policy, the following words shall be defined as follows.

Director means the Human Resources Department Director.

Fiscal Year means the 12-month period between July 1 of each calendar year and June 30 of each following calendar year.

Leave without Pay Event means that an employee is unable to work, and the employee has exhausted all their accumulated Sick Leave and Paid Time Off.

Maximum Allowance means 240 hours of time (i.e., 30 days) within a Fiscal Year.

Member means a member of the Sick Leave Bank.

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Qualifying Event means inability to work due to circumstances certified as qualifying for leave under the Family and Medical Leave Act (FMLA), per Section 07-11 of the Personnel Policy Manual, that is coincidental with a Leave Without Pay Event and that is not excluded by the terms of this Policy.

Recipient means a Member receiving hours of pay from the Sick Leave Bank.

Sick Leave Bank means the program of collecting donated hours of paid leave, which may be both sick leave and paid time off, to be used as set forth in this policy and shall also mean the hours of donated time held by the Sick Leave Bank's receipt of donated hours that are available for distribution to recipients.

## **ELIGIBILITY**

1. Membership in the Sick Leave Bank is voluntary and open to all full-time employees who have completed at least 12 consecutive months of full-time employment.
2. To draw leave from the Sick Leave Bank:
  - a. Employee must be a Member;
  - b. Employee must be experiencing a Qualifying Event;
  - c. Employee's application to draw leave from the Sick Leave Bank must be approved as set out in this Policy.

## **ENROLLMENT, DONATIONS, & TERMINATION**

1. Initial Donation. Employees enroll by completing the Sick Leave Bank membership application and donating to the Sick Leave Bank an Initial Donation of eight hours of sick leave or paid time off .
2. Annual Donation. Membership in the Sick Leave Bank shall require an additional Annual Donation of eight hours at the beginning of each Fiscal Year following the Fiscal Year in which membership was initiated.
3. Voluntary additional donations. Employees may donate more hours than the minimum required for the Initial Donation and Annual Donation. Voluntary additional donations shall be made in no less than four-hour increments.
4. In the event the Sick Leave Bank balance falls below 800 hours, all Members will be notified and requested to make a Voluntary Additional Donation of at least eight hours.
5. Employees may donate only from their accumulated sick leave and paid time off balances.
6. Termination of membership. Membership shall be continuous unless a Member terminates membership as set out herein. A Member may terminate membership in the Sick Leave Bank at any time by submitting to the Director a written request to terminate participation in the program. Termination of membership shall be effective the first day of the next Fiscal Year following the Director's receipt of written termination of participation.
7. Donated leave shall not be returned to the donor. Any awarded but unused leave must be returned to the leave bank.

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8. Members receiving pay through the Sick Leave Bank shall not be required to reimburse hours received from the Bank.

## **BENEFITS**

1. The first five days of absence due to a Qualifying Event shall be ineligible for coverage with time from the Sick Leave Bank and, instead, shall be absence without pay.
2. Maximum Allowance. Recipients of leave from the Sick Leave Bank are generally limited to receiving no more than 240 hours (i.e., 30 days) in a Fiscal Year.
3. Relapse of the illness or disability that originally qualified a Member to receive time from the Sick Leave Bank shall be covered without an additional five-day waiting period if the Member has not used up the Maximum Allowance.
4. Requests may be made to the Sick Leave Bank Committee for hours in excess of the Maximum Allowance, but such requests will be approved only in the case of extreme circumstances.
5. A Recipient shall not accrue sick leave or paid time off while receiving pay through the Sick Leave Bank.
6. The County will continue to pay its portion of the health care premium for the period covered by FMLA while a Member is receiving pay through the Sick Leave Bank.
7. Periods of receiving pay through the Sick Leave Bank are not considered creditable compensation for retirement calculations by the Virginia Retirement System (VRS). All contributions to VRS will be discontinued when a Member is receiving pay through the Sick Leave Bank.
8. Recipients shall continue to be covered under Virginia's group life insurance policy while they are receiving pay through the Sick Leave Bank for up to two years.
9. Recipients are not eligible for salary increases until they are no longer receiving pay through the Sick Leave Bank.

## **PROCEDURES FOR USE**

1. A Member may apply for leave from the Sick Leave Bank prior to exhaustion of the Member's accumulated sick leave and paid time off due to a Qualifying Event.
2. A completed application and a physician's statement are required when a Member applies to receive hours from the Sick Leave Bank. The physician's statement must indicate the nature of the illness or disability; that the employee is totally unable to work due to illness or disability; and the approximate period of time the employee will be absent. FMLA certification paperwork will satisfy this requirement.
3. The application and physician's statement shall be submitted for approval to the Sick Leave Bank Committee.
4. Requests to receive more than the Maximum Allowance shall be made in writing to the Sick Leave Bank Committee and shall include detailed description of the exceptional circumstances that the Member asserts to give reason for approval to exceed the Maximum Allowance.

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## **ADMINISTRATION**

1. The Sick Leave Bank shall be administered by the Sick Leave Bank Committee.
2. The Personnel Committee shall appoint members to the Sick Leave Bank Committee, which shall be composed of the Human Resources Director and two full-time employees. Department Directors shall be ineligible to participate on the Sick Leave Bank Committee.
3. Confidentiality. Recipient identity shall not be disclosed other than as necessary for administration by the Sick Leave Bank Committee. All applications for Sick Leave from the Sick Leave Bank shall be treated strictly confidential by the Sick Leave Bank Committee.
4. Denied applications for sick leave bank utilization may be appealed in writing to a review committee consisting of the County Administrator or his/her designee and one member of the Personnel Committee. Appeals for review of denied applications shall be maintained strictly confidential by the review committee.
5. If the Sick Leave Bank should become inoperative for any reason, the hours remaining in the Sick Leave Bank at that time shall first be distributed to those Recipients then drawing sick leave hours from the bank. Any remaining Sick Leave Bank hours shall be distributed equally between all members of the bank.
6. The Sick Leave Bank is a discretionary program, which shall continue or be terminated at the sole discretion of the Board of Supervisors.

## **EXCLUSIONS**

Medical conditions of the employee will be excluded from eligibility for leave sharing benefits if they result from: injuries occurring in the course of violating a law; occupational-related accident or illness for which Workers' Compensation benefits are awarded; or intentionally self-inflicted injuries, except as a result of conditions that qualify under ADA.

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## POLICY

**Policy Title:** Jury Leave

**Policy Number:** 07-09

**Replaces Policy Number:** 07-09

**Effective Date:** July 1, 1996

**Policy Covers:** All Employees at All Locations

**Revised Date:** July 1, 2012

## JURY LEAVE

The County Administrator or his/her Designee shall grant a full-time employee leave with pay for an absence necessary for serving on a jury or attending court as a witness under subpoena. An employee compensated for civil duties, as by jury or witness fees, shall be paid only the difference between such compensation and the regular salary for the period of absence. Part-time employees shall be granted leave without pay for jury duty or as a subpoenaed witness.

Employees must give advance notice of the need for leave of absence for jury duty and must provide a copy of the summons to jury service with the written request for leave. Notice to the County should be provided as soon as possible after receipt of the summons for jury duty.

If the employee is excused from jury duty or is otherwise not required to be present in court, the employee is expected to return to work with the County if reasonably possible.

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## POLICY

**Policy Title:** Military Leave

**Policy Number:** 07-10

**Replaces Policy Number:** 07-10

**Effective Date:** July 1, 1996

**Policy Covers:** All Employees at All Locations

**Revised Date:** July 1, 2016

## MILITARY LEAVE

Washington County is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the County's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, re-employment, promotion, or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under applicable law or this policy. If any employee believes that he or she has been subjected to discrimination in violation of this policy, the employee should immediately contact the Human Resources Department.

### **Eligibility:**

Employees taking part in a variety of military duties are eligible for benefits under this policy. Such military duties include leaves of absence taken by members of the uniformed services, including Reservists, National Guard members for training, periods of active military service, and funeral honors duty, as well as time examined to determine fitness to perform such service. Subject to certain exceptions under the applicable laws, these benefits are generally limited to five years of leave of absence.

### **Procedures for Military Leave:**

Unless military necessity prevents it, or is otherwise impossible or unreasonable, an employee should provide Washington County with notice of the need for leave as far in advance as is reasonable under the circumstances. Written notice is preferred, but not required under the law or this policy.

Employees on temporary or extended military leave may, at their option, use any or all accrued paid P.T.O. or Sick Leave during their absence.

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When the employee intends to return to work, he or she must make application for re-employment to Human Resources within the application period set forth below.

If the employee does not return to work, the Department Director must notify Human Resources so that appropriate action may be taken.

## **Benefits:**

An employee on extended military leave may elect to continue group health insurance coverage for the employee and covered dependents under the same terms and conditions for a period not to exceed 31 days from the date the military leave of absence begins. The employee must pay, per pay period, the premium normally paid by the employee. After the initial 31 day period, the employee and covered dependents can continue group health insurance up to 24 months at 100% of the overall (both employer and employee) premium rate.

The County will continue to pay the employee's County paid life insurance for up to a period of 24 months after an employee is called to active duty military leave and remains a County employee.

Employees do not accrue P.T.O. or Sick Leave while on military leave of absence status.

With respect to the County's retirement plan, upon re-employment, employees who have taken military leave will be credited for purposes of vesting with the time spent in military service and will be treated as not having incurred a break in service.

## **Re-Employment and Exceptions:**

An employee who has engaged in military service must, in order to be entitled to the re-employment rights as set forth under the "USERRA" Act, must submit an application for re-employment according to the following schedule.

1. If service is less than (31) days (or for the purpose of taking an examination to determine fitness for service)- the employee must report for re-employment at the beginning of the first full regularly scheduled working period on the first calendar day following completion of service and the expiration of (8) hours after a time for safe transportation back to the employee's residence.
2. If service is for (31) days or more but less than (181) days-the employee must submit an application for re-employment with Human Resources no later than (2) years following the completion of service.
3. If service is over (180) days-the employee must submit an application for re-employment with Human Resources no later than (90) days following the completion of service.
4. If the employee is hospitalized or convalescing from a service-connected injury-the employee must submit an application for re-employment with Human Resources no later than (2) years following completion of service.

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In addition to the employee's failure to apply for re-employment in a timely manner, an employee is not entitled to re-instatement as described above if any of the following conditions exist.

1. The County's circumstances have so changed as to make re-employment impossible or unreasonable.
2. Re-employment would pose an undue hardship upon Washington County.
3. The employee's employment prior to the military service was merely for a brief, non-recurrent period and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period.
4. The employee did not receive an honorable discharge from military service.

Employees re-employed following military leave will receive seniority and other benefits determined by seniority that the employee had at the beginning of the leave, plus any additional seniority and benefits the employee would have attained, with reasonable certainty, had the individual remained continuously employed.

## **Prevailing Authority:**

Should there be any substantive difference between these provisions regarding Military Leave and any state or federal provisions regarding such leave as applicable to employees of local governments, such state or federal provisions shall prevail.

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** Family and Medical Leave

**Policy Number:** 07-11

**Replaces Policy Number:** 07-11

**Effective Date:** August 9, 2011

**Policy Covers:** All Employees at All Locations

**Revised Date:** (If Applicable)

## Family and Medical Leave

### Who the Policy Covers

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To be eligible for Family and Medical Leave Act (FMLA) leave, an employee must:

- Have been employed by the County for at least 12 months (need not be continuous);
- Have worked at least 1,250 hours during the previous 12-month period (unless absent on military leave); and
- Work at a location where the County employs at least 50 persons within a 75-mile radius.
- Pursuant to FMLA, "key employees" are not eligible for FMLA leave and the County may deny reinstatement to the same or equivalent position after extended absence of a key employee. The key employees in the County subject to this exception are the "County Administrator" and "County Attorney".

### Policy

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Under this policy, the County provides eligible employees with 1) up to 12 workweeks of unpaid, job-protected leave in a 12-month period for certain family and medical reasons. Or, up to 26 workweeks of leave for eligible employees to care for a covered service member with a serious illness or injury, as specified in the County's Military FMLA Policy. *In general, Military FMLA issues are addressed in a separate section, below. The County shall review any leave for any "Reason for Leave" stated herein for qualification as FMLA leave after absence of more than 5 consecutive days or 10 days cumulative absence in a rolling 12-month period.*

### Reasons for Leave

Eligible employees can take leave for any of the following reasons which may qualify for FMLA:

- To care for the employee's own serious health condition, including health conditions relating to pregnancy, childbirth, and related medical conditions.
- To care for the serious health condition of the employee's child, spouse, or parent.
- Because of the birth of an employee's child.
- Because of the placement of a child with the employee for adoption or foster care.
- Because of certain family and medical events as specified in the Military FMLA Policy, below.

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## **Leave Is Unpaid but Employee Must Use Paid Time Off When Available**

Although FMLA leave is unpaid, during any FMLA leave, employees are required to use all available leave time, including vacation leave, sick leave and any other earned or paid time off. The use of paid time off during an FMLA leave of absence shall not extend the length of an employee's FMLA leave. Any absences after the 5<sup>th</sup> day without a request for FMLA Leave from the employee will trigger FMLA procedures from the County Human Resources Department.

During FMLA leave, the County allows the employee to continue to accrue paid time off until all paid leave is exhausted. FMLA leave does not constitute a break in service for purposes of longevity, seniority, or any employee benefit plan.

## **Employee Benefits During FMLA Leave**

During FMLA leave, the County will maintain fringe benefits provided to an Employee, subject to the following provisions. If paid time off is applied during a period of FMLA leave, the County will deduct the employee portion of the benefit premiums as payroll deductions, as usual. If FMLA leave is unpaid, the employee must make arrangements with Human Resources to pay the employee portion of the premiums. If an employee does not pay their share of premiums during unpaid leave, coverage may lapse. If an employee does not return to work after FMLA leave, the County may require the employee to reimburse the County for the portion of the employee's benefit premiums paid by the County during the FMLA leave.

## **Notice of Leave**

A "Request for Leave" form is available from Human Resources and should be used for the following notices of leave for reasons that may qualify as FMLA leave. For any absence due to "Reasons for Leave" identified in this policy, an employee shall provide to Human Resources written notice of such expected absence at least 30 days in advance if at all possible. When an employee becomes aware of a need for such absence less than 30 days in advance, the employee shall provide to Human Resources notice of such need as soon as possible but no later than the same day or next business day after commencement of such leave. For an unexpected absence for such "Reasons for Leave", written notice of such leave shall be provided to Human Resources as soon as possible but no later than three business days after commencement of leave.

A Request for Leave Form is available from Human Resources.

## **Eligibility Notice/Rights and Responsibilities**

Upon receipt of an employee's Request for Leave, the County will provide the following documents to the employee along with instructions as to their use:

1. Notice of Eligibility and Rights and Responsibilities for Taking FMLA Leave;
2. Certification of Health Care Provider Form for Employee's Serious Health Condition;
3. Certification of Health Care Provider Form for Family Member;
4. Medical Information Release Form.

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## Medical Certification Is Required

Employees who request FMLA leave must submit to Human Resources a Medical Certification Form completed by the health care provider to support the leave request. The County also requests that a Medical Information Release Form be certified by the employee and returned to Human Resources. The Medical Certification Form should be returned to the County within 15 calendar days after it is requested or as soon as possible thereafter, if circumstances demand longer than 15 calendar days. The Medical Certification Form must be completed with sufficient details about the reason for the absence before a determination of qualification can be made.

If the Medical Certification Form returned to the County is not satisfactory, an employee will be told of the deficiencies in writing and given 7 calendar days to complete the Form. If the medical information is inadequate, designated County representatives may contact the employee's health care provider directly to authenticate or clarify information on the certification without the employee's consent. Also, the designated County representative may directly contact the employee's health provider, after receiving the employee's permission, to get more complete information regarding the nature of the ailment, the duration of the leave, the need for intermittent leave, etc. Failure to submit a complete and sufficient Medical Certification will be grounds for, and may result in, deferral or denial of the employee's requested FMLA leave.

The Company can request a second or third opinion regarding the employee's condition and treatment (at the Company's expense).

## Designation Notice

Within 5 business days (absent extenuating circumstances) of having enough information to determine whether the requested leave is FMLA-eligible, the County will provide a Designation Notice, informing the employee whether or not leave is designated FMLA leave and the amount of leave that will be designated, if known. This designation may be retroactive.

## Duration of Family and Medical Leave

Generally, eligible employees will be entitled to a cumulative total of 12 workweeks of FMLA leave within a 12-month leave period. However, when the leave time includes covered service member care leave, alone or in combination with regular FMLA or Qualifying Exigency leave, the employee is entitled to up to 26 workweeks of leave during any single 12-month period. Any combination of FMLA leave may not exceed the maximum limit of 26 workweeks.<sup>1</sup>

The County will apply the "rolling method" to determine FMLA eligibility. The "rolling method" means that the 12-month period to determine FMLA eligibility shall be measured backwards from the date an employee's requested leave begins for the purpose to determine how many FMLA-qualified absences have occurred in the 12-month period and whether additional FMLA leave is available (FMLA Leave Year). The FMLA Leave Year will begin on the first day that the employee takes FMLA leave.

A husband and wife who both work for the County are entitled to a combined total of 12 weeks' leave in a 12-month period for the birth, adoption, or foster care placement of their child or to care for a parent with a serious health condition. Both the mother and father are entitled to take 12 workweeks of leave to care for a seriously ill child. Leave time taken for the purpose of bonding with a new child will require notice from the employee that such time is being requested as bonding.

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<sup>1</sup> See Military FMLA Policy, below, for specific rules governing any use of military caregiver leave.

# WASHINGTON COUNTY, VIRGINIA

In certain cases, the County may approve “intermittent leave” or “reduced schedule” pursuant to FMLA. The need for either of these types of leave must be certified by a health care provider and should be scheduled to avoid disruption to the County insofar as is reasonable.

## Re-certification

The County may require an employee to re-certify a serious health condition periodically. The County shall require annual medical certifications for serious health conditions that persist for more than one FMLA Year, including chronic/lifelong ailments.

## Return to Work

Prior to return to work, employees absent on FMLA leave shall provide medical certification of their fitness to return to work, using the Fitness for Duty form provided by Human Resources. The certification must take into consideration the employee’s Job Description and its essential job functions. Employees failing to provide the Fitness for Duty certification based on essential job functions cannot resume work until such certification is provided.

Employees returning to work from FMLA leave will be returned to the same or an equivalent position held prior to the leave, unless the position has ceased to exist because of business necessity. If an employee does not return to work as soon as possible as such is certified on the Fitness for Duty form or upon exhaustion of FMLA leave, whichever occurs first, the County may terminate employment of such employee.

## Military Family and Medical Leave

### Who the Policy Covers

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To qualify for leave under the military Family and Medical Leave Act provisions, an employee must be eligible for traditional FMLA leave and be either:

- The parent, spouse, son, or daughter of a service member in the National Guard or a Reserve component of the Armed Forces, or of an Armed Forces retiree, who is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation; **or**
- The spouse, son, daughter, parent, or next of kin of a covered service member undergoing medical treatment, recuperation, or therapy, who is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

### Policy

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Under the military FMLA policy, the County provides eligible employees with:

- Up to 12 workweeks of unpaid, job-protected leave in a 12-month period because of a qualifying exigency; **or**
- Up to 26 workweeks of leave for eligible employees within a single 12-month period to care for a covered service member with a serious illness or injury.

# WASHINGTON COUNTY, VIRGINIA

Unless specifically stated otherwise, procedures, notices, and rights and responsibilities stated above as part of County policy for traditional FMLA apply to military FMLA.

## Reasons for Leave

Eligible employees can take military FMLA leave for any of the following reasons:

- Because of any qualifying exigency arising out of the fact that a son, daughter, spouse, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation. **This leave is limited to relatives of National Guard and Reserve service members and of Armed Forces retirees who are in federal service.**
- To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin (nearest blood relative) of the covered service member. **This leave does not cover relatives of veterans or service members on the permanent disability retired list.**

## Who Is the Covered Service Member?

A covered service member is one who is undergoing medical treatment, recuperation, or therapy, who is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. The serious injury or illness is covered if it was incurred while in the line of duty and renders the service member medically unfit to perform his/her military duties. The County will rely on authorized health care providers or designated officials in the Department of Defense to determine whether the service member is deemed a covered service member.

## Notice of Leave

When the need for leave because of a **qualifying exigency** related to a family member's active duty is "foreseeable," the employee should provide notice as soon as practicable, regardless of how far in advance such leave is foreseeable. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, it should be practicable for the employee to provide notice of the need for leave either the same day or the next business day. As soon as practicable means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case.

When military caregiver leave is requested, as with traditional FMLA, an employee must provide the County at least 30 days' advance notice before FMLA leave is to begin if the need for the leave is foreseeable. If 30 days' notice is not practicable, notice must be given as soon as practicable.

A Request for Military Leave Form is available from Human Resources.

## Eligibility Notice/Rights and Responsibilities

Employees will receive the same Eligibility Notice and Notice of Rights and Responsibilities when requesting military FMLA leave as are given under traditional FMLA. The County will provide employees who request military FMLA leave with the appropriate certification form for Qualifying Exigency Leave or Military Caregiver Leave at this time. The Eligibility Notice/Rights and Responsibilities Notice are available from Human Resources.

## Certification for Leave Taken Because of a Qualifying Exigency

The first time an employee requests leave because of a qualifying exigency, the employee must provide a copy of the covered military member's active duty orders or other documentation issued by the military. The documentation must indicate that the covered military service member is on active duty or called to

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active duty status in support of a contingency operation and the dates of the covered military member's active duty service. The employee shall need to supply such documentation again only if requesting leave for a different active duty or call to active duty status of the same or a different covered military member.

A Certification for Qualifying Exigency Leave Form is available from Human Resources; it includes a list of approved qualifying exigencies. A completed certification form is required in order for the employee to be granted this Leave.

The County also may contact an appropriate unit of the Department of Defense to request verification that a covered military service member is on active duty or called to active duty status, without the employee's permission.

The County may require confirmation of the employee's relationship with the service member at any time in this process.

## **Certification for Military Caregiver Leave**

When an employee takes leave to care for a covered service member with a serious injury or illness, the County will require the employee to obtain a certification completed by an authorized health care provider of the covered service member. A Certification for Military Caregiver Leave Form is available from Human Resources. Except as stated below, a completed form is required in order for the employee to be granted this Leave. The County may require confirmation of the employee's relationship with the covered service member at any time in this process.

In lieu of any certification, the County will accept Invitational Travel Orders (ITOs) or Invitational Travel Authorizations (ITAs) issued to any family member to join an injured or ill service member at his or her bedside, regardless of whether the employee is named in the order or authorization. An ITO or ITA is sufficient certification for the duration of time specified in the ITO or ITA. During that time period, an eligible employee may take leave to care for the covered service member in a continuous block of time or on an intermittent basis.

The County may seek authentication and clarification of the ITO or ITA but will not seek a second or third opinion or a re-certification during the period of time in which the employee's leave is supported by an ITO or ITA.

If an employee will need leave to care for a covered service member beyond the expiration date specified in an ITO or ITA, the County will request that the employee have one of the authorized health care providers complete a certification form for the additional time. Timelines designated under the traditional FMLA policy will apply for return of such certifications.

In all instances in which certification is requested, it is the employee's responsibility to provide the County with complete and sufficient certification, and failure to do so may result in the delay or denial of FMLA leave.

The County may seek authentication and/or clarification of the Certification Form but will not seek second and third opinions or re-certifications for military FMLA leave.

## **Duration of Military Family and Medical Leave**

Eligible employees using qualifying exigency leave will be entitled to a cumulative total of 12 workweeks of FMLA leave within a 12-month leave period and are covered by the same policy provisions (as to duration, benefits, return to work, etc.) as employees requesting traditional FMLA leave, as detailed above.

Employees using military caregiver leave alone or military caregiver leave in combination with traditional FMLA-qualifying leave or qualifying exigency leave may take up to 26 workweeks of leave during any

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single 12-month period. The amount of the leave taken for traditional or qualifying exigency is limited to a total of 12 workweeks; the difference may be taken as military caregiver leave. The 26 workweeks of military caregiver leave run on a separate FMLA year that commences with the first day leave is taken and can run forward until the end of that 12-month period. Any combination of FMLA leave may not exceed the maximum limit of 26 workweeks in that single 12-month period. Unused military caregiver leave is forfeited at the end of that 12-month period.

With regard to the military caregiver leave, if both a husband and wife work for the County, the husband and wife's leave is limited to a combined total of 26 workweeks for military caregiver leave alone. The same 26-workweek limitation applies when in combination with any other 12-workweek FMLA leave, with the exception of caring for a seriously ill child, which expands the traditional FMLA entitlement of 12 workweeks to 24 for the mother and father combined. (Generally, family members would be limited to 12 workweeks for care due to the birth, adoption, or placement of a child or the care of a qualifying relative during the 12-month period.)

In certain cases, leave may be taken on an intermittent basis or the employee may work a reduced schedule. Intermittent leave must be necessary and should be scheduled to avoid disruption insofar as is reasonable.

A Certification for Military Caregiver Leave is available from Human Resources.

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** Holiday Leave

**Policy Number:** 07-12

**Replaces Policy Number:** 07-12

**Effective Date:** July 1, 1996

**Policy Covers:** All Employees at All Locations

**Revised Date:** July 1, 2012

## HOLIDAY LEAVE

The Board of Supervisors at the beginning of each calendar year shall approve designated holidays to be observed by the Administrative Division. These generally are those holidays recognized by the state and federal governments (subject to amendment by action of the Board of Supervisors). Full-time employees shall be paid at their regular rate of compensation for holidays as designated by the Board of Supervisors, unless the employee is subject to disciplinary suspension from employment at the time of the holiday.

No paid work by any Administrative Division employee or Department may be performed on a designated County holiday without prior written approval of the County Administrator or his/her Designee. All Administrative Division Department Directors must submit a written request for approval to work departmental employees on a County holiday to the County Administrator or his/her Designee, no less than ten working days prior to the designated holiday.

Upon approval of the County Administrator or his/her Designee, time worked by full-time, FLSA non-exempt employees during a designated County holiday, or during a closing of County offices other than for a County holiday (such as due to inclement weather or other circumstance where the closure is declared by the County Administrator or his/her Designee, or the Board of Supervisors) will be compensated in pay at a rate equal to one and one-half times the employee's regular hourly rate of compensation for non-exempt employees pursuant to Part (8) of the Personnel Policy Manual. This shall be referred to as the "holiday rate" of compensation. During designated closing of County offices including holidays, no part-time or temporary employees are eligible to be compensated at the "holiday rate"; any time worked by such employees during designated County holidays or during a designated closing of County offices shall be at the employees' regular hourly rate of pay.

In the event a full-time employee attends a work-related function or activity on a designated County holiday conducted at some other location other than the employee's

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primary place of work involving education, training, technical assistance, workshops, seminars, symposiums, conferences, or other types of instructional or informational meeting events, the employee shall be entitled to receive up to eight hours of additional P.T.O upon approval of the County Administrator or his/her Designee. The “holiday rate” of compensation shall not be applied to such work-related activities.

If a designated County holiday falls on a full-time employee’s scheduled day off other than Saturday or Sunday, the employee shall be allowed eight hours of P.T.O. Leave earned in this manner shall be subject to the provisions of Section 07-04 of the Personnel Policy Manual. No part-time or temporary employees are eligible to earn P.T.O. in this manner.

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** Compensation of Leave at Termination of Employment

**Policy Number:** 07-14

**Replaces Policy Number:** 07-14

**Effective Date:** July 1, 1996

**Policy Covers:** All Employees at All Locations

**Revised Date:** July 1, 2012

## COMPENSATION OF LEAVE AT TERMINATION OF EMPLOYMENT

- Paid Time Off (P.T.O.)

An employee shall be compensated in one lump sum for the balance of accrued but unused P.T.O. (Paid Time Off) up to the maximum payout amount, pursuant to Section 07-04 of the Personnel Policy Manual and compensatory time when he/she terminates employment within the Administrative Division by virtue of retirement, voluntary separation or dismissal from employment.

Compensation for accrued but unused P.T.O. will be rendered on the basis of the employee's average rate of compensation between the current and the previous County fiscal year or portion thereof when the employee was in service, or the employee's present rate of compensation in the event the employee has only been in service during the present fiscal year. The rate of compensation will be converted to a rate per one hour of employment based on (2,080) work hours per County fiscal year. The total number of accrued but unused P.T.O. will be converted to hours or portion thereof and multiplied by the hourly rate of compensation, the product being the amount of compensation due the employee. Any P.T.O. in excess of the maximum payout amount pursuant to Section 07-04 of the Personnel Policy Manual at the time of termination shall be forfeited without compensation.

- Sick Leave

An employee shall be compensated for the balance of accrued but unused Sick Leave up to the maximum payout amount, pursuant to Section 07-05 of the Personnel Policy Manual. At termination, the County will compensate employees up to the maximum amount allowed (1,040) work hours at the rate of \$6.25 per hour or a maximum of \$6,500. Any hours of Sick Leave in excess of the limits set out herein shall be forfeited without compensation upon termination of employment.

- Compensatory Time

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An employee shall upon termination of employment be paid for all unused compensatory time at the employee's regular rate of compensation in effect at the time compensation is rendered pursuant to Section 13-02 of the Personnel Policy Manual. The rate of compensation will be converted to a rate per one hour of employment based on (2,080) work hours per County fiscal year. The total number of accrued but unused compensatory time hours or portions thereof will be multiplied by the hourly rate of compensation, the product being the amount of compensation due the employee. Compensatory time hours are accrued and recorded on the basis of one and one half times the number of hours the employee actually worked over forty hours in any designated seven day work week.

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** Employment Benefits And Leave For Part Time & Temporary Employees

**Policy Number:** 07-15

**Replaces Policy Number:** 07-15

**Effective Date:** July 1, 1996

**Policy Covers:** All Employees at All Locations

**Revised Date:** July 1, 2012

## EMPLOYMENT BENEFITS AND LEAVE FOR PART TIME OR TEMPORARY EMPLOYEES

No employment benefits, paid leave or paid holidays shall be provided to Part Time or Temporary employees of the Administrative Division.

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## POLICY

**Policy Title:** Transferable Leave

**Policy Number:** 07-16

**Replaces Policy Number:** 07-16

**Effective Date:** July 1, 1996

**Policy Covers:** All Employees at All Locations

**Revised Date:** July 1, 2012

## TRANSFERABLE LEAVE

County Government employees, as described below, entering initial, full time employment within the County Government Administrative Division may transfer to their Administrative Division service accounts their accrued, unused P.T.O. and Sick Leave from their prior County Government service. Transfer will be permitted only if the employee transitions from his/her previous employer to the Administrative Division within a time period not to exceed ten working days from the last day of employment in the previous position to the first day of employment within the Administrative Division. No P.T.O. so transferred may be used within sixty calendar days of the employee's first day of employment within the Administrative Division. No compensatory leave balances shall be transferred to employment within the Administrative Division. A written statement signed by the employee's previous employer (agency, elected official, manager, etc.) certifying the accrued but unused leave balances is required before transfer of same will be accepted. The Department of Human Resources is responsible for record keeping in this regard.

For the purposes of this Section, "County Government employees" shall be limited to former employees of any entity listed in this Personnel Policy Manual as part of the Constitutional, Independent Agency, and Judicial Divisions of the County government of Washington County, Virginia (see Preface of the Personnel Policy Manual). These are as follows:

28th Judicial Circuit Court Services Unit  
Juvenile & Domestic Relations Court  
Office of Clerk of Circuit Court  
Office of Clerk of General District Court  
Office of Commonwealth Attorney  
Office of County Commissioner of the Revenue  
Office of County Sheriff  
Office of County Treasurer  
Office of Voter Registrar  
Washington County Department of Social Services

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Washington County Public Library

Former employees of Political Subdivisions of the County government shall not be entitled to transfer leave (Washington County Service Authority, Industrial Development Authority, Park Authority, and Virginia Highlands Airport Commission).

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** When Paid Leave Accrued

**Policy Number:** 07-17

**Replaces Policy Number:** 07-17

**Effective Date:** July 1, 1996

**Policy Covers:** All Employees at All Locations

**Revised Date:** July 1, 2012

## WHEN PAID LEAVE ACCRUED

Full-time Administrative Division employees shall accrue (earn) P.T.O. and Sick Leave at the monthly rates established pursuant to Sections 07-04 and 07-05 of the Personnel Policy Manual. Employees must have worked fifty (50%) percent or more of the total number of possible working hours for any given calendar month; to accrue P.T.O. and Sick Leave. No partial accrual of P.T.O. or Sick Leave is permitted.

Newly-hired full-time employees beginning their first month of employment on or before the fifteenth calendar day of any month shall accrue eight hours, each, of P.T.O. and Sick Leave upon completion of the first calendar month of employment. Such employees beginning employment after the fifteenth calendar day of any month shall not accrue leave time for that month.

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## POLICY

**Policy Title:** Absences Without Leave

**Policy Number:** 07-18

**Replaces Policy Number:** 07-18

**Effective Date:** July 1, 1996

**Policy Covers:** All Employees at All Locations

**Revised Date:** July 1, 2012

## ABSENCES WITHOUT LEAVE

Absences without leave time available will be deducted in pay from the employee during the month when the absence without leave occurred. Disciplinary action including termination of employment may be taken where a full time employee is absent more than five successive working days without leave, or for absences without leave in excess of five working days separately throughout a County fiscal year.

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** Worker's Compensation

**Policy Number:** 07-19

**Replaces Policy Number:** 07-19

**Effective Date:** July 1, 1996

**Policy Covers:** All Employees at All Locations

**Revised Date:** July 1, 2012

## WORKER'S COMPENSATION

Administrative Division employees injured on the job are afforded protection in accordance with the Virginia Worker's Compensation Act. The County as an employer covers the full cost of Worker's Compensation insurance for all its employees. The County's Workers' Compensation insurance costs are based on the number of injuries that its employees suffer. The lower the injury rate, the lower the County's insurance costs, which means that more money can be put back in the County for its benefit and its employees.

Any employee involved in an accident on the job resulting in personal injury must take the following steps to be eligible to file a claim for Worker's Compensation.

- A. Employees should immediately report injuries to their Department Director, or in the absence of the Department Director, to the Human Resources Department, so that the employee can receive fast and effective treatment. The employee shall provide the following information: (1) how the injury occurred; (2) where the employee was working when the injury occurred; (3) what time the injury occurred; (4) a description of the injury, and (5) the name of persons who may have witnessed the accident that resulted in the injury.
- B. If an injury occurs on the job, the injured employee must sign a written Accident Report of the injury within (3) days of its occurrence. Accident Report Forms may be obtained in the Human Resources Department. If the injured employee is unable to fill out an Accident Report Form due to the nature of the injury, his/her Department Director should obtain a form and fill it out for the employee.
- C. If the employee requires immediate medical treatment, the employee's Department Director or other County employee may transport the injured employee to the nearest medical facility and must advise the registrar at that facility that the employee was injured on the job.

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- D. If the employee does not require immediate medical treatment, the employee should consult with a physician as soon as possible if medical difficulties arise that appear associated with the on-the-job injury. All employees are encouraged to seek immediate medical attention for a work-related injury regardless of the severity of the injury. Medical treatment sought days after an injury may not be considered claimable under the County's Worker's Compensation insurance policy. Employees must advise any medical personnel treating them that their injury occurred while on the job.
- E. An injured employee should seek treatment by a physician who is a participant in the County's Workers' Compensation Coverage Plan. A list of these physicians can be found in the County Administrative Office mailroom or in the Human Resources Department. If an injured employee chooses a physician who is not a member of this group, the employee may be responsible for the entire cost of medical treatment rendered by the non-member physician.
- F. After receipt of medical treatment (if necessary), the employee must file a First Report of Accident Form with the Human Resources Department within five calendar days of the date of the accident. This form will then be filed with the County's Worker's Compensation insurance carrier. The employee is responsible for providing all medical bills associated with the injury to the Human Resources Department for filing with the insurance carrier. The carrier will then request all medical records associated with the injury in order to process the claim and determine payment of any medical bills associated with the injury. A representative of the insurance carrier will contact the employee directly if additional information is needed.

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** Worker's Compensation & Employee Pay

**Policy Number:** 07-20

**Replaces Policy Number:** 07-20

**Effective Date:** July 1, 1996

**Policy Covers:** All Employees at All Locations

**Revised Date:** July 1, 2012

## WORKER'S COMPENSATION AND EMPLOYEE PAY

Worker's Compensation insurance provides benefits for employees who are absent from work due to injury by accident arising out of and in the course of employment or "occupational disease" as defined in the Virginia Worker's Compensation Act, both of which shall hereinafter be referred to as "job-related injury". The County pays the entire cost of this insurance, which covers all County Administrative Division employees. The County's Worker's Compensation insurance costs are based on the number of job-related injuries the County suffers. The lower the County's injury rate, the lower the costs. Should an employee sustain a job-related injury, Worker's Compensation insurance will provide medical coverage and income replacement for the period of the employee's disability as required by law.

Injuries sustained by telecommuting employees while working at a home location and in conjunction with their regular work duties are normally covered by the County's Worker's Compensation insurance. Telecommuting employees are responsible to notify their Department Director or County Administrator or his/her Designee of such injuries in accordance with the Policy set forth in Section 07-19 of the Personnel Policy Manual. Injuries that do not occur in the course of employee's employment are matters of personal liability.

### Light Duty:

In the event of job-related injury of an employee, the employee's Department Director is encouraged to consider the possibility of light duty assignments consistent with written recommendation of the injured employee's physician. Such assignments shall be at the discretion of the Department Director with written permission from the County Administrator or his/her Designee. Employees assigned to light duty responsibilities while recovering from job-related injury are advised to perform only functions that are consistent with their physician's recommendations. The County is not required to provide for light duty assignments that do not materially contribute to the operation of the department to which the injured employee is assigned, nor will the County

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temporarily transfer injured employees to other departments for the purpose of light duty assignments.

## Administration of Worker's Compensation Pay

Under state law, Worker's Compensation pay does not begin until after the first seven calendar days of incapacity resulting from job-related injury, but if incapacity extends beyond that period, compensation shall commence with the eighth day of disability. Therefore, during the first seven days of incapacity due to a work-related injury, the County will apply the employee's accrued P.T.O. (Paid Time Off) or Sick Leave as the source of compensation to the employee for any time within that time period that the employee is absent from work due to job-related injury. Leave time will be deducted accordingly. Any time for which the employee does not have accrued leave time will be treated as leave without pay.

Upon the eighth day of disability, state law provides that Worker's Compensation insurance shall pay two-thirds of an employee's salary or hourly wage. If the employee has accrued leave time, the County will follow the procedure described herein to continue making full compensation to an employee who is absent due to job-related injury. Upon the eighth day of incapacity, and if an employee has adequate leave time accrued, the County will ask its Worker's Compensation insurance carrier to write the Worker's Compensation paycheck in favor of the County. The County shall then apply the Worker's Compensation payment, which is two-thirds (66%) of the employee's usual pay, toward the employee's salary/wage. The County will draw the remaining one-third (33%) day's pay from the employee's accrued leave time for each day of absence so that the employee will receive a paycheck for a full day as long as accrued leave time is available to supplement the Worker's Compensation Insurance payment. Time will be deducted from the employee's accrued leave time, accordingly. The employee shall continue to accrue leave benefits pursuant to Section 07-17 of the Personnel Policy Manual and their Virginia Retirement System (VRS) retirement service credit will be accrued at the same rate as if the employee were working on the job. Payments for payroll benefits shall be deducted from the compensation payment made to the employee.

State law provides that upon the twenty-second day of incapacity due to job-related injury, Worker's Compensation insurance shall reimburse two-thirds (66%) of the employee's usual pay for each day of absence from work during the first seven days of incapacity. The County's Worker's Compensation insurance carrier shall make this reimbursement paycheck in favor of the County. Upon receipt of the reimbursement paycheck from Worker's Compensation insurance, the County shall reimburse to the employee two-thirds (66%) of any leave time deducted to cover the employee's salary/wage for absence during the first seven days of incapacity.

After the employee exhausts accrued leave time from its use to supplement the Worker's Compensation insurance payments, the employee shall begin to receive the Worker's Compensation paycheck directly. The County shall, after exhaustion of the

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employee's accrued leave time, begin managing the employee's benefits as it would for an employee on leave without pay. The employee shall become responsible to pay directly to the County all of the employee's share of payroll benefits (i.e., health insurance, disability insurance, and other cafeteria plan benefits). If the employee continues to be absent due to a job-related injury after accrued leave time is exhausted, the employee shall not continue to accrue P.T.O., Sick Leave, or VRS retirement service credit pursuant to the provisions of Part 7 of the Personnel Policy Manual.

## Termination of Employment

In accordance with state law, the County shall not terminate employment on the basis of excessive absenteeism if such employee's absence is due to a job-related injury compensable under the Virginia Worker's Compensation Act; unless such extended absence causes the County undue hardship (as defined by the Americans With Disabilities Act). The County Administrator or his/her Designee shall have discretion in the event of undue hardship, upon recommendation from the Department Director and the Human Resources Department where appropriate, to terminate employment of such employee on the basis of excessive absenteeism.

# WASHINGTON COUNTY, VIRGINIA



## **POLICY**

**Policy Title:** ADA/ADAAA  
Disabilities Policy

**Policy Number:** 07-21

**Effective Date:** 07-28-2015

**Policy Covers:** All Employees at All Locations

## **DISABILITIES POLICY**

### **PURPOSE**

- The American with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act (ADAAA) are federal laws that require employers with 15 or more employees as well as state and local governments, regardless of the number of employees, not to discriminate against job applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to job applicants and employees who are qualified for a job, so that they may complete the process to apply for employment and perform the essential job duties of the position, respectively.
- It is the policy of Washington County to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is County policy not to discriminate against qualified individuals on the basis of their disability in regard to all employment practices, including job application procedures, hiring, advancement, discharge, compensation, training and other terms, conditions and privileges of employment. The County also prohibits discrimination against persons because they have a known association or relationship with an individual with a disability.
- This Disabilities Policy provides guidance and the procedure through which individuals may request reasonable accommodation and the manner in which departments should consider and review those requests. It is intended to assist applicants for employment, current employees, and department directors in requesting and processing reasonable accommodation requests.

### **POLICY**

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- The County will provide reasonable accommodation to enable a qualified job applicant with a disability to complete the job application process, and to enable a qualified employee with a disability to perform the essential functions of a job currently held.
- Persons who pose a direct threat to the health or safety of themselves or other individuals in the workplace, for whom a reasonable accommodation cannot be made to eliminate such threat, will not be hired if such person is a job applicant, or, if such person is an employee, will be placed on administrative leave until an organizational decision is made in regard to the immediate employment situation.
- Individuals who are currently using illegal drugs are not protected by the ADA and ADAAA and, therefore, are excluded from coverage under the County's Disabilities Policy. Tests for illegal use of drugs are not medical examinations under the ADA, are not subject to restrictions of such examinations, and shall be conducted by the County in accordance with its policy for such testing.
- The County strictly prohibits harassment or discriminatory conduct related to an applicant or employee request for reasonable accommodation. In the event of such conduct, the applicant or employee is referred to the County Personnel Policy and Procedures Manual Workplace Harassment and Discrimination Policy.

## **PROCEDURE**

1. It is the responsibility of the applicant or employee to advise the Department of Human Resources or his/her Department Director of their request for accommodation.
2. Any applicant for employment or current employee, or his/her representative, is required to request reasonable accommodation by filing with the Department of Human Resources a form to be provided by the Department of Human Resources to describe the nature of the accommodation being requested.
3. The Director of the Department of Human Resources is available to provide information and assistance in the preparation, explanation, and processing of a request for reasonable accommodation.
4. All requests for accommodation must indicate the following:
  - a. Name, address, and telephone number of the person making the accommodation.
  - b. The specific limitation, the type of accommodation requested, and an explanation of how the accommodation will allow the performance of the essential functions of the position of employment.

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5. Verification of the disability by the requester's physician, medical provider or vocational/rehabilitation counselor may be required. If medical verification is required, the requester must sign a release form. However, such verification will not be required of a job applicant unless a bona fide job offer has been made, contingent solely upon outcome of reasonable accommodation request consideration.
6. The County will make every reasonable effort to maintain confidentiality of all communications regarding reasonable accommodation interactive process and any associated medical information.
7. The following factors will be taken into consideration in review of a request for accommodation;
  - a. Analyze the job or activity to determine the essential functions.
  - b. Determine with the employee or applicant how the disability limits their performance of the essential functions.
  - c. Identify accommodation options that overcome limitations and determine the effectiveness and feasibility of the proposed accommodations.
  - d. In consideration of both the requester's preferences and the needs of the County, the County will select the accommodation most appropriate for both the requester and the County.
8. If the request is approved, the Director of Human Resources will notify the requester and coordinate with the Director of the applicable Department to make the necessary implementation arrangements.
9. If the request is denied, the requester may appeal to the County Administrator for additional consideration within 15 calendar days of written notice of denial from the Director of Human Resources.
10. Review and determination by the County Administrator will be completed within 21 calendar days from the County Administrator's receipt of the request for appeal. The County Administrator will provide a written record of the decision on the appeal, which shall be delivered to the Requester personally or to the address provided in the accommodation request form.
11. The deadlines stated, above, may be extended by mutual agreement of the requester and the County Administrator.

## **TERMS USED IN THIS POLICY**

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As used in this policy, the following terms have the indicated meaning:

- **Direct Threat:** A significant risk to the health or safety of the individual with a disability or others when this risk cannot be eliminated by reasonable accommodation.
- **Disability:** A physical or mental impairment that substantially limits one or more major life activities of the individual, a record of such an impairment, or being regarded as having such an impairment. The County will interpret “disability” in accordance with federal and state law requirements.
- **Essential Functions of the Job:** Those job activities that are determined by the County to be essential or core to performing the job; these functions cannot be modified.
- **Major Life Activities:** Term includes caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communication and working.
- **Qualified Individual:** An individual who meets the skill, experience, education, or other requirements of an employment position that he/she holds or desires.
- **Reasonable Accommodation:** Includes changes to the work environment that do not cause undue hardship to the County and may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, telecommuting, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.
- **Undue Hardship:** An action requiring significant difficulty or expense by the County. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:
  - The nature and cost of the accommodation;
  - The overall financial resources of the employer involved in the provision of the reasonable accommodation, the number of persons employed at such facility, the effect on expenses and resources, or the impact of such accommodation on the operation of the facility;
  - The overall financial resources of the employer; the size, number, type and location of facilities; and
  - The type of operations of the employer, including the composition, structure and functions of the workforce; administrative or fiscal

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relationship of the particular facility involved in making the accommodation to the employer.

**The examples provided in the above terms are not meant to be all-inclusive and should not be construed as such. They are not the only conditions that are considered to be disabilities, impairments or reasonable accommodations covered by ADA/ADAAA policy.**

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temporarily transfer injured employees to other departments for the purpose of light duty assignments.

## Administration of Worker's Compensation Pay

Under state law, Worker's Compensation pay does not begin until after the first seven calendar days of incapacity resulting from job-related injury, but if incapacity extends beyond that period, compensation shall commence with the eighth day of disability. Therefore, during the first seven days of incapacity due to a work-related injury, the County will apply the employee's accrued P.T.O. (Paid Time Off) or Sick Leave as the source of compensation to the employee for any time within that time period that the employee is absent from work due to job-related injury. Leave time will be deducted accordingly. Any time for which the employee does not have accrued leave time will be treated as leave without pay.

Upon the eighth day of disability, state law provides that Worker's Compensation insurance shall pay two-thirds of an employee's salary or hourly wage. If the employee has accrued leave time, the County will follow the procedure described herein to continue making full compensation to an employee who is absent due to job-related injury. Upon the eighth day of incapacity, and if an employee has adequate leave time accrued, the County will ask its Worker's Compensation insurance carrier to write the Worker's Compensation paycheck in favor of the County. The County shall then apply the Worker's Compensation payment, which is two-thirds (66%) of the employee's usual pay, toward the employee's salary/wage. The County will draw the remaining one-third (33%) day's pay from the employee's accrued leave time for each day of absence so that the employee will receive a paycheck for a full day as long as accrued leave time is available to supplement the Worker's Compensation Insurance payment. Time will be deducted from the employee's accrued leave time, accordingly. The employee shall continue to accrue leave benefits pursuant to Section 07-17 of the Personnel Policy Manual and their Virginia Retirement System (VRS) retirement service credit will be accrued at the same rate as if the employee were working on the job. Payments for payroll benefits shall be deducted from the compensation payment made to the employee.

State law provides that upon the twenty-second day of incapacity due to job-related injury, Worker's Compensation insurance shall reimburse two-thirds (66%) of the employee's usual pay for each day of absence from work during the first seven days of incapacity. The County's Worker's Compensation insurance carrier shall make this reimbursement paycheck in favor of the County. Upon receipt of the reimbursement paycheck from Worker's Compensation insurance, the County shall reimburse to the employee two-thirds (66%) of any leave time deducted to cover the employee's salary/wage for absence during the first seven days of incapacity.

After the employee exhausts accrued leave time from its use to supplement the Worker's Compensation insurance payments, the employee shall begin to receive the Worker's Compensation paycheck directly. The County shall, after exhaustion of the

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employee's accrued leave time, begin managing the employee's benefits as it would for an employee on leave without pay. The employee shall become responsible to pay directly to the County all of the employee's share of payroll benefits (i.e., health insurance, disability insurance, and other cafeteria plan benefits). If the employee continues to be absent due to a job-related injury after accrued leave time is exhausted, the employee shall not continue to accrue P.T.O., Sick Leave, or VRS retirement service credit pursuant to the provisions of Part 7 of the Personnel Policy Manual.

## Termination of Employment

In accordance with state law, the County shall not terminate employment on the basis of excessive absenteeism if such employee's absence is due to a job-related injury compensable under the Virginia Worker's Compensation Act; unless such extended absence causes the County undue hardship (as defined by the Americans With Disabilities Act). The County Administrator or his/her Designee shall have discretion in the event of undue hardship, upon recommendation from the Department Director and the Human Resources Department where appropriate, to terminate employment of such employee on the basis of excessive absenteeism.

## **SECTION 08-01**

**Effective Date: July 1, 1996**

### **GENERAL**

It is the County's policy to comply with the provisions of Title 29, Chapter 8 of the United States Code, commonly referred to as the *Fair Labor Standards Act of 1938*, as amended, hereinafter referred to as the "FLSA". Accordingly, any Administrative Division employee who is not exempt as provided for herein and who actually works more than forty (40) hours in any seven (7) consecutive day work week shall be compensated for those hours worked in excess of those above specified in accordance with Section 207 of the FLSA. The FLSA and this Manual Section shall govern the compensatory time and overtime policies of the Administrative Division of the County government. Where there is a conflict between the provision of this Manual Section and the FLSA, the FLSA shall govern.

## **SECTION 08-02**

**Effective Date: July 1, 1996**

### **EXEMPT POSITIONS**

The County Administrator shall determine which positions within the Administrative Division are "exempt" pursuant to FLSA provisions. This determination shall be noted on the Position Descriptions for the affected positions. Employees holding these positions shall not be eligible to earn compensatory time or overtime pay.

## **SECTION 08-03**

**Effective Date: July 1, 1996**

### **NON-EXEMPT POSITIONS**

The County Administrator shall determine which positions within the Administrative Division are "non-exempt" pursuant to FLSA provisions. This determination shall be noted on the Position Descriptions for the affected positions. Employees holding these positions shall be eligible to earn compensatory time or overtime pay.

All *Aide* Class positions are non-exempt positions and eligible to receive overtime pay in the event any such position is authorized to work more than forty (40) hours in any seven (7) day work week

## **SECTION 08-04**

**Effective Date: July 1, 1996**

### **ELIGIBILITY FOR COMPENSATORY TIME**

An employee's eligibility to earn compensatory time depends upon the position the employee holds within the Administrative Division, and whether that position is determined to be "exempt" or "non-exempt" from the provisions of the FLSA as applied to local government employers. Those Administrative Division positions that the County Administrator determines to be "non-exempt" shall be eligible for compensatory time. Those positions determined to be "exempt" shall not be eligible for compensatory time. The County Administrator, in consultation with the County Attorney is responsible for assessing the nature of the work performed by each permanent/full-time Administrative Division employee and determining whether the position is exempt or non-exempt from FLSA compensatory time provisions. The County Administrator shall undertake such an assessment and provide a written determination to the Board of Supervisors prior to the creation of any new permanent/full-time Administrative Division position by the Board of Supervisors, or within thirty (30) calendar days of the initial filling of any newly-created position in the event the exempt/non-exempt status of the position is uncertain until the position is filled and work is being performed. During the time prior to such an evaluation, an employee performing work-related duties in excess of 40 hours during any designated seven (7) day workweek will be eligible for compensatory time. This time if earned will not be forfeited by the employee if it is later determined that the position is exempt from compensatory time.

## **SECTION 08-05**

**Effective Date: July 1, 1996**

### **DEFINITION OF COMPENSATORY TIME**

The County defines "compensatory time" as the amount of time an employee is permitted to take off for personal use during his/her regular work schedule for time in the performance of work-related duties in excess of forty (40) hours during any designated seven (7) consecutive day workweek. All hours worked over 40 during any seven-day work week are multiplied by a factor of 1.5 (one and one-half times) and the product becomes the amount of time the employee accrues as compensatory time and is recorded as such on the employee's Monthly Time Sheet. Compensatory time when taken off is paid to the employee at the employee's regular rate of compensation.

## **SECTION 08-06**

**Effective Date: July 1, 1996**

### **SPECIAL CIRCUMSTANCES INVOLVING COMPENSATORY TIME**

Compensatory time or overtime pay may also be earned for hours worked in excess of forty (40) in any seven-day workweek by non-exempt employees for travel time to and from work-related functions or activities. These functions or activities must be conducted at some other location other than the employee's primary place of work and involve education, training, technical assistance, workshops, seminars, symposiums, conferences, or other types of instructional or informational meeting events to which the employee was directed to attend by his/her department head or the County Administrator.

Compensatory time or overtime pay may not be earned for time worked by non-exempt employees for the following activities:

(A). For travel time to and from any work-related function or activity conducted at some other location other than the employee's primary place of work which the employee on his/her own initiative requested to attend and was granted permission by his/her department head or the County Administrator.

(B). For travel or commuting time spent on any mode of transportation to or from any destination where a regular or routine work-related function or activity is being conducted.

(C). For attending or participating in optional social, work-related events or activities incidental to employment with the County, or for attending or participating in workshops, seminars or other types of instructional or informational meetings pertaining to County employment benefits programs.

## **SECTION 08-07**

**Effective Date: July 1, 1996**

### **AUTHORIZATION TO EARN COMPENSATORY TIME**

All Administrative Division employees must be pre-authorized in writing by their department heads or the County Administrator before compensatory time may be earned. This pre-authorization may be in the form of a "blanket" pre-authorization which designates the types of anticipated or routine work-related duties from which compensatory time may accrue, or in the form of a specific pre-authorization where the work-related duties to be performed are generally non-reoccurring. A blanket pre-authorization must be executed by the employee's department head and the County Administrator and filed in the employee's Permanent Personnel Records. A specific pre-authorization may be executed by the employee's department head (or by the County Administrator for department heads) and attached to the employee's Monthly Time Sheet when submitted to the Department of Accounting. A form provided through the Department of Accounting shall be used for such pre-authorizations.

## **SECTION 08-08**

**Effective Date: July 1, 1996**

### **USE OF COMPENSATORY TIME**

When earned, compensatory time must be used (taken off) by the employee by no later than December 31 and June 30 each year for time earned in each preceding six (6) calendar month period. All compensatory time earned but unused by the employee shall be converted to pay at the employee's present regular rate of compensation and remitted to the employee in January and July of each year. Exception to this provision may be made when a non-exempt employee is on extended Sick Leave for a major medical condition as of December 31 or June 30. In this event, the employee may request in writing to the County Administrator to be permitted to carry forward all or a portion of accrued but unused compensatory time in anticipation of the use of that paid time off in lieu of or addition to Sick Leave. If requested, the County Administrator shall grant the request and shall render in pay to the employee all remaining accrued but unused compensatory time carried forward in this manner as soon as practical upon the employee's return to work.

Requests for use compensatory time must be submitted by the employee in person to his/her department head on County-approved forms no later than twenty-four (24) hours prior to the date or time in which the compensatory time is requested for use. Department heads are to submit their requests to the County Administrator or Acting County Administrator in person. In the absence of an employee's department head, an employee may submit the request in person to the County Administrator or Acting County Administrator. Where a department has a *Supervisor/Specialist Class* position assigned to it, the department head at his/her discretion may authorize the Supervisor position to approve such requests, and is directed to instruct departmental employees accordingly. Employees who are shared between two or more departments must receive approval for use of compensatory time from all affected department heads.

Under the FLSA, the County as an employer may not compel any employee to use compensatory time once earned. Department heads and the County Administrator may take such work scheduling actions as are possible and practical to prevent the earning of compensatory time by employees. Such actions may include reducing an employee's regular working hours where it is known in advance that compensatory time is likely to be earned by an employee during any given work week. Specific policies, guidelines, and procedures to reduce the likelihood of employees earning compensatory time may be embodied in departmental operating procedures established pursuant to Section 06-06 of this Manual or set out separately, either issued or approved by the County Administrator. Department heads and the County Administrator are obligated to permit the use of compensatory time by employees as long as the employee's absence will not unduly disrupt the operations of the department(s) to which the employee is assigned. Generally, compensatory time may be used by the employee in periods no greater than twenty-four (24) hours (three (3) working days) within any given fourteen (14) calendar day period. The County Administrator, with the concurrence of the affected department head(s) may waive this restriction and allow for more than three (3) working days of compensatory time to be taken off by an employee within a 14-day period if this will not unduly disrupt operations of the employee's department(s).

## **SECTION 08-09**

**Effective Date: July 1, 1996**

### **PAY FOR COMPENSATORY TIME ABOVE 240 HOURS**

Any non-exempt Administrative Division employee who has earned a total of two hundred and forty (240) hours of unused compensatory time (one hundred and sixty (160) actual overtime working hours) within any July 1 - December 31 or January 1 - June 30 time period shall be paid overtime compensation for any additional overtime hours beginning with the 241st hour of compensatory time. Any portion of the accrued but unused 240 hours of compensatory time remaining on December 31 or June 30 each year shall be converted to pay at the employee's regular rate of compensation in effect at the time compensation is rendered and remitted to the employee pursuant to Section 08-08.

## **SECTION 08-10**

**Effective Date: July 1, 1996**

### **PAY FOR COMPENSATORY TIME AT TERMINATION**

An employee shall, upon termination of employment with the County, be paid for all unused compensatory time in accordance with the provision of the FLSA. Such compensation shall be at the employee's regular rate of compensation in effect at the time compensation is rendered pursuant to Section 13-02 of this Manual.

## **SECTION 08-11**

**Effective Date: July 1, 1996**

### **SUBSTITUTE FOR ANOTHER EMPLOYEE**

If an employee agrees, with the approval of his/her department head and solely at the option of such employee, to substitute during scheduled work hours for another County employee who is employed in the same capacity, the hours worked as a substitute shall be excluded from the calculation of compensatory time. The County reserves the right not to keep a record of such substitute work hours and maintains that such substitute work was solely on the basis of the employee's agreement.

**SECTION 08-12**

**Effective Date: July 1, 1996**

**COMPENSATORY TIME AND OVERTIME PAY FOR PART-TIME AND TEMPORARY EMPLOYEES**

No permanent/part-time, temporary/part-time or temporary/full-time Administrative Division employee will be permitted to work a schedule which would exceed forty (40) hours in any given seven (7) day work week so as to be eligible for compensatory time or overtime pay.

## **SECTION 08-13**

**Effective Date: July 1, 1996**

### **TRANSITION OF EMPLOYEES FROM NON-EXEMPT/EXEMPT POSITIONS**

In the event an employee transitions from a non-exempt to exempt position (either through promotion, demotion, transfer, change in status determination or retitling and/or consolidation of positions), any unused compensatory time shall be converted to pay and remitted to the affected employee as soon as practical.

## **SECTION 08-14**

**Effective Date: July 1, 1996**

### **PART-TIME EMPLOYMENT AND COMPENSATORY TIME/OVERTIME**

No permanent/full-time Administrative Division employee may engage in permanent/part-time or temporary/part-time employment within any other Administrative Division department. No permanent/part-time Administrative Division employee may engage in temporary/full-time or temporary/part-time employment within any other Administrative Division department.

If an Administrative Division employee undertakes solely at his/her discretion employment for the County in a position outside of the Administrative Division, the hours of different employment shall be excluded from the calculations of compensatory time or overtime earned by that employee.

## **SECTION 08-15**

**Effective Date: July 1, 1996**

### **OVERTIME PAY**

The County defines "overtime pay" as the amount of compensation an employee may be paid for the performance of work-related duties in excess of 40 hours during any designated seven (7) consecutive day workweek. Overtime pay may be rendered during the regular monthly pay period only certain positions within the Administrative Division. The employee's regular rate of compensation (whether annual salary or hourly wage) in the affected positions is converted to an amount per one (1) hour of employment. The conversion of annual salary to an amount per one (1) hour of employment will be on the basis of the annual salary figure divided by two thousand and eighty (2,080) work hours per County fiscal year. This is referred to as the "salaried hourly rate", and multiplied by a factor of 1.5 (one and one-half times), the product becomes the amount of compensation due the employee for each (1) hour of actual overtime worked (referred to as the "salaried overtime rate").

## **SECTION 08-16**

**Effective Date: July 1, 1996**

### **OVERTIME-ONLY POSITIONS**

Due to the nature of the work involved and staffing limitations in some Administrative Division departments, certain positions are designated as "overtime-only", meaning that employees in these positions are not eligible for compensatory time but will be compensated for all time worked in excess of forty (40) hours per seven-day work week through overtime pay. These departments and positions are as follows:

Department of General Services:

General Services Supervisor  
General Services Custodial Technician  
General Services Maintenance Technician

Department of Solid Waste:

Solid Waste Supervisor  
Convenience Station Attendant  
Solid Waste Operator/Driver

Subject to approval by the Board of Supervisors, the County Administrator may recommend changes or additions to the departments and positions designated as overtime-only. In the event of a transition of an employee's position from compensatory time eligibility to overtime-only status, the balance of accrued and unused compensatory time owed to such an employee may be retained and used by the employee until December 31 or June 30, whichever date is nearest, at which time any remaining unused balance shall be remitted pursuant to Section 08-08.

## **SECTION 08-17**

**Effective Date: May 25, 1999**

### **ADDITIONAL ANNUAL LEAVE DURING WEEKS WITH HOLIDAYS**

During work weeks having one (1) or more designated County holidays pursuant to Section 07-12 of this Manual, additional Annual Leave for all permanent/full-time Administrative Division employees shall be accrued or earned for hours worked in excess of the required work hours designated for that week. The required work hours for weeks with holidays are equal to forty (40) hours reduced by eight (8) hours, or portion thereof, for each designated County holiday during that week. All hours worked over the required work hours but less than or equal to forty (40) during any seven-day work week with designated County holidays shall be multiplied by a factor of 1.0 (hour for hour) and the product becomes the amount of time the employee shall accrue as additional Annual Leave. This additional Annual Leave shall be recorded on the employee's Monthly Timesheet. All hours worked on a designated County holiday are excluded from the calculations of hours worked for the week under this section. Provisions concerning compensation for working on a designated County holiday are covered in Section 07-12 of this Manual.

## **SECTION 09-01**

**Effective Date: July 1, 1996**

### **GENERAL**

Pursuant to §15.2-1506 of the *1950 Code of Virginia*, as amended, there is hereby established a grievance procedure for Administrative Division employees that affords an immediate and fair method for the resolution of disputes which may arise between the County and its employees. It shall be the County's responsibility as an employer to encourage the resolution of employee problems and complaints. To that end, employees must be able to freely, and without retaliation, discuss their concerns with their immediate supervisors and management. To the extent that such concerns cannot be resolved informally, the grievance procedure shall afford an immediate and fair method for the resolution of employment disputes which may arise between the County and those employees who have access to the procedure.

## **SECTION 09-02**

**Effective Date: July 1, 1996**

### **DEFINITION OF GRIEVANCE**

A "grievance" shall be a complaint or dispute by an employee relating to his employment, including but not necessarily limited to, (i). disciplinary actions, including terminations, disciplinary demotions, and suspensions, provided that terminations shall be subject to grievance whenever resulting from formal discipline or unsatisfactory job performance; (ii). the application of personnel policies, procedures, rules and regulations, including the application of policies involving matters referred to in Section 09-03(iii) of this Manual; (iii). discrimination on the basis of race, color, creed, political affiliation, age, disability, national origin or sex; and (iv). acts of retaliation as a result of the use of or participation in the grievance procedure or 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, has sought any change in law before the Congress of the United States or the General Assembly or has reported an incidence of fraud, abuse, or gross mismanagement.

## **SECTION 09-03**

**Effective Date: July 1, 1996**

### **COUNTY RESPONSIBILITIES**

The Board of Supervisors shall retain the exclusive right to manage the affairs and operations of County government. Accordingly, the following complaints are not subject to grievance: (i). establishment and revision of wages or salaries, position classification or employment benefits; (ii). work activity accepted by the employee as a condition of employment or work activity that may reasonably be expected to be a part of the job content; (iii). the contents of ordinances, statutes or established personnel policies, procedures, rules and regulations; (iv). failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly; (v). the methods, means and personnel by which work activities are to be carried on; (vi). except where such action affects an employee who has been reinstated within the previous six (6) months as the result of the final determination of a grievance, termination, layoff, demotion or suspension from duties because of lack of work, reduction in work force, or job abolition; (vii). the hiring, promotion, transfer, assignment and retention of County employees; and (viii) the relief of employees from duties of the County in emergencies. In any grievance brought under the exception to provision (vi). of this Section, the action shall be upheld upon a showing by the County that: (a). there was a valid business reason for the action, and (b). the employee was notified of the reason in writing prior to the effective date of the action.

## **SECTION 09-04**

**Effective Date: July 1, 1996**

### **COVERAGE OF PERSONNEL**

Unless otherwise provided by law, all permanent/full-time and permanent/part-time employees having completed their probationary employment period are eligible to file grievances with the following exceptions:

- (A). Officials and employees holding positions of the *Officer* and *Manager* Classes pursuant to Section 05-02 of this Manual, including any additions thereto by amendment of this Manual.
- (B). Officials and employees who by law serve at the will or pleasure of an Appointing Authority;
- (C). Employees whose terms of employment are limited by law; and
- (D). Temporary/full-time, temporary/part-time and any other limited term and/or seasonal employees.
- (E). Otherwise eligible employees who voluntarily resign will not have access to the grievance procedure after the effective date of the resignation.

The County Administrator shall determine the employees excluded from the grievance procedure and shall be responsible for maintaining an up-to-date list of the affected positions, subject to approval by the Board of Supervisors.

## **SECTION 09-05**

**Effective Date: July 1, 1996**

### **DETERMINATION OF GRIEVABILITY**

At any time prior to a panel hearing as provided for in Section 09-06 (C). of this Manual, the County Administrator, at the request of the Board of Supervisors or employee/grievant, shall decide whether or not the employee/grievant's complaint is subject to grievance. The County Administrator shall make such decision in writing within ten (10) calendar days of the request and shall send a copy of the decision to the employee/grievant. The County Attorney is not authorized to decide questions of whether a matter is subject to grievance. The employee/grievant may appeal the decision of the County Administrator to the Circuit Court of Washington County, Virginia for a hearing on the issue of whether the grievance qualifies for a panel hearing by filing a written notice of appeal with the County Administrator within ten (10) days from the date of receipt of the decision and giving a copy thereof to all other parties.

Within ten (10) days after receipt of the written notice of appeal, the County Administrator shall transmit to the Clerk of the Circuit Court of Washington County, Virginia a copy of his/her decision on the matter, a copy of the notice of appeal and any exhibits. The County Administrator shall also furnish to the employee/grievant a list of evidence furnished to the court. The failure of the County Administrator to transmit the record shall not prejudice the rights of the employee/grievant. The court, on motion of the employee grievant, may issue a writ of certiorari requiring the County Administrator to transmit the record on or before a certain date.

Within thirty (30) days of receipt of the record by the Clerk of the Circuit Court of Washington County, the court, sitting without a jury, shall hear the appeal on the record transmitted by the County Administrator and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The court, in its discretion, may receive such other evidence as the ends of justice require.

Within fifteen (15) days from the date of the conclusion of the hearing, the court shall render a decision affirming, reversing or modifying the decision of the County Administrator. The decision of the court is final and not appealable.

## **SECTION 09-06**

**Effective Date: July 1, 1996**

### **GRIEVANCE PROCEDURE**

#### (A). Management Steps:

It is the desire of the County to adjust grievances informally, and department heads, supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be disputes that require a grievance procedure. This procedure for qualifying grievances is provided for in a series of steps as set out below.

#### (1). First Management Step:

This step provides for an informal, initial processing of an employee's grievance by the employee's immediate supervisor through a verbal, discussion format. The employee shall first discuss his/her complaint with his/her immediate supervisor within twenty (20) calendar days after the event giving rise to the grievance. The immediate supervisor shall make a careful inquiry into the facts and circumstances of the grievance and respond to the employee within seven (7) calendar days after the employee's initial discussion with him/her. If the employee's immediate supervisor fails to respond within seven (7) calendar days, the grievance automatically proceeds to the next step.

#### (2). Second Management Step:

If an employee is dissatisfied with the decision of his immediate supervisor, he/she may, within seven (7) calendar days after the decision, submit a written grievance to his/her department head, or if the employee's immediate supervisor fails to respond as provided for in Section 09-06 (A), he/she may, within fourteen (14) calendar days after the employee's initial discussion with his/her immediate supervisor, submit a written grievance to his/her department head. The employee must file the written grievance on a Washington County Grievance Form obtained from the Department of Accounting and must specify thereon the relief requested. Upon receipt of a completed grievance form, the department head shall note thereon in the appropriate box the date of receipt and initial the same. The department head shall provide a copy of the dated and initialed grievance form to the employee. Within seven (7) calendar days after receipt of the written grievance, the department head shall conduct a separate investigation and a face-to-face meeting with the employee at which, in addition to the employee and department head, witnesses for each side may be present. However, a witness may be present only when actually testifying. Within seven (7) calendar days after the conclusion of the face-to-face meeting between the employee and department head, the department head shall provide a written decision to the employee and County Administrator.

#### (3). Final Management Step:

If an employee is dissatisfied with the decision of the department head, he/she may submit a written request for review by the County Administrator. The employee shall submit the written request to the County Administrator within seven (7) calendar days after receipt of the written decision of the department head. The County Administrator shall note on the Washington County Grievance Form in the appropriate box the date of receipt of the written request for review and initial the same. The County Administrator shall provide a copy of the dated and initialed grievance form to the employee

and his/her department head. Within seven (7) calendar days after receipt of the request, the County Administrator shall conduct a separate investigation and a face-to-face meeting with the employee. At this meeting, the employee may have present a representative of his/her choice. If the employee is represented by legal counsel, the County has the option of being represented by legal counsel (the County Attorney and/or other legal counsel of the County's choosing). In addition, witnesses for each side may be present; however, a witness may be present in the meeting room only when actually testifying. Within seven (7) calendar days after the conclusion of this meeting between the employee and County Administrator, the County Administrator shall provide a written decision to the employee.

(B). Compliance:

(1). 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 subject to grievance issue, provided the party not in compliance fails to correct the noncompliance within five (5) working days of receipt of written notification by the other party of the compliance violation. Such written notification by the grievant shall be made to the County Administrator.

(2). The County Administrator or his/her designee, at his/her option, may require a clear written explanation of the basis for just cause extensions or exceptions. The County Administrator or his/her designee shall determine compliance issues. Compliance determinations may by the County Administrator shall be subject to judicial review by filing a petition with the Circuit Court of Washington County, Virginia within thirty (30) calendar days of the compliance determination.

(3). Time frames set out herein may be extended by mutual agreement of the County and the employee.

## **SECTION 09-07**

**Effective Date: July 1, 1996**

### **GRIEVANCE PROCEDURE - PANEL HEARING**

(A). Notice of Appeal:

If the employee is dissatisfied with the decision of the County Administrator and if the complaint is a qualifying grievance, he/she may submit a written request for a hearing before an impartial panel and state in the request the reasons why the County Administrator's decision is not acceptable and the relief requested. The employee shall submit the written request to the County Administrator within seven (7) calendar days after receipt of the written decision of the County Administrator. The County Administrator shall note on the Washington County Grievance Form in the appropriate box the date of receipt of the written request for review and initial the same. The County Administrator shall provide a copy of the dated and initialed grievance form to the employee.

(B). Selection of Panel Members:

The panel shall consist of three (3) impartial members. Within fourteen (14) calendar days after the employee's written request for a panel hearing is filed, the employee shall appoint a member (1) to the panel, and the County Administrator shall appoint a member (1) to the panel. The two (2) appointed members of the panel shall appoint the third member to the panel. In the event that they shall not be able to agree as the appointment of the final panel member, the chief judge of the Circuit Court of Washington County, Virginia shall select the third panel member. The Assistant County Administrator or Accounting Manager shall be responsible for coordinating panel nominations, hearings and activities as directed by the County Administrator.

(C). Qualification of Panel Members:

The panel shall not be composed of any persons having direct involvement with the grievance being heard by the panel, or with the complaint or dispute giving rise to the grievance. Officers and managers who are in a direct line of supervision of the employee, persons residing in the same household as the employee and the following relatives of a participant in the grievance process or a participant's spouse are prohibited from serving as panel members: spouse, parent, child, descendants of a child, sibling, niece, nephew and first cousin. No attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee or co-employee of the attorney shall serve as a panel member.

(D). Administrative Hearing Officer:

The County shall not be required to have an administrative hearing officer in any case, but may elect to do so in an employee termination or retaliation case. When the County elects to use an administrative hearing officer as the third panel member in an employee termination or retaliation case, the Executive Secretary of the Supreme Court of Virginia shall appoint such administrative hearing officer from the list of administrative hearing officers maintained by the Executive Secretary pursuant to § 9-6.14:14.1 of the *1950 Code of Virginia*, as amended, and such appointment shall be made from the appropriate geographical region on a rotating basis. The County shall bear the expense of the administrative hearing officer's services.

(E). Chairperson of Panel:

The third member of the panel, being either the person chosen by the two other panel members, the person chosen by the chief judge of the Circuit Court of Washington County, Virginia or the administrative hearing officer chosen in termination or retaliation cases, shall be the chairperson of the panel and shall preside at the hearing. Upon appointing the third panel member, the two (2) other panel members, the chief judge of the Circuit Court of Washington County, Virginia or the Executive Secretary of the Supreme Court of Virginia, as the case may be, shall notify the employee and the County Administrator of the appointment.

(F). Panel Hearing Date:

After the appointment of the chairperson, the Assistant County Administrator or Accounting Manager shall consult with the panel members in scheduling a date, time and place of the hearing and shall immediately notify the employee and the County Administrator of the date, time and place of the hearing. Unless the parties agree otherwise, the hearing date shall be held within twenty-eight (28) calendar days but no sooner than fourteen (14) calendar days after the appointment of the third panel member. The panel shall conduct the hearing in Washington County, unless otherwise agreed to by the parties or unless the panel unanimously decides that another location is appropriate.

(G). Rules for Panel Hearing:

- (1). The panel does not have authority to formulate policies or procedures or to alter existing policies or procedures of the County.
- (2). The panel has discretion to determine 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.
- (3). Within seven (7) calendar days after receiving notice of the selection of the third panel member, the County Administrator shall provide the panel with copies of the grievance record by mailing or delivering the same to the chairperson. The County Administrator shall provide the employee with a list of the documents furnished to the panel. The employee and, if represented by counsel, his attorney, between fourteen (14) calendar days and four (4) calendar days prior to the scheduled panel hearing, shall be entitled to access and copies of all relevant files intended to be used in the hearing.
- (4). The panel shall have the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence.
- (5). All evidence shall be presented in the presence of the panel and the parties, except by mutual consent of the parties.
- (6). At least seven (7) calendar days prior to the hearing, the parties shall exchange copies of documents and a list of exhibits to be introduced at the hearing and a list of witnesses to be called to testify. At least four (4) calendar days prior to the hearing, each party shall afford the other party an opportunity to see and inspect their exhibits.

- (7). Each party may call upon appropriate witnesses and be represented by legal counsel or other representatives at the hearing. Such representatives may examine, cross-examine, question and present evidence on behalf of the parties without being in violation of §54.1-3904 of the 1950 Code of Virginia, as amended.
- (8). A party may not introduce a document or exhibit or have a witness testify if the document, exhibit or witness was not revealed to the other party in accordance with Section 09-07 (G). (6). herein. The panel chairperson, in his/her discretion, upon a showing of good cause, may permit the introduction of such document, exhibit or testimony.
- (9). Within fourteen (14) calendar days after the conclusion of the hearing, the panel shall render a written decision within the scope of its authority and subject to existing policies, procedures and law. In rendering its decision, the panel shall be guided, but not necessarily bound, by the relief requested by the employee in the employee's written request for a panel hearing. In addition to its decision, the panel shall set forth the reasons for its decision, citing relevant facts, policies, procedures and laws. The decision shall be by the majority of the panel members. The chairperson shall immediately provide copies of the written decision to the employee and the County Administrator.
- (10). Within fourteen (14) calendar days after the date of the decision, either party may submit a written request to the panel chairperson for reconsideration of the panel decision. The panel, by majority vote and for good cause shown, may elect to review its decision and/or reopen the hearing. Within seven (7) calendar days after the chairperson's receipt of the request, the panel shall make such decision.

(H). Effect of Panel Decision:

The decision of the panel shall be final and binding and consistent with provisions of law and written policy. The County Administrator or his/her designee shall determine whether the relief, if any, granted by a panel is consistent with written policy, unless the County Administrator has a direct personal involvement with the event or events giving rise to the grievance, in which case the Commonwealth's Attorney for Washington County, Virginia shall make the decision.

(I). Implementation of Panel Decision:

Either party may petition the Circuit Court of Washington County, Virginia for an order requiring implementation of the panel decision.

## **SECTION 10-01**

**Effective Date: January 1, 1998**

### **GENERAL**

The Washington County Board of Supervisors expects all Officers and employees of the Administrative Division to conduct the business of the County government under their charge to the highest ethical standards. The following provisions shall serve as guidelines to such ethical service, but said provisions are not considered inclusive of all standards of ethical conduct expected. The Board of Supervisors expects Officers and employees to use common sense and good judgment and to seek the advice of their superiors whenever a particular situation give rise to questions concerning conduct and behavior.

## **SECTION 10-02**

**Effective Date: January 1, 1998**

### **GIFTS AND GRATUITIES**

No Administrative Division employee may accept gifts, gratuities or loans from organizations, business concerns, or individuals with whom he/she has official relationships related to the business of the County government. These limitations are not intended to prohibit the acceptance of articles of negligible value that are distributed generally, nor to prohibit employees from obtaining personal loans from public or private lending institutions.

## **SECTION 10-03**

**Effective Date: January 1, 1998**

### **CONFLICT OF INTEREST**

Administrative Division employees are expected to discharge their duties conscientiously and to conduct themselves in a manner, both on and off the job, which will reflect favorably upon the County government. Each employee shall refrain from any use of his/her official position which is motivated by the desire for private gain for himself/herself or other persons to whom the employee has personal, business or family ties. Each employee shall exercise care in his/her personal financial activities to avoid any appearance of acting on the basis of information obtained in the course of performing his/her County activities. The *Virginia Comprehensive Conflict of Interests Act* is hereby made a part of the personnel policies of the Board of Supervisors and is applicable to Administrative Division employees as stated therein.

# WASHINGTON COUNTY, VIRGINIA



POLICY	
<b>Policy Title:</b>	Workplace Harassment & Discrimination
<b>Policy Number:</b>	10-04
<b>Replaces Policy Number:</b>	10-04 & 10-13
<b>Effective Date:</b>	January 1, 1998
<b>Policy Covers:</b>	All Administrative Division Employees
<b>Revised Date:</b>	May 12, 2015

## WORKPLACE HARASSMENT AND DISCRIMINATION

### **I. General Purpose and Application of Policy.**

Washington County strives to create and maintain a work environment in which people are treated with dignity, decency and respect. All matters relating to the conduct of County government should be characterized by mutual trust and absence of intimidation, oppression, and exploitation. The accomplishment of this goal is essential to the success of the County. For that reason, the Board of Supervisors and County Administrator strictly prohibit unlawful discrimination and harassment, in the relations between and among employees, management staff, employees of outside vendors, and in relations with the public.

Washington County, in compliance with all applicable Federal, State and local anti-discrimination and harassment laws and regulations, strictly forbids discrimination and/or harassment on the basis of race, sex, color, national origin, religion, pregnancy, sexual orientation, gender identity, age, marital or veteran status, political affiliation, genetics, physical or mental disability, or other category protected by state or federal law. Any behavior that offends, insults, or threatens a County employee, or which is done by a County employee, should be reported in accordance with this policy.

All employees, regardless of their positions, are covered by and expected to comply with this policy; and to take appropriate measures to ensure that prohibited conduct does not occur.

### **II. Complaint procedure.**

Complaints of workplace discrimination or harassment should be reported as soon as possible after the incident occurs. Allegations of discrimination or harassment, whether it is personally experienced or if it is witnessed, should be reported directly to the Human Resources Director, or if the Human Resources Director is the source of such complaint, then the allegation should be reported directly to the County Administrator or

# WASHINGTON COUNTY, VIRGINIA

his/her designee. All allegations of harassment will be investigated. To the extent possible, the reporting party's confidentiality and that of any witness and the alleged offender will be protected against unnecessary disclosure.

### **III. Disciplinary Action.**

Disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, or termination of employment. Notification will be given to non-employees who are determined to have violated this policy and appropriate measures taken to protect the affected employee. Department heads who allow workplace harassment to continue or who fail to notify the Director of Human Resources, County Administrator, or his/her designee, as directed in this policy, upon becoming aware of a harassment complaint, may be considered parties to the offense and consequently potentially subject to disciplinary action or termination.

### **IV. Prohibited Conduct Under This Policy.**

#### **Discrimination**

The County shall not tolerate unlawful employment discrimination, which is the provision of employment opportunities, benefits, privileges, or other employment-related decisions on the basis of race, sex, color, national origin, religion, pregnancy, sexual orientation, gender identity, age, marital or veteran status, political affiliation, genetics, physical or mental disability, or other category protected by state or federal law. Employment-related decisions shall be made on the basis of job-related performance standards.

#### **Harassment**

Harassment is unwelcome verbal or physical conduct designed to threaten, intimidate or coerce in the relations between and among employees, management staff, employees of outside vendors, and in relations with the public in the context of conducting business on behalf of Washington County. Verbal taunting (including racial and ethnic slurs, jokes, and epithets) that impair the ability of an employee to perform their job is included in the definition of harassment.

- A. Verbal: Verbal harassment includes comments that are offensive or unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs, and negative stereotyping.
- B. Non-Verbal: Non-verbal harassment includes unwelcome physical contact and also the distribution, display or discussion of any written or graphic material that ridicules, degrades, insults, belittles or shows hostility, aversion

# WASHINGTON COUNTY, VIRGINIA

or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital or other protected status.

## **Sexual Harassment**

Unwelcome sexual advances, requests for sexual favors, sexual demands; or other verbal, visual, or physical conduct of a sexual nature will constitute sexual harassment when it is made explicitly or implicitly a term or condition of employment; is used as basis for an employment decision; unreasonably interferes with an employee's work performance; or creates an intimidating, hostile or otherwise offensive environment either for the target of the conduct or for a third-party complainant who is offended by such communications between others.

- A. Verbal: Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats, requests for any type of sexual favor, and verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.
- B. Non-Verbal: Non-verbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex, suggestive or insulting sounds, leering, staring, whistling, obscene gestures, content in letters and notes, facsimiles, e-mail, photos, text messages, tweets, and internet postings.
- C. Physical: Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.

Sexual harassment is not determined based upon whether participation was voluntary, but rather whether the conduct was unwanted. Unwelcome advances, therefore, are sufficient to justify a complaint if the activity or verbal comments interfere with the performance of the employee on the job by creating a hostile, offensive, or intimidating working environment.

Courteous, mutually respectful, pleasant, non-coercive interactions between employees, including men and women, that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

## **Retaliation**

# WASHINGTON COUNTY, VIRGINIA

The County prohibits employment-based retaliation against anyone who reports a complaint of discrimination or harassment, who speaks as a witness in the investigation of a complaint, who speaks to a state or local elected official or who serves as an investigator of a complaint.

## **V. Employee Assistance.**

The Employee Assistance Program (EAP) provides confidential counseling services to County employees. This assistance is available to all County employees that are enrolled in the County's health insurance program. Employees wishing to discuss an incident confidentially or seeking information and advice of a personal nature are encouraged to contact the EAP or the Human Resources department for assistance.

However, please note that contacting the EAP will not qualify as reporting to the Human Resources Director, County Administrator, or his/her designee a complaint of discrimination or harassment. Such complaints should be reported as stated in this policy to be sure that the complaint is investigated and properly considered for disciplinary action or other appropriate action.

## **VI. Investigation and Confidentiality.**

Information, including documentation and written reports, obtained or created during the course of an investigation of a discrimination or harassment complaint will be kept confidential to the extent possible and according to any existing State or Federal law. During the complaint process, the confidentiality of the information received, the privacy of the individuals involved, and the wishes of the complaining person will be protected to as great a degree as is legally possible, considering the County's legal obligation to act on the complaint and the right of the charged party to obtain information.

All employees are expected to cooperate fully with investigations of reports of discrimination or harassment. Failure to cooperate fully may lead to discipline, which may include termination of employment. Further, individuals who make false statements during the course of an investigation may be subject to discipline, which may include termination of employment.

## **SECTION 10-05**

**Effective Date: January 1, 1998**

### **DISCRETION AND CONFIDENTIALITY**

Administrative Division employees may from time to time have access to information that is or could be damaging or detrimental to the interests of private individuals or County government. Employees shall refrain from disseminating such information either verbally, in writing, through the inappropriate reproduction or use of official documents, or by any other means. Employees shall exercise discretion and confidentiality in their discussion of the business of the County government with others.

# WASHINGTON COUNTY, VIRGINIA



## STANDARDS OF CONDUCT

**Policy Title:** Standards of Conduct

**Policy Number:** 10-06

**Replaces Policy Number:** 10-06 & 10-17

**Effective Date:** January 1, 1998

**Policy Covers:** All Employees at all Locations

**Revised Date:** May 10, 2016

## POLICY

It is the policy of the County to promote the well-being of its employees by maintaining high standards of work performance and professional conduct.

## PURPOSE

The purpose of this policy is to set forth the County's Standards of Conduct.

It is the intent of this policy that the County will follow a course of progressive discipline that fairly and consistently addresses employee behavior, conduct, or performance. Disciplinary actions must be founded on the principles of due process and will employ a range of corrective and disciplinary actions that are applied based on the nature and history of the misconduct or unacceptable performance. Corrective and disciplinary actions must be administered through a prompt and fair process as described in **Part 09, Grievance Procedures, in the Personnel Policies and Procedures Manual.**

## EMPLOYEE STANDARDS OF CONDUCT

Employees covered by this policy are employed to fulfill certain duties and expectations that support the mission and values of the County and are expected to conduct themselves in a manner deserving of public trust. The following list is not all-inclusive but is intended to illustrate some expectations for acceptable workplace conduct and performance.

Employees are expected to:

# WASHINGTON COUNTY, VIRGINIA

- Report to work as scheduled and seek approval from their Director in advance for any changes to the established work schedule, including the use of leave and late or early arrivals and departures.
- Perform assigned duties and responsibilities with the highest degree of public trust.
- Devote full effort to job responsibilities during work hours.
- Maintain the qualifications, certification, licensure, and/or training requirements identified for their job positions.
- Demonstrate respect for the County and toward County coworkers, agencies, supervisors, directors, subordinates, and citizens.
- Use County equipment, time, and resources judiciously and as authorized.
- Support efforts that ensure a safe and healthy work environment.
- Utilize leave and related employee benefits in the manner for which they were intended.
- Resolve work-related issues and disputes in a professional manner and through established business processes.
- Meet or exceed established job performance expectations.
- Make work-related decisions and/or take actions that are in the best interest of the County.
- Comply with the letter and spirit of all County policies and procedures, the Conflict of Interest Act, and Commonwealth laws and regulations.
- Report circumstances or concerns that may affect satisfactory work performance to management, including any inappropriate (fraudulent, illegal, unethical) activities of other employees.
- Obtain approval from the County Administrator or his/her designee prior to accepting outside employment if that employment may be considered a conflict of interest with the employee's current position.
- Obtain approval from Director prior to working overtime, if non-exempt from the Fair Labor Standards Act (FLSA).
- Work cooperatively to achieve Department and County goals and objectives.

# WASHINGTON COUNTY, VIRGINIA

- Conduct themselves at all times in a manner that supports the mission of the County and the performance of their duties.
- Conduct all relations with the public with the utmost professionalism, courtesy and respect. Employees should remind themselves continuously that they are “public servants”, and should conduct themselves accordingly.
- The Board of Supervisors expects all employees to conduct themselves as “public trustees”, both in the sense of the faithful performance of the lawful or other duties assigned to that employee and of County property assets which may be placed in the charge or care of that employee.

The County reserves the right to revise or eliminate this policy as necessary.

## **RELATED POLIICIES IN PERSONNEL POLICIES AND PROCEDURES MANUAL**

06-04 Hours of Work  
06-08 Emergency Closings  
10-04 Workplace Harassment & Discrimination  
10-15 Drug & Alcohol Free Workplace  
10-10 Electronic Communications & Social Media  
Part 07 Leave Policies

# WASHINGTON COUNTY, VIRGINIA

## CERTIFICATE OF RECEIPT

I have been given a copy of Policy Number 10-06 "Standards of Conduct" and I understand that it is my responsibility to read and abide by this policy, even if I do not agree with it. If I have any questions about the policy, I understand that I need to ask my Department Director or the Human Resources Director for clarification.

If I refuse to sign this certificate of receipt, the Human Resources Director will review this statement with me and will initial this form indicating that a copy has been given to me and that this statement has been read to me.

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Employee Signature

Date

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Human Resources Director or his/her Designee Signature

Date

## **SECTION 10-07**

**Effective Date: January 1, 1998**

### **RELATIONSHIP BETWEEN OFFICERS, EMPLOYEES AND BOARD OF SUPERVISORS**

It is the policy of the Board of Supervisors that the County Administrator and County Attorney as Officers have the primary decision-making authority over the duties, responsibilities and conduct of Administrative Division employees under their charge. Accordingly, in the event of a personnel dispute, problem, or discontent with a decision of these Officers, employees under the County Administrator and County Attorney should exhaust every means to resolve said problems administratively before bringing the matter to the attention of individual Board members or the Board of Supervisors as the governing body. Administrative Division employees are encouraged to relate to members of the Board of Supervisors on a professional basis, but to refrain from using such relationships to circumvent established administrative procedures to resolve problems or to intervene on behalf of the employee.

## **SECTION 10-08**

**Effective Date: January 1, 1998**

### **DRESS CODE**

Administrative Division employees are expected to dress for work as is dictated by the working environment or departmental requirements. Where uniforms are provided, employees shall wear same and maintain them in good condition, normal wear and tear excepted. Uniforms purchased or leased by the County on behalf of employees are considered property of the County. Employees shall not wear clothing generally considered inappropriate for office workers in this locale. Department heads or the County Administrator may establish formal or informal standards appropriate to the work environment for employee dress.

## **SECTION 10-09**

**Effective Date: January 1, 1998**

### **CHANGE OF ADDRESS OR TELEPHONE NUMBER**

All Administrative Division employees shall supply their home telephone number to their department head or County Administrator if they have home telephones. All employees are required to notify their department head or County Administrator and the Department of Accounting of any change of home address or home telephone number within three (3) working days of such change. This information shall not be supplied to the public or others without prior approval of the employee.

# WASHINGTON COUNTY, VIRGINIA



## ELECTRONIC COMMUNICATIONS AND SOCIAL MEDIA

**Policy Title:** Electronic Communications and Social Media

**Policy Number:** 10-10

**Replaces Policy Number:** 10-10 & 14-04

**Effective Date:** January 1, 1998

**Policy Covers:** All Employees at all Locations

**Revised Date:** May 10, 2016

## GUIDELINES FOR USE OF ELECTRONIC COMMUNICATIONS & SOCIAL MEDIA

### Business Use

**County provided** electronic communications tools are the property of the County and are provided to facilitate the effective and efficient conduct of County 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.

### Personal Use

Personal use means use that is not job-related. In general, incidental and occasional personal use of the 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.

### User Requirements

#### 1. Business Use Requirements

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

- Follow all applicable County policies. Users may not violate any provision of this policy, or any other policy, regulation, law or guideline as set forth by applicable local, state or federal law (see Code of Virginia §2.2-2827). This may include but

# WASHINGTON COUNTY, VIRGINIA

is not limited to copyright laws, trademark laws, and other legislated requirements.

- Be responsible and professional in their activities.
- Conduct themselves in a manner that supports the mission of their department 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 communication tools and social media only in accordance with State and County policy;
  - Maintain County established security protocols(including safeguarding of passwords) under which they are granted access to such media;
  - Check with the appropriate County staff (Information Systems Department) 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, citizens, 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.
- 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, or other electronic media sites. If it is discovered that information is inaccurate after posting, users should work to quickly correct the errors.

## 2. Personal Use Requirements

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:

# WASHINGTON COUNTY, VIRGINIA

- Other than incidental and occasional personal use of County provided electronic communications tools, users should use their personal email addresses and not those related to their positions with the County when communication 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 necessarily reflect the views of Washington County” when appropriate to ensure these views are not viewed as official Washington County communications.
- Ensure the security of sensitive or confidential information when communicating electronically or posting the information on internal or external websites including social media.

## 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. Prohibited activities include, but are not limited to:

- Any use that is in violation of applicable local, state, or federal law.
- 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 County data or records, or copyrighted materials in violation of County policy.
- Using proprietary County information, County data or records, and social media to locate County citizens for personal reasons.
- Posting information or sending electronic communications such as email using another’s identity.
- Permitting a non-employee to use County provided electronic communications tools 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 of the County Administrator or his/her designee.

# WASHINGTON COUNTY, VIRGINIA

- Using County logos for activities unrelated to County business without written consent of the County Administrator or his/her designee.
- Texting, emailing, or using hand-held electronic communications devices while operating a County vehicle.

## **COUNTY RESPONSIBILITIES AND REQUIREMENTS**

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

### 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 electronic communications tools and/or access. Departments have 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 Freedom of Information Act, electronic records may be subject of the Act and, therefore, available for public distribution.

### Communication

Directors are responsible for ensuring employees have access to, read and understand this policy and any related policies. With regard to use of electronic communications and social media, Directors are responsible for:

- Communicating this policy, if appropriate, to current and new users, including users transferring from other agencies or departments.
- Retaining electronic records in accordance with the retention requirements of the Library of Virginia.

### Address Violations

Violations of this policy will be addressed with the appropriate disciplinary action or procedures for employees. The appropriate level of disciplinary action will be determined on a case-by-case basis by the Director and his/her designee along with the approval of the County Administrator or his/her designee.

# WASHINGTON COUNTY, VIRGINIA

## Relevant Terms

### **Blog**

A contraction of “web log” that is a website or part of a website with commentary, descriptions of events, or journal type entries usual with an ability for readers to reply and post comments.

### **Computer Network**

Two or more computers that can share information, typically connected by cable, data line, or satellite link.

### **Electronic Communications Tools**

Tools used as a means of sending and receiving messages or information electronically through connected electronic systems or the Internet. Tools may include networked computers, email, voicemail, cell phones, smart phones, any other similar system, and new technologies as they are developed.

### **Internet**

An international network of independent computer systems. The World Wide Web is one of the most recognized means of using the Internet.

### **Social Media**

Interacting with a group of people with common interests in a virtual environment.

### **Users**

All employees of the County who use the County’s Internet access and/or electronic communications media or external electronic communications media to communicate about the County’s activities. The County will also require other persons under the direct supervision of County employees to abide by this policy.

### **Video Sharing**

The online publishing of videos with the ability to transfer and share them with others.

# WASHINGTON COUNTY, VIRGINIA

## CERTIFICATE OF RECEIPT

I have been given a copy of Policy Number 10-10 "Electronic Communications and Social Media" and I understand that it is my responsibility to read and abide by this policy, even if I do not agree with it. If I have any questions about the policy, I understand that I need to ask my Department Director or the Human Resources Director for clarification.

If I refuse to sign this certificate of receipt, the Human Resources Director will review this statement with me and will initial this form indicating that a copy has been given to me and that this statement has been read to me.

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Employee Signature

Date

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Human Resources Director or his/her Designee Signature

Date

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** Personal Use of County Property

**Policy Number:** 10-11

**Effective Date:** January 1, 1998

**Policy Covers:** All Employees at All Locations

**Revised Date:** December 13, 2016

## PERSONAL USE OF COUNTY PROPERTY

Personal use of County-owned real property, facilities, materials, tools, equipment, recyclable materials and motor vehicles is prohibited. The Board of Supervisors or County Administrator may establish other policies with respect to use of County property not inconsistent with the above. Use of County computers and other electronic equipment by Administrative Division employees shall be governed by Policy # 10-10, Electronic Communications & Social Media.

## **SECTION 10-12**

**Effective Date: January 1, 1998**

### **ADHERENCE TO SAFETY RULES**

Employees are required to adhere to all departmental safety rules, procedures and practices, and to use personal protective equipment provided by the County or required for personal purchase for use on the job. Department heads must make familiar all such rules, procedures and practices to new employees as part of the new employee's initial orientation. All employees in turn are obligated to report and/or, if possible, correct all unsafe working conditions known to them.

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** Zero Tolerance Workplace Violence

**Policy Number:** 10-13

**Effective Date:** October 22, 2019

**Policy Covers:** All Employees at All Locations

## **ZERO TOLERANCE WORKPLACE VIOLENCE POLICY**

- Violence, threatened violence, and inappropriate behavior or language conducive to violence are prohibited. Washington County is committed to maintaining a safe environment for working and conducting business.
- The County will not tolerate acts of violence or inappropriate behavior or language conducive to violence committed by or against County employees, or by or against members of the public, whether directed at another person or displayed at random while on Washington County property or at other locations on which County employees are performing County business.
- The County will use legal, managerial, administrative, and disciplinary procedures to secure the workplace from violence and to protect employees and members of the public.

This policy includes, but is not limited to, the following behaviors and situations that occur on County property or in the course of conducting County business off of County property:

- a. Violent or threatening physical contact (including, among other things, fights, pushing, and physical intimidation) that a reasonable person would interpret as being physically and/or psychologically threatening or harming;
- b. Direct or indirect threats communicated or reasonably perceived as threat to harm or endanger the safety of an individual;
- c. Abusive language including harassment, name-calling, swearing, inappropriate or excessive displays of anger, or verbal intimidation;
- d. Threatening, abusive or harassing phone calls;
- e. Destructive or sabotaging actions against personal property belonging to the County, to a County employee, or to a member of the public;
- f. Stalking;
- g. Violation of a restraining order; and
- h. Threatening acts or abusive language that leads to tension within the work environment.

# WASHINGTON COUNTY, VIRGINIA

## **OBJECTIVES**

The objective of this policy is to achieve the following:

- a. to reduce the potential for violence in and around the workplace
- b. to mitigate the negative consequences for employees who experience or encounter violence in their personal and work lives
- c. to encourage and foster a work environment that is characterized by respect, confidentiality and healthy conflict resolution by means of a joint effort between management, County officials and employees
- d. to recognize the signs, symptoms, and patterns of violent acts

## **COUNTY RESPONSIBILITIES**

The County Administrator shall be responsible to ensure that procedures are developed, implemented, and maintained to achieve:

- a. prompt and appropriate response to any act of violence that affects an employee or occurs in the workplace
- b. accountability among employees for acts of violence committed in the workplace
- c. effective investigations of violence occurring in the workplace
- d. appropriate disciplinary action for perpetrators of threats or acts of violence when the behavior involves the use of County work time or property to harass the victim
- e. making available to employees the Employee Assistance Program to provide avenues of support and guidance for employees who experience violence in the home or the workplace
- f. communication of the policy and program to department directors, supervisors, and employees

## **REPORTING PROCEDURES**

Employees shall immediately report any behavior or language perceived as a threat to the safety of themselves or others to their immediate supervisor/director or to the Director of the Department of Human Resources or to the County Administrator. The County Administration commits that any such report shall be taken seriously and retaliation or reprisal for such report shall not be tolerated.

## **GENERAL THREATS TO COUNTY FACILITY AND EMPLOYEES**

In the event of a general threat to any County Facility and the employees housed within it, such as a bomb threat or active shooter threat, the individual receiving the threat shall

# WASHINGTON COUNTY, VIRGINIA

immediately report the threat to the Sheriff's Office and, then, to the County Administrator or his/her designee or Director of the Department of Human Resources. All employees and members of the public present in the facility at the time of receipt of such threat who are able to do so shall evacuate the facility to wait at a designated safe location until they receive direction from the Sheriff's office. The Sheriff's office will give direction to the County Administrator or his/her designee or Director of the Department of Human Resources on when the building can be safely re-entered. Any person unable to evacuate the facility shall take cover and await instruction.

## **INVESTIGATION**

Any incident involving violent behavior or language as defined in this Policy is considered a serious matter that will not be tolerated, and as such, must be investigated. Any person receiving a report of an incident as described in this policy shall ensure that the Director of the Department of Human Resources is notified of the report within one business day, or if the Director of the Department of Human Resources is not available within such time period, that the County Administrator or County Attorney is notified of the report within one business day of receipt of the report. The Department of Human Resources and the County Attorney must be consulted as needed prior to conducting any investigation, especially prior to interviewing the victim, alleged offender, and/or any eyewitnesses. Among other resources, security camera videotapes will be viewed if it is possible that the improper conduct may have been recorded.

It is the responsibility of the department head/director, the Department of Human Resources, and the County Administrator to ensure that a confidential and thorough investigation is conducted, action is taken to correct the situation, and repetition of the incident in the future prevented. Incidents involving emergency and/or criminal activity will be referred to the Sheriff's Department for investigation.

Strict confidentiality shall be maintained throughout the investigation. All individuals involved in an investigation shall respect the sensitivity and confidentiality of these matters.

## **PROGRESSIVE DISCIPLINE**

Any employee who is found to be the initiator of violence in the workplace shall be subject to discipline up to and including termination, consistent with the **County Personnel Policy Manual- Section 11. Disciplinary Action And Termination.**

# WASHINGTON COUNTY, VIRGINIA



## Policy

**Policy Title: Drug & Alcohol Free Workplace**

**Policy Number: 10-15**

**Replaces Policy Number: 10-14 & 10-15**

**Effective Date: January 1, 1998**

**Policy Covers: All Employees at All Locations**

**Revised Date: March 1, 2013**

## 1. PURPOSE

Washington County has an obligation to the public and to its employees to conduct its operations safely and efficiently. Therefore, the County shall maintain a drug and alcohol free workplace. All County employees have a responsibility to ensure that their duties are not impaired by the use of drugs or alcohol.

## 2. POLICY

The possession, use, or sale of unauthorized or illegal drugs; misuse of legal drugs; consumption of alcohol; or testing positive for use of unauthorized or illegal drugs or alcohol during an employees' working hours while on County property or while on County business is strictly prohibited. In furtherance of this policy, the County will conduct random, mandatory drug and alcohol testing of County employees. Evidence of employee activity in violation of this policy shall result in disciplinary action and may constitute grounds for termination of employment. Drug and alcohol testing also shall be performed in consideration of potential new hires. Positive test results will be considered in employment decisions and may result in a determination that the applicant is unsuitable for County employment. Further, employees who operate a county-owned Commercial Motor Vehicle (CMV) and are required to hold a Commercial Driver's License (CDL) are subject to a higher degree of regulation than other employees. Employees testing positive will be removed immediately from driving duties. Employees with a need are encouraged to request assistance through the County's Employee Assistance Program or through community agencies.

## 3. APPLICABILITY

This policy is applicable to all employees of the County, whether classified or non-classified, full-time or part-time, salaried or hourly.

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## 4. DEFINITIONS

### ***Alcohol:***

Any product as defined as “alcohol” and/or “alcoholic beverages” in “The Alcoholic Beverage Control Act,” section 4.1-100 of the Code of Virginia, as amended.

### ***Adulterated Specimen:***

A specimen that contains a substance that is not expected to be present in human urine or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

### ***Commercial Driver’s License (CDL):***

Any of three types of commercial driver’s licenses:

**Class A:** Any combination of vehicles with a gross vehicle weight rating (GVWR) of 26,001 or more pounds provided the GVWR of the vehicle(s) being towed is in excess of 10,000 pounds.

**Class B:** Any single vehicle with a GVWR of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR.

**Class C:** Any single vehicle or combination of vehicles that does not meet the definition of Class A or Class B, but is either designed to transport 16 or more passengers, including the driver, or is placarded for hazardous materials.

### ***CDL Employee:***

Any County Employee required to have a Commercial Driver’s License as a condition of employment with the County.

### ***Commercial Motor Vehicle:***

A motor vehicle having a gross vehicle weight rating or gross combination weight rating of 26,001 or more pounds.

### ***Designated Employer Representative (DER):***

The County Director of Human Resources.

### ***Illegal Drug:***

Any controlled substance as such is defined in the “Drug Control Act,” Title 54.1, Chapter 34 of the Code of Virginia, as such may be amended from time to time, except a controlled substance included in Schedules II through V and used by the employee whose conduct is in question pursuant to a valid prescription for medical purposes filled in the United States.

### ***Safety Sensitive Position:***

A position of employment with the County in which the employee has responsibility for his or her own safety or other people’s safety, including without limitation, jobs that require a CDL as a condition of employment; jobs that involve operation of a motor vehicle, or any other equipment, machinery or power tools; jobs that include repairing, maintaining, or monitoring the performance or operation of any equipment, tool, or machinery, the malfunction of which could result in injury to person or property damages. Employees in the County Departments of Solid Waste and General Services hold Safety Sensitive Positions and shall be held to all standards set forth herein for such positions.

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## ***Substance Abuse Professional (SAP):***

A person with professional certification to evaluate employees who have violated drug and alcohol regulation by employers and make recommendations to the employer concerning education, treatment, follow-up testing, and aftercare.

## **5. SELF-REPORTING**

Prescriptions and Over-the-Counter Drugs: Employees taking prescription drugs issued by a licensed physician or over-the-counter drugs are responsible to be aware of the effects such drugs may have on the performance of their duties and to report to the Director of Human Resources that they are taking such substances that may affect their performance. Employees shall promptly report to the Director of Human Resources any use of prescribed or over-the-counter drugs that may affect the employee's judgment, performance, or behavior. Where a CDL employee does not comply with this requirement, a physician's prescription will not be an acceptable excuse for violation, and the employee will be subject to disciplinary action or termination.

## **6. DESIGNATED EMPLOYER REPRESENTATIVE**

The Director of Human Resources shall serve as the Designated Employer Representative. All self-reporting shall be made to the DER. Test results shall be delivered to the DER, and the DER shall have the authority to make decisions about the testing process and to answer questions about it. The DER has authority to remove an employee from safety-sensitive duties immediately upon receipt of positive test results. The DER is the employee contact person for any questions regarding the County Drug and Alcohol Free Workplace policy, related testing program, and Employee Assistance Program.

## **7. TESTING CONDITIONS**

County employees will be designated for alcohol and drug testing under the following conditions.

- Pre-Employment: At the time an offer for employment is made, as a condition of continued consideration for employment, applicants will be advised of the requirement to be tested for drug and alcohol use using the County's procedures for such testing. No prospective employee will be asked to submit to testing unless an offer of employment has been made. A positive test result may result in rescission of the offer of employment.
- Return to duty after 90 day leave: Any employee who has been removed from the random testing pool and out of work for 90 or more days shall have pre-employment testing upon return to duty.
- Transfer from non-safety sensitive position to a safety sensitive position: As a consideration for transfer from a non-safety sensitive position to a safety

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sensitive position, an employee will be required to be tested for drug and alcohol use.

- Reasonable Suspicion: Employees will be tested whenever the individual's behavior or appearance causes the employee's supervisor to question the employee's ability to perform his/her duties safely.
- Random: Employees will be tested whenever the random selection process designates the employee for testing.
- Post Accident: Employees involved in workplace accidents, including without limitation, accidents involving use of motor vehicles in the course of employment, may be required to undergo testing. Employees shall be tested any time they are involved in an on-the-job vehicle accident resulting in a citation for moving violations arising from an accident that: (1) requires a vehicle to be towed, (2) results in an injury requiring immediate medical attention away from the scene, or (3) results in a fatality. Employees are prohibited from using alcohol or controlled substances following an accident that necessitates testing, as described above, until after they have been tested. Failure to report a workplace accident shall result in disciplinary measures, up to and including possible termination of employment. If the accident results in the death of the employee, blood/urine samples may be tested for the presence of drugs/alcohol.
- Other Testing: Employees will be tested after return to duty after completion of a drug and alcohol rehabilitation program. After returning to work, these covered employees will be tested randomly at least six times during the next 12 months. Further, employees in this re-testing group also will continue to be part of the random testing pool.
- Testing facility. Any drug and/or alcohol testing by the County will be conducted by a laboratory licensed by the Commonwealth, the name and location of which will be made available to the employee by the Human Resources Department. The County will notify the employee of results of a test after receipt of such results from the laboratory. If the results confirm positive, the employee will be given the opportunity to explain the positive result. In addition, the employee may have the same sample retested at a laboratory of the employee's choice at the employee's expense, limited to laboratories licensed by the Commonwealth.
- Expenses. The County will pay the cost of any testing that it requires or requests, including retesting of confirmed positive results if such retesting is performed at the election of the County. Any additional tests that the employee requests will be paid for by the employee.

## **8. PRIVACY RIGHTS**

The County reserves the right to search an employee's person, locker, work area, and desk at any time, with or without cause.

The County will make every effort to keep the results of drug and alcohol tests confidential. Employees should be advised, however, that test results may be used in arbitration, or administrative hearings, and any court cases arising as a

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result of the employee's drug test. Also, results will be sent to federal agencies as required by federal law. If the employee is referred to a treatment facility for evaluation, the test results will be made available to the employee's counselor.

## **9. DISCIPLINE AND CORRECTIVE ACTION**

A refusal to take the tests, the discovery of an adulterated specimen, a discovery of tampering with the sample, or a positive test result in the absence of prior self-reporting and physician prescription, when applicable, shall result in termination of employment. In the event of a positive test result, a statement of medical justification provided in writing by a licensed physician will be considered for purposes of County evaluation but will not necessarily override the County decision to rescind an offer of employment or to terminate employment.

If there is reason to suspect that an employee is working under the influence of an illegal drug or alcohol, the employee may be suspended until the results of a drug and/or alcohol test are made available by the testing laboratory. Employees who report to work under the influence of drugs or alcohol will not be allowed to drive themselves home or elsewhere. Refusal to comply with this rule may result in immediate termination.

Where a CDL employee does not comply with self-reporting requirements as stated in this policy, a physician's prescription will not be an acceptable excuse, and the employee will be subject to disciplinary action or termination.

## **10. CDL EMPLOYEES**

CDL Employees are subject to the County mandatory drug and alcohol testing program in accordance with the Omnibus Transportation Employee Testing Act of 1991 and U.S. Department of Transportation (DOT) Rule 49 CFR Part 40 and The Federal Motor Carrier Safety Administration's (FMCSA) rule, 49 CFR 382. All County employees who are required to have any category of Commercial Driver's License as a condition of employment are subject to the County's policy for Drug and Alcohol Free Workplace.

CDL employees who test positive for drugs or above the .04 blood alcohol level shall be immediately terminated from employment if such results occur while employee is on duty; if such results occur when employee is off-duty, the employee shall be removed from driving duties while a disciplinary action determination is considered. Return to duty after a positive test, that was received while off-duty, shall be at the sole discretion of the County Administrator; however, no one who has tested positive while off duty shall perform safety-sensitive functions again until after successful completion of a return-to-duty program administered by a Substance Abuse Professional.

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Prior to hiring a CDL Employee, the County will review the applicant's DOT drug and alcohol testing history with any and all DOT-regulated company(ies) that employed the applicant during the three year period prior to the County's potential hire date. Applicants for CDL positions will be asked to provide written consent to seek the information from prior employers in accordance with County policy and DOT requirements. If the applicant does not provide such written consent, the County shall not offer employment for a CDL Employee position.

## **11. EXCLUSIONS**

Moderate use of alcohol during social functions outside of the usual workplace and outside of regular business hours but in which County employees participate as a consequence of position in the County are excluded as long as such employee does not operate a County-owned vehicle at a time proximate to such use.

Members of the Board of Supervisors are excluded from testing requirements. Board-appointed members of County authorities, commissions, boards, and committees are excluded from testing requirements, unless such appointees are County employees, in which case testing requirements and this policy shall apply.

## **12. INTERPRETATION**

The authority to interpret this policy rests with the County Administrator, and is generally delegated to the Director of Human Resources.

## **SECTION 10-16**

**Effective Date: January 1, 1998**

### **PROVISIONS CONCERNING EMPLOYEE CONDUCT PURSUANT TO BOARD OF SUPERVISORS' GENERAL POLICIES**

Each calendar year the Board of Supervisors adopts its By-Laws, General Policies and Operational Procedures. There are presently four (4) Articles within the Board of Supervisors' General Policies directly applicable to the conduct of Administrative Division employees:

- (A). Article 1: *Political Activities of County Administrative Officials and Employees and Use of County-owned and County-controlled Property and Facilities for Political Activities*
- (B). Article 2: *Custody and Control of County Properties and Facilities*
- (C). Article 4: *Conduct of the Office of the County Administrator*
- (D). Article 5: *Use of County Employee Services and County-owned and County-controlled Property by Individual Members of the Board of Supervisors*

These Articles are found in *Attachment B* of this Manual and are to be considered incorporated into the provisions of this Section. These Articles shall remain in effect so long as adopted by the Board of Supervisors as part of its General Policies.

## **SECTION 11-01**

**Effective Date: January 1, 1998**

### **GENERAL**

The Washington County Board of Supervisors sets forth the following policies and procedures regarding employee discipline so that such matters may be handled in a fair, objective and consistent manner. It is the policy of the Board of Supervisors that employee disciplinary actions be handled as set forth herein in an administrative fashion. The County Administrator and County Attorney may and should request consultation and advise from the Board of Supervisors where an anticipated disciplinary action may result in possible legal action being taken against the County.

## **SECTION 11-02**

**Effective Date: January 1, 1998**

### **FORMS OF DISCIPLINARY ACTIONS**

The following forms of disciplinary actions are approved for use against employees of the Administrative Division:

- (A). Verbal admonishment
- (B). Verbal warning
- (C). Written warnings; two types:
  - (1). Informal, and
  - (2). Formal
- (D). Suspension without pay
- (E). Temporary or permanent demotion with or without reduction in pay
- (F). Termination of employment

The above are listed in general order of severity and are defined in Section 01-06 of this Manual. All formal written warnings, suspensions without pay, temporary or permanent demotions, and terminations must be documented in writing and made part of the employee's Permanent Personnel Record.

## **SECTION 11-03**

**Effective Date: January 1, 1998**

### **AUTHORIZATION TO TAKE DISCIPLINARY ACTION**

Administrative Division employees of the *Manager* Class who are department heads (and any class of employee who is empowered by the County Administrator to act in the capacity of a department head) may take disciplinary action against employees under their direct supervision up to and including informal written warnings without prior approval of the County Administrator. Disciplinary actions involving formal written warnings, suspension without pay, temporary or permanent demotions and termination of employment must be authorized by the County Administrator. The County Administrator may take or direct a department head to take disciplinary actions against an employee, including granting that department head authority to issue a formal written warning, and/or to suspend, demote or terminate an employee. Any such grant of authority must be documented in writing from the County Administrator to the department head the same day the action is taken.

Employees of the *Supervisor* Class may make verbal admonishments and verbal warnings as disciplinary actions against employee under their immediate supervision with prior approval of their department heads (such approval may be blanket in nature). All such actions shall be reported to the department head the same day the action is taken.

## **SECTION 11-04**

**Effective Date: January 1, 1998**

### **GRADUATION OF DISCIPLINARY ACTIONS**

The types of approved disciplinary actions set forth in Section 11-02 are part of a graduated system of employee discipline designed to provide an opportunity for employees to learn acceptable conduct and behavior on the job without immediate recourse to termination. The type of disciplinary action taken on the first or successive violations of personnel or departmental policies, procedures, rules, practices or guidelines will depend primarily on the severity of the violation, the experience level of the employee, the conditions of the work environment where the employee is assigned, and/or whether there is a demonstrated, flagrant pattern developing with regard to such violations. Any or all of these conditions may be taken into account to determine the type of disciplinary action taken against an individual employee. Verbal admonishments, verbal warnings, and informal written warnings are primarily designed to correct inappropriate conduct or behavior; formal written warnings, suspensions, demotions and terminations are primarily designed to punish such conduct or behavior. In addition to their use as a disciplinary action, demotions are sometimes necessary in order that employees whose work has not been satisfactory (not due to disciplinary problems), but whose termination does not appear warranted may be retained and assigned less difficult work. The department head is required to gain the approval of the County Administrator before such a non-disciplinary demotion may occur.

Section 11-05 designates the types of violations and segregates these violations into general groups in order of severity for the purpose of establishing a general protocol with respect to the application of approved disciplinary actions.

## **SECTION 11-05**

**Effective Date: January 1, 1998**

### **CAUSES FOR DISCIPLINARY ACTION**

An employee may be subject to disciplinary action if he/she:

(A). Group 1 Violations:

- (1). is convicted of a felony crime of the state or federal government; or is convicted for illegal conduct occurring either on or off the job which is clearly related to job performance or is of such a nature that continued employment in his/her position could constitute negligence with regard to the County's duties to the public and other employees;
- (2). is proven or reasonably demonstrated through administrative investigation to be guilty of theft or flagrant misuse of County property, or of willful malfeasance in the conduct of the position to which the employee is assigned, whether or not formal criminal or civil charges are brought against the employee by the County government;
- (3). willfully gives false statements to County officials or to the public; falsifying, stealing, willfully damaging, defacing or improperly destroying County records, including time records, leave records, County employment applications, insurance claims, or pay or reimbursement vouchers;
- (4). takes for personal use from any person any fee, gift, or other valuable thing in the course of work or in connection with it when such gift or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than that accorded other persons; or accepts any bribe, gift, token, monies, or other things of value intended as an inducement to perform or refrain from performing any official acts, or engages in any action of extortion or other means of obtaining money or other things of value through his/her position in the County;
- (5). violates the Board of Supervisor's sexual harassment policy set out in Section 10-12 of this Manual, or violate the alcohol and drug misuse policy set out in Section 10-13 of this Manual;
- (6). is incompetent, unsatisfactory or inefficient in the performance of the stated duties of the position to which he/she is assigned; or demonstrates personal characteristics which make the employee incompatible with co-workers in the position to which the employee is assigned;
- (7). flagrantly violates any safety policy, rule, regulation or procedure so as to injure or endanger him/herself, other employee or the public;
- (8). possesses or brings onto County property an unauthorized firearm, dangerous weapon, explosive or any illegal drug;
- (9). violates any lawful or official policy, rule, regulation or order or willingly as an employee of the County fails to obey any proper direction made and given by an *Officer* Class employee, or the employee's immediate department head or supervisor so as to constitute gross insubordination;

(10). induces, or attempts to induce, an *Officer* Class employee or other employee in the service of the County to commit an unlawful act or to act in violation of any lawful or official policy, rule, regulation or order;

(11). has used, threatened to use, or attempted to use personal or political influence in securing more favorable treatment from an *Officer* Class employee or other employee in any manner related to his/her position;

(12). is a member of a subversive organization demonstrating hostility to the laws, institutions or officials of the United States, the Commonwealth of Virginia, or any city, town, or county of the Commonwealth;

(13). hinders, attempts to hinder, disrupt or in any way interferes with the lawful performance of duties and responsibilities of any *Officer* Class employee or other employee of the Board of Supervisors established pursuant to the laws, ordinances, policies, rules, regulations and procedures of the United States, the Commonwealth of Virginia, or the County of Washington.

(B). Group 2 Violations:

(1). fails to report for work or absence without prior notice to his/her department head or supervisor;

(2). is absent from duty without proper authorization or a satisfactory reason for more than three (3) successive working days;

(3). illegally gambles or engages in fighting on County property;

(4). is sleeping during working hours;

(5). is excessively absent or tardy, causing undue burden on co-workers or reduces the efficiency or effectiveness of the department to which the employee is assigned;

(6). speaks disrespectfully of, publicly criticizes, or maliciously ridicules any official or employee of any department, agency, or organization of the County government;

(7). is careless or negligent with the monies or other property or resources of the County government;

(8). divulges or discusses any confidential County business matters not having previously been made public, or discloses confidential information to any person unless directed to do so by his/her department head, or grants interviews or in any way knowingly makes public information not previously made public;

(9). engages in conduct unbecoming an employee of the County government while on duty or while representing the County in an official capacity not otherwise categorized as a Group 1 or Group 3 violation.

(C). Group 3 Violations:

- (1). fails to pay or make judgment provisions for future payment of his/her debts leading to a legal garnishment of pay, or to provide for proper family support and to pay his/her just financial obligations;
- (2). is offensive or rude in his/her conduct or language directed toward other employees, the public, or County officials, while either on or off duty, or engages in heated verbal argument while on duty;
- (3). engages in behavior disruptive of the orderly transaction of County business or which disrupts other County employees in the performance of their duties not otherwise categorized as a Group 1 or Group 2 violation;
- (4). violates any of the provisions or regulations of this Manual not otherwise categorized as Group 1 or Group 2 violations.

The above groupings of violations are not exhaustive and do not serve to limit the types of violations which disciplinary action may be taken.

## **SECTION 11-06**

**Effective Date: January 1, 1998**

### **DISCIPLINARY ACTION PROTOCOL**

The following is a general protocol with respect to disciplinary actions:

(A). For violations described in or which may be characterized as similar to Group 1, for the first offense a formal written warning and/or suspension may be made depending on the severity of and circumstances surrounding the offense. For a second offense identical or similar to the first, termination of employment may be made. In extreme or aggravated cases, termination may occur with the first offense.

(B). For violations described in or which may be characterized as similar to Group 2, for the first offense a verbal warning, informal or formal written warning, and/or suspension may be made depending on the severity of and circumstances surrounding the offense. For a second offense identical or similar to the first, suspension or demotion may occur or termination of employment may be effected. In extreme or aggravated cases, termination may occur with the first offense.

(C). For violations described in or which may be characterized as similar to Group 3, for the first offense a verbal admonishment, verbal warning, informal or formal written warning may be made depending on the severity of and circumstances surrounding the offense. For a second offense identical or similar to the first, suspension or demotion may occur. For the third or any subsequent offense, termination may occur.

The purpose of the protocol is to serve as a guideline rather than a strictly applied regulation with respect to disciplinary actions. In all cases, severity of the offense and mitigating or aggravating circumstances should govern the disciplinary action taken. Mitigating circumstances include conditions that would compel a reduction in the disciplinary action to promote the interests of fairness and objectivity, including but not limited to the employee's time in service and overall service record or otherwise satisfactory work performance. Extreme or aggravating circumstances include conditions that demonstrate willful or blatant disregard for established or acceptable conduct or behavior, or demonstrate very poor judgment so as to make the employee appear susceptible to committing the same or similar offense in the future.

## **SECTION 11-07**

**Effective Date: January 1, 1998**

### **DISCIPLINARY PROCEDURE**

(A). Lodging of Complaint:

Alleged complaints against employees of the *Supervisor/Specialist, Assistant/Operator/Technician* and *Aide* Classes of employees within the Administrative Division shall be first referred to the department head to which the employee is assigned. Alleged complaints against employees of the *Manager* Class shall be referred to the County Administrator. The County Administrator should be advised by the department head of any complaint lodged against an employee as soon as practical. All verbal or written complaints require at least initial inquiry.

(B). Initial Inquiry:

Upon evidence of or receiving a report of an alleged complaint from a County official, another employee or from the public, whether verbally or in writing, the department head to which the employee is assigned (or County Administrator in the event the employee is a department head) will conduct an initial inquiry. The inquiry will be made for the purpose of ascertaining the true facts relative to the circumstances surrounding the alleged complaint to determine whether an administrative investigation is warranted.

On the basis of the initial inquiry, if there is reasonable evidence to suggest a violation or offense has occurred, the department head to which the employee is assigned (or County Administrator in the event the employee is a department head) will initiate an administrative investigation. At this time, the County Administrator should be fully informed of the initial inquiry and process envisioned for the investigation. If there is no basis for such an investigation as a result of the initial inquiry, the matter will be dropped.

(C). Administrative Investigation:

The course of the administrative investigation must be dictated by the nature of the alleged violation or offense, but may include informal or formal questioning of persons thought to have knowledge of the situation and by close questioning of the employee. Written records may be requested from any Administrative Division department to support the investigation. Access to otherwise confidential information may be obtained with the permission of the County Administrator. During the investigation of a written complaint against an employee, a copy of the complaint may be provided to the employee if doing so would not interfere with the proper investigation of the matter (written complaints may be signed or unsigned, but will only be considered a verifiable written complaint if the identity of the complainant is positively known). If the complaint is verbal in origin, the department head may divulge the nature of the complaint to the employee but may withhold the complainant's identity from the employee, if doing so would likewise not interfere with the investigation of the matter. If during the administrative investigation evidence is gathered suggesting a criminal offense, the County Administrator or County Attorney may contact the proper law enforcement agencies to continue the investigation. If the evidence suggests that a felony has been committed, involvement of law enforcement agencies in the investigation is mandatory.

(D). Report and Disciplinary Action:

If upon the conclusion of the administrative investigation there exists sufficient and reasonable evidence to conclude that the complaint was justified and that a violation or offense has occurred, the investigating party (department head or County Administrator) will prepare a written Report on the matter. The report should be sufficiently detailed so as to document the nature of the complaint investigated, the manner of the administrative investigation conducted, the evidence collected, and the formal determination of guilt by the employee who was the subject of the investigation. If the complaint involved criminal activity where a formal criminal investigation was initiated, the written documentation comprising the criminal investigation file may serve as this Report. The Report shall be signed by the investigating party, a copy of which shall be provided to the employee and the original to the County Administrator (when the criminal investigation file is used as the Report, distribution of copies of these records shall be as permitted by the investigating law enforcement agency).

On the basis of this Report and such additional inquiry or investigation as he/she may determine, including joint or separate consultations with the complainant, the investigating party and/or the employee, the County Administrator shall determine what, if any, appropriate disciplinary action to take. In this regard, the protocols set out in Section 11-06 shall serve as guidelines with respect to the action taken. The County Administrator may direct disciplinary action be taken by department heads pursuant to the authorizations granted under Section 11-03.

(E). Grievance Procedure:

Any employee who has been suspended, demoted, or terminated, and considers himself/herself aggrieved, may follow the grievance procedures as outlined in Part 09 of this Manual. Verbal admonishments, verbal warnings, and informal or formal written warnings as disciplinary actions are not subject to grievance.

## **SECTION 11-08**

**Effective Date: January 1, 1998**

### **FILINGS WITHIN PERMANENT PERSONNEL RECORD**

Any complaint resulting in formal disciplinary action shall have all pertinent or supporting documentation generated as a result of the complaint's investigation and action taken filed within an employee's Permanent Personnel Record. Complaints where no action was taken or where informal or formal written warnings were issued may also be documented and filed at the discretion of the County Administrator. Such filings may also include notation of verbal admonishments depending on the severity and/or reoccurring nature of the matter to which such admonishments relate. In cases resulting in formal disciplinary action, the employee shall be advised in writing that the documentation relating to same is being filed within the employee's Permanent Personnel Record. The employee may be advised verbally or in writing as to filings relating to informal or formal written warnings and verbal admonishments at the discretion of the County Administrator. All Administrative Division employees may have access to their Permanent Personnel Record for review upon request to the Department of Accounting. Employees are permitted to file statements in rebuttal to any documentation filed within their Permanent Personnel Records.

Where a filing has occurred and an employee is subsequently absolved from guilt or fault, all documentation relating to the matter may be removed from the employee's Permanent Personnel Record at the direction of the County Administrator.

## **SECTION 11-09**

**Effective Date: January 1, 1998**

### **SUSPENSION WITH PAY DURING ADMINISTRATIVE INVESTIGATION**

If during the course of an administrative investigation of an alleged complaint, it is determined that the continued presence of the employee who is the subject of the investigation on the job is or may be harmful or detrimental to the investigation, the County Administrator may place the employee on suspension with pay for a period not to exceed five (5) successive County working days. Suspension with pay is not considered a disciplinary action, nor does it imply or should be interpreted to imply guilt, since the alleged complaint is still under investigation. Suspension with pay is an action designed to contribute toward the expedient resolution of the investigation of the complaint in certain situations.

In extreme or unusual circumstances, the County Administrator may extend the suspension with pay period for an additional five (5) successive County working days.

## **SECTION 11-10**

**Effective Date: January 1, 1998**

### **DISCIPLINARY ACTION AND PERFORMANCE EVALUATIONS**

Any formal disciplinary action, including informal or formal written warnings and verbal admonishments may be taken into account during an employee's performance evaluation and may negatively affect the findings of that evaluation. These may also negatively affect an employee's application for promotion to another position within the Administrative Division and may be cited as material evidence of an employee's job performance with respect to requested references from other potential employers (both within the County government and outside).

## **SECTION 11-11**

**Effective Date: January 1, 1998**

### **DEMOTIONS**

Demotion refers to the change of an Administrative Division employee from a position in one class to a position in another class, possibly having lower pay and possibly requiring the performance of less responsible duties. This may also include transfer from a permanent/full-time position to a permanent/part-time position as a disciplinary action. In the event of such a transfer, the employee will be entitled to continued participation in County employment benefits programs under the terms and conditions established for other permanent/part-time Administrative Division employees in this Manual.

## **SECTION 11-12**

**Effective Date: January 1, 1998**

### **SUSPENSION AND EMPLOYMENT BENEFITS PROGRAMS AND LEAVE**

An Administrative Division employee under suspension without pay as a disciplinary action shall be allowed to continue participation in all County employment benefits programs for the period of the suspension. A suspended employee shall reimburse the County in full for any monthly payroll deduction required for such programs in the event the employee's remaining compensation for that month is insufficient to cover the deduction. The employee shall be notified in writing of this situation by the Department of Accounting and Purchasing, and reimbursement must be made within fifteen (15) working days of this notice. Failure to do so may result in permanent loss of participation in such programs at the discretion of the County Administrator.

An employee suspended for more than fifteen (15) successive working days shall not accrue Annual Leave or Sick Leave for the month the suspension period began. An employee may not substitute any form of paid leave, including compensatory time off, in lieu of unpaid suspension time.

## **SECTION 11-13**

**Effective Date: January 1, 1998**

### **TERMINATION FOR DISCIPLINARY REASONS**

The authority to terminate an Administrative Division employee for disciplinary reasons is vested solely with the County Administrator, who may delegate or direct that the department head of the employee being terminated effect the termination action. The County Administrator at his/her discretion may provide the employee the opportunity to involuntarily resign from employment rather than be terminated. All involuntary resignations for disciplinary reasons shall be submitted in writing and signed by the employee either to the department head or County Administrator. A written acceptance of the involuntary resignation will be provided by the department head or County Administrator. All such documentation shall be maintained in the affected employee's Permanent Personnel Record.

## **SECTION 11-14**

**Effective Date: January 1, 1998**

### **RESIGNATION**

An Administrative Division employee may terminate employment with the County voluntarily by resignation by stating his/her reasons in writing to the department head or the County Administrator. An employee who has submitted a voluntary resignation may be continued in the position upon request to withdraw the resignation prior to its formal written acceptance by the department head or County Administrator. Once written acceptance has been issued, the department head or County Administrator is not compelled to reinstate the resigning employee. Administrative Division employees are encouraged to provide at least two (2) weeks notice in their voluntary resignations. All such documentation shall be maintained in the affected employee's Permanent Personnel Record.

## **SECTION 11-15**

**Effective Date: January 1, 1998**

### **RETIREMENT**

When an Administrative Division employee subject to the provisions of the Virginia Retirement System (VRS) reaches retirement age in accordance with the provisions of VRS and desires to retire from County employment, the employee shall so advise the Department of Accounting in writing within six (6) calendar months of the desired date of retirement. The Department of Accounting will so notify VRS at that time in order to allow sufficient time to process all required paperwork to commence retirement payments at the time requested by the employee.

When an Administrative Division employee subject to VRS provisions becomes physically or mentally incapable of performing the duties of his/her position in a satisfactory manner, it shall be the duty of the County Administrator to consider transferring the employee to a more suitable position (if such a position be available), or to require the employee to apply for disability or retirement, as appropriate. The Board of Supervisors or County Administrator is not compelled to create such a position or to take inordinate steps to facilitate an employee under these circumstances, and the County Administrator is empowered to cause the involuntary resignation of the employee due to personal medical conditions in circumstances where no suitable position is available and the employee refuses to apply for, or is determined ineligible for, disability or retirement.

## **SECTION 11-16**

**Effective Date: January 1, 1998**

### **EMPLOYMENT BENEFITS PROGRAMS UPON TERMINATION, RESIGNATION OR RETIREMENT**

The County is subject to the provisions of Title 10, Section 10003(a) of the federal Consolidated Omnibus Budget Reconciliation Act of 1986 (referred to as 'COBRA'). It is the policy of the County to provide health insurance benefits to former Administrative Division employees in strict accordance with COBRA. The County Attorney is responsible for interpreting the application of COBRA provisions to specific situations regarding terminated Administrative Division employees. In general terms, COBRA may permit terminating employees to continue to be covered by the County's health insurance benefits program under certain specific terms and conditions. Where an employee knows in advance of his/her pending termination, the employee should arrange to meet with the Accounting Manager as soon as possible to discuss COBRA provisions if the employee is interested in maintaining County health insurance coverage. If termination is unanticipated, terminated employees must notify the Department of Accounting no later than ten (10) calendar days after their termination date if they are interested in continuing their health insurance coverage through the County to determine eligibility under COBRA. Former Administrative Division employees are personally responsible for remitting their health insurance premium payments to the Department of Accounting no later than the eighteenth (18th) day of each month in order to continue coverage through the last calendar day of the next month (the form and manner of remittance shall be established by the Accounting Manager). Non-payment of the monthly premium (or payment being rendered later than thirty (30) calendar days from the 18th day of any month) will result in cancellation of coverage. If coverage is canceled due to non- or late-payment, the County's obligations under COBRA may cease.

Upon termination of employment for any reason, the County will cease its contributions to the employee's Virginia Retirement System (VRS) retirement fund. If the employee is terminated mid-way through any month, the final contribution will be prorated according to the number of days the employee worked in that month. Terminated employees must meet with the Accounting Manager to discuss how they wish to handle their retirement fund according to VRS provisions. Group life insurance will also cease when the employee is terminated for reasons other than retirement. Employees may purchase an individual policy at non-group rates at their own expense.

Termination of an Administrative Division employee for any reason will result in the employee ceasing to accrue any further leave time benefits as provided in Sections 07-03 through 07-17 of this Manual as of the date of termination. Employees should refer to Sections 07-14 and 13-02 of this Manual regarding compensation of leave at termination of employment.

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** Pay Periods

**Policy Number:** 13-02

**Replaces Policy Number:** 13-02

**Effective Date:** July 1, 2006

**Policy Covers:** All Employees at All Locations

**Revised Date:** July 1, 2012

## PAY PERIODS

Pay Periods for all full-time, salaried employees within the Administrative Division shall begin the first calendar day through the fifteenth calendar day of each month, and the sixteenth calendar day through the last day of each month (excluding weekends and County holidays). For salaried employees, compensation for the immediately preceding Pay Period will generally be rendered on the sixteenth calendar day (excluding weekends and County holidays) and last regular County working day of the current month.

The Pay Periods for all part-time, hourly wage employees within the Administrative Division shall begin the first calendar day through the fifteenth calendar day of each month, and the sixteenth calendar day through the last day of each month (excluding weekends and County holidays). For hourly wage employees, compensation for the employee's first Pay Period of employment shall be disbursed during the second Pay Period (in other words, hourly wage employees must complete one full month of employment before receiving their first compensation, then compensated each Pay Period thereafter).

At the discretion of the Board of Supervisors, the date compensation is rendered during the month of December may be advanced to account for the Christmas/New Year's holidays. The County of Washington and the Department of Budget and Finance make no warranty with respect to the exact date on which compensation shall be rendered. All compensation, including compensation due to termination of employment, shall be rendered according to the provisions of this section. Under unusual or necessitating circumstances, the County of Washington and the Department of Budget and Finance reserve the right to deviate from the provisions of this section.

The Department of Budget and Finance is the responsible administrative unit for the processing of payroll for all Administrative Division employees. The policy set forth in this section shall also be applicable to employees of non-Administrative Division Offices,

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departments, agencies and organizations whose payroll processing functions are administered through the Department of Budget and Finance.

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** Initial Starting Salaries and Wages

**Policy Number:** 13-03

**Effective Date:** January 1, 1998

**Policy Covers:** All Employees at All Locations

**Revised Date:** October 23, 2018

## **INITIAL STARTING SALARIES AND WAGES**

The Board of Supervisors has established *-Approved Initial Starting Salaries and Wages- Administrative Division Positions* set forth in Policy # 13-10 of this manual. Effective January 1, 1998 and updated October 23, 2018, no new Administrative Division position shall be established or existing position vacancy filled unless a minimum initial and maximum initial salary or wage for that position has been approved by the Board of Supervisors. All positions within the Administrative Division shall be accorded a minimum initial salary range for full-time positions or minimum initial hourly wage range for part-time. When a full time or part-time position within the Administrative Division is created, or a previously existing position is filled by a new employee, the initial starting salary or wage shall not exceed the maximum salary or wage established for that position. The County Administrator shall make recommendations with respect to these salary/wage range figures for Board of Supervisors consideration, including periodic recommendations as to updates of Policy # 13-10.

The minimum initial salary or wage shall be that amount representing the least compensation to be offered to a candidate for an Administrative Division position at the time of negotiation of salary/wages pursuant to Section 3.7 of this Manual. The maximum initial salary or wage figure shall be that amount which would represent the highest compensation offered at the time of negotiation. Deviation from these provisions must be prior approved by the Board of Supervisors.

When budgeting for new or existing but vacant Administrative Division positions, department heads and the County Administrator shall use the maximum initial starting salary or wage figure for the position pursuant to Policy # 13-10 of this Manual.

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** Basis for Annual Salaries and Salaried Over-time Compensation

**Policy Number:** 13-05

**Effective Date:** January 1, 1998

**Policy Covers:** All Employees at All Locations

**Revised Date:** November 14, 2018

## **BASIS FOR ANNUAL SALARIES AND SALARIED OVERTIME COMPENSATION**

Under normal conditions, the annual salaries for all full-time Administrative Division employees are for a period of two thousand and eighty (2,080) hours of employment for the annual period beginning July 1 and ending June 30 corresponding to the County Fiscal Year. Full-time salaried employees are considered to have been paid for 2,080 hours of employment each County fiscal year provided the employee has worked from the period beginning July 1 and ending June 30. Accordingly, all calculations for salaried overtime compensation pursuant to Part 08 of this Manual shall be made on the basis of dividing a full-time employee's salary by 2,080 hours to achieve the "salaried hourly rate" for purposes of calculating overtime compensation.

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** Authorized Payroll Deductions

**Policy Number:** 13-06

**Effective Date:** January 1, 1998

**Policy Covers:** All Employees at All Locations

**Revised Date:** November 14, 2018

## AUTHORIZED PAYROLL DEDUCTIONS

The County of Washington as an employer is authorized to make appropriate deductions from an employee's gross pay to cover Federal and State income taxes, contributions for retirement systems, employee group life insurance, health insurance and other employment benefits plans. With the authorization of the employee, the County may also make payroll deductions as may be approved by The Board of Supervisors for the benefit or convenience of the employees. Individual deductions for other than the above shall be made only with the approval of the County Administrator and Board of Supervisors.

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** Deductions on Termination

**Policy Number:** 13-07

**Effective Date:** January 1, 1998

**Policy Covers:** All Employees at All Locations

**Revised Date:** November 14, 2018

## DEDUCTIONS ON TERMINATION

On termination of employment, the County shall deduct and withhold from the final pay check of an employee any amount owed the County in payment for unearned leave, employment benefit programs, unreturned County-owned equipment and property, or any other indebtedness to the County. The final paycheck shall not be issued until the extent of any indebtedness to the County has been determined and cleared.

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** Employee Service Requirements for Cost of Living Salary Adjustments

**Policy Number:** 13-09

**Effective Date:** May 9, 2017

**Policy Covers:** All Employees at All Locations

## **EMPLOYEE SERVICE REQUIREMENTS FOR COST OF LIVING SALARY ADJUSTMENT:**

Any full-time employee, who within the six-month period immediately prior to the effective date of a cost of living salary adjustment of general applicability to employees or payment of a stipend of general applicability to County employees, was either hired or received a salary adjustment due to a position revision will not receive such adjustment or stipend.

The above provisions are applied in instances where there are no unusual or mitigating circumstances as may be determined by the County Administrator. Any increase in salary or wages is subject to budgetary appropriation by the Washington County Board of Supervisors.

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## POLICY

**Policy Title:** Approved Initial Starting Salaries & Wages-Administrative Division Positions

**Policy Number:** 13-10

**Effective Date:** November 2006

**Policy Covers:** All Employees at All Locations

**Revised Date:** October 23, 2018

## APPROVED INITIAL STARTING SALARIES & WAGES-ADMINISTRATIVE DIVISION POSITIONS

	<u>Minimum Starting Salary</u>	<u>Maximum Starting Salary</u>
<b><u>Department of Budget &amp; Finance</u></b>		
Director of Budget & Finance	\$ 75,000	\$ 90,000
Deputy Director	\$ 50,000	\$ 58,000
Purchasing Specialist	\$ 35,000	\$ 40,000
<b><u>Department of Building &amp; Development Services</u></b>		
Director of Building & Development Services	\$ 60,000	\$ 70,000
Building Inspector	\$ 35,000	\$ 45,000
Environmental Inspector-Plan Reviewer	\$ 32,000	\$ 37,000
Permits Technician	\$ 27,000	\$ 31,000
<b><u>Department of Economic Development &amp; Community Relations</u></b>		
Director of Economic Development	\$ 65,000	\$ 80,000
Administrative Assistant/Receptionist	\$ 30,000	\$ 37,000
<b><u>Department of Emergency Management</u></b>		
Coordinator of Emergency Management	\$ 60,000	\$ 72,000
Deputy Coordinator	\$ 45,000	\$ 55,000
<b><u>Department of General Services</u></b>		
Director of General Services	\$ 60,000	\$ 70,000
Supervisor		
HVAC Technician	\$ 32,000	\$ 45,000
Maintenance Technician	\$ 28,000	\$ 32,000
Custodial Technician	\$ 24,000	\$ 28,000

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<b><u>Department of Information Systems</u></b>		
Director of Information Systems	\$ 80,000	\$ 95,000
Network Administrator	\$ 48,000	\$ 58,000
Application Specialist	\$ 38,000	\$ 48,000
Technician I	\$ 32,000	\$ 36,000
Technician II	\$ 35,000	\$ 45,000
<b><u>Department of Recreation</u></b>		
Director of Recreation	\$ 56,000	\$ 62,000
Programs Specialist	\$ 32,000	\$ 37,000
<b><u>Department of Solid Waste</u></b>		
Director of Solid Waste	\$ 65,000	\$ 75,000
Specialist	\$ 32,000	\$ 38,000
Technician	\$ 24,000	\$ 29,000
Operator/Driver	\$ 30,000	\$ 36,000
Convenience Station Attendant	\$ 23,000	\$ 26,000
<b><u>Department of Zoning Administration</u></b>		
Zoning & Subdivision Official	\$ 56,000	\$ 65,000
Code Compliance/Assistant Zoning Official	\$ 40,000	\$ 52,000
<b><u>Office of County Administrator</u></b>		
County Administrator	<b>Board of Supervisors Discretion</b>	
Executive Assistant/Public Information Officer	\$ 38,000	\$ 52,000
<b><u>Office of County Attorney</u></b>		
County Attorney	<b>Board of Supervisors Discretion</b>	
<b><u>Department of Human Resources</u></b>		
Director of Human Resources	\$ 56,000	\$ 73,000
<b><u>Department of Community Development &amp; Planning</u></b>		
Director of Community Development & Planning	\$ 65,000	\$ 75,000
<b><u>Part Time Positions Per Hour</u></b>		
All Positions	\$ 9.00- \$10.50	\$ 13.00

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** Employee Travel and Related Expenses

**Policy Number:** 14-01

**Effective Date:** January 1, 1998

**Policy Covers:** All Employees at All Locations

**Revised Date:** March 13, 2018

## **EMPLOYEE TRAVEL AND RELATED EXPENSES**

The Washington County Board of Supervisors recognizes the need for Administrative Division employees occasionally to use their personal motor vehicle for work-related travel. The policies set forth in this Section govern employee use of personal vehicles for work-related travel and the County's reimbursement for work-related travel expenses. All expenses must be reasonable and necessary.

### **A. Use of County Motor Vehicles and Personal Vehicles**

1. County motor vehicles should be used rather than personal vehicles for work-related travel where possible. Use of County motor vehicles by Administrative Division employees shall be governed by the Vehicle Fleet Management Policy For Administrative Division Vehicles adopted by the Board of Supervisors. A copy of the Vehicle Fleet Management policy and the County Owned-Vehicle Use Agreement & Release of Driving Record Transcripts are provided as an attachment to the Personnel Policies and Procedures Manual for Administrative Division employees.
2. Administrative Division employees may use their personal vehicles for travel to and from work related functions when necessary. As a guideline, "shared" County motor vehicles may be used for both local (i.e., within Washington County and the Cities of Bristol, Virginia and Bristol, Tennessee) and non-local (i.e., outside Washington County and the Cities of Bristol, Virginia and Bristol, Tennessee) travel. Priority use of shared County motor vehicles is given to non-local travel. Employees may use their personal vehicles for non-local travel and be reimbursed subject to the provisions of this Section. As a guideline, employees with access to a "priority" or "dedicated" motor vehicle should use those vehicles rather than "shared" vehicles in both non-local and especially local travel where practical (Note: The terms "shared", "priority" and "dedicated" are defined in the Vehicle Fleet Management Policy For Administrative Division Vehicles).

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3. County motor vehicle insurance coverage is not extended to employees using personal vehicles for work-related travel.

## **B. Travel and Related Expenses Eligible for Reimbursement**

The following expenses may be reimbursed or, with the exception of fuel purchases for employees using their personal vehicles pursuant to (D) (3) of this section, charged to a County Purchasing Card. See Section (D) for applicable rates of reimbursement.

1. Use of an Administrative Division employee's personal vehicle to commute to and from work-related functions outside of Washington County and the cities of Bristol, Virginia and Bristol, Tennessee. This includes travel to and from work-related functions held after regular working hours, on nights, weekends and County holidays.
2. Where prior-authorized by the County Administrator or his/her designee, use of long-distance common-carrier transportation such as airlines, buses or trains to travel or commute to and from work-related functions not within Washington County and the Cities of Bristol, Virginia and Bristol, Tennessee.
3. Use of taxis, cabs, buses or other local common-carrier transportation to travel or commute to and from work-related functions not within Washington County and the Cities of Bristol, Virginia and Bristol, Tennessee.
4. Cost of lodging, meals (including tips or gratuities not to exceed twenty (20) % percent of the total bill), tolls, parking fees and related fares or charges incurred as a direct result of work-related travel.

## **C. Travel and Related Expenses Not Eligible for Reimbursement**

The following expenses may not be reimbursed or charged to a County Purchasing Card.

1. Use of an Administrative Division employee's personal vehicle to commute from the employee's residence or other location to and from the employees' primary place of work on a day-to-day basis.
2. Commutes using an employee's personal vehicle to and from work-related functions within Washington County and the Cities of Bristol, Virginia and Bristol, Tennessee, including functions held after regular working hours, on nights, weekends and County holidays.

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3. Commutes using an employee's personal vehicle from an employee's residence or other location to and from the employee's primary place of work or other location within Washington County for the purpose of accessing a County vehicle for subsequent travel to a work-related function.
4. Repairs or emergency road assistance to an employee's personal vehicle while in use for work-related travel.
5. Expenses incurred for an employee's emergency medical or health-related services while traveling on work-related functions, unless said services are determined to qualify for Worker's Compensation benefits.
6. Personal expenses while traveling on work-related functions, such as purchases of goods and services for personal use or convenience (with the exception of meals pursuant to (E) (3) of this Section).

## **D. Rate of Mileage Reimbursement for Travel Using Personal Vehicles**

1. The County will reimburse Administrative Division employees at the rate equal the rate per mile of travel established for employees of the Virginia state government (as approved by the State Compensation Board) when using personal vehicles for non-local, work-related travel in instances where no County motor vehicle was available at the time of departure. Mileage may begin at the point of departure for the trip and end at the point of return for the employee. Employees must certify as to the unavailability of a County motor vehicle in this event, and the situation may be verified by the General Services Director or County Administrator.
2. The County will reimburse Administrative Division employees at the rate equal to one half (50%) of the rate per mile of travel established for employees of the Virginia state government when using personal vehicles for non-local, work-related travel in instances where a County motor vehicle was available at the time of departure but where the employee elected to use his/her personal vehicle. Mileage may begin at the point of departure for the trip and end at the point of return for the employee.
3. Fuel purchases for employees using their personal vehicles for any work-related travel must be paid by the employee. A County Purchasing Card may not be used for such purchases.
4. Employees must apply for reimbursement on the County's Expense Reimbursement Request Form provided by the County Department of Budget & Finance. Reimbursement must be applied for within thirty (30) calendar days of the first date on which expenses were incurred. In the event of a change in the rate of reimbursement, the rate paid will be that in effect at the time the expense was incurred. The cost of reimbursement shall be charged to an appropriate budget

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line-item and will only be made provided budget authority exists for such reimbursement.

5. The County Administrator or his/her designee may reduce the amount of mileage reimbursement if the mileage recorded appears excessive in relation to the extent of travel involved.

## **E. Per-Diem and Reimbursements for Travel-Related Expenses**

1. Lodging reservations for employee travel should be made in advance of the trip and billed directly to the County where possible. Alternatively, the County will provide Administrative Division employees a County Purchasing Card for use in charging lodging and other travel-related expenses. Receipts for all lodging must be kept when the County Purchasing Card is used or if the employee wishes to seek reimbursement for lodging costs. No reimbursement will be made without appropriate detailed receipts. Where the function's sponsor recommends or provides lodging associated with the function, the County will pay for or reimburse in full the cost of such lodging. As a guideline, the cost of lodging should not exceed one hundred ninety-five (\$195.00) dollars per employee per night. If lodging costs exceed this amount (including sponsor-provided lodging), employees should seek alternative accommodations. The County Administrator or his/her designee may make exceptions to this guideline in special or unusual situations.
2. Usage of the Internet to procure travel services is allowed. Use caution and prudent judgement when choosing an Internet travel service site. Hidden fees, significant pre-payments, or nonrefundable advances can apply that may not be reimbursable.
3. As a guideline, the County will not pay for or reimburse overnight lodging expenses where the location of a work-related function is fifty (50) miles or less from the Town of Abingdon, Virginia. Exceptions may be made by the County Administrator or his/her designee with respect to work-related functions to be conducted over more than two (2) successive days at such a location, or where the work-related function will begin earlier than 8:00 AM or end past 7:00 PM on any day.
4. The County will pay for or reimburse in full the actual cost of employee meals while traveling on work-related functions not to exceed eighty (\$80.00) dollars per employee in any twenty-four (24) hour period (per-diem) while traveling alone or with other County employees. Exceptions to this per-diem rate may be made by the County Administrator with respect to work-related travel with non-employee guests or with County elected or appointed officials, or when the travel distance or destination appears to warrant additional per-diem. Receipts for all meals purchased must be kept when a County Purchasing Card is used or if the

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employee wishes to seek reimbursement for meals. No reimbursement will be made without appropriate detailed receipts.

5. Fuel purchases for County motor vehicles while in use for any work-related travel may be paid by a County Purchasing Card or reimbursed to the employee, as well as repairs or maintenance to County motor vehicles in accordance with the Vehicle Fleet Management Policy For Administrative Division Vehicles.
6. Employees must apply for reimbursement on the County's Expense Reimbursement Request Form provided by the County Department of Budget & Finance. Reimbursement must be applied for within thirty (30) calendar days of the first date on which expenses were incurred. In the event of a change in the rate of reimbursement, the rate paid will be that in effect at the time the expense was incurred. The cost of reimbursement shall be charged to an appropriate budget line-item and will only be made provided budget authority exists for such reimbursement.
7. The County Administrator or his/her designee may reduce or adjust the amount of travel-related expense reimbursement if the amount exceeds the provisions of this section without prior approval or sufficient justification.

## **F. Cash Advances for Travel-Related Expenses**

In particular situations, it may be necessary to provide a cash advance for travel-related expenses. Such advances may be authorized by the County Administrator or his/her designee on a case-by-case basis and subject to conditions as may be deemed appropriate by the County Administrator.

## **G. Travel Documentation/Reimbursement Requirements**

1. Although not all-inclusive, the following information is required for expense reimbursement or when using the County's Purchasing Card for travel expenses and must be submitted to the Budget & Finance Department.
  - Reason for travel and any unusual fees such as charges for changing a reservation/ticket
  - Itemized detailed receipt for lodging
  - Detailed receipt for each meal expenditure
  - Receipt for registration fees
  - Receipt and reason for using "for hire transportation" (examples: taxi, shuttle, metro, and limousine)

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2. Travelers must keep detailed receipts and accurate records of all expenses to ensure correct reporting and submission of travel documentation/reimbursements. Travel reimbursements will not be made from travel charge card statements.
3. Travelers must submit the documentation to the Budget & Finance Department within thirty (30) working days after completion of the trip. County procedures are designed to process expenditures or reimbursements in a timely manner to allow travel charge card payments to be made by the specified due date.
4. The traveler must certify the accuracy of all information and the legitimacy of the travel before submitting to the Budget & Finance Department.
5. The Budget & Finance Department will review all reimbursement requests and is authorized to reject any requests that do not comply with this policy.

## COUNTY CONTACTS

County Administrator's Office:  
276-525-1300  
FAX: 276-525-1309

General Services Department  
276-525-1355  
FAX: 276-525-1309

Human Resources Department  
276-525-1313  
FAX: 276-525-1309

Budget & Finance Department  
276-525-1310  
FAX: 276-525-1309

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** Reimbursement of Employee Purchase

**Policy Number:** 14-03

**Effective Date:** January 1, 1998

**Policy Covers:** All Employees at All Locations

**Revised Date:** December 13, 2016

## REIMBURSEMENT OF EMPLOYEE PURCHASE

Where convenient or necessary, full-time and part-time Administrative Division employees may purchase work-related goods and services for use by themselves or other Administrative Division employees and be reimbursed not to exceed two hundred fifty (\$250.00) dollars per employee per County fiscal year. Costs incurred in excess of this amount per fiscal year will not be reimbursed except in emergency or unusual situations where the purchase could not be made through normal County purchasing procedures. Employees should use the County's (P-Card) credit card to avoid the need for a reimbursement if at all possible. Employees are discouraged from routinely making reimbursable purchases in excess of one hundred (\$100.00) dollars per receipt per day unless prior approval is given by the County Administrator or the employee's department director.

Reimbursement shall be requested through the employee's department director or County Administrator (in the case of department directors). The employee shall submit a copy of the detailed receipt for the purchase and indicate in writing the nature and need for the purchase to which reimbursement is sought. Reimbursement must be applied for within thirty (30) calendar days of the first date on which expenses were incurred. Employees must complete a W-9 in order for the reimbursement to be processed.

For purchases up to one hundred (\$100.00) dollars per receipt per day the department director must first review and forward a recommendation to approve reimbursement to the Department of Budget & Finance. For purchases in excess of one hundred (\$100.00) dollars per receipt per day the director must review and forward a recommendation to approve or deny reimbursement to the County Administrator. The department director and County Administrator may disapprove such reimbursement if in their opinion the need for the purchase was not warranted under the circumstances.

Upon County Administrator approval, reimbursement shall be remitted to the employee from the Department of Budget & Finance. The cost of reimbursement shall be charged to an appropriate budget line-item and will only be remitted provided budget authority exists for such reimbursement.

# WASHINGTON COUNTY, VIRGINIA



## POLICY

**Policy Title:** Certification & Education Assistance

**Policy Number:** 14-04

**Effective Date:** March 14, 2017

**Policy Covers:** All Employees at All Locations

**Revised Date:** August 23, 2019

## **Certification & Education Assistance**

The purpose of this policy is to encourage the educational development of full-time employees for training that is work-related, that maintains or improves skills required by employees for their positions of employment, that may be necessary for anticipated needs of the County, or that may increase the quality of an employee's service to the County. This assistance program is not intended to allow employees to complete a college degree or advance to a higher degree. This policy recognizes the mutual benefits derived from an employee's increased competence in their position of employment that may result from certification programs and continued education in their field of employment. This policy does not apply to continuing education programs to maintain an employee's knowledge and skills in the employee's area of employment for the County, which will be paid as an employee benefit subject to County Administrator approval and budgetary constraints.

## **Application for Assistance**

To obtain County reimbursement or advance payment for certification and education programs (Program), an employee must file with the County Department of Human Resources a completed Application for Certification and Education Assistance (Application) using the form provided by the County, which shall include the employee's Certification and Education Assistance Agreement (Agreement) signed by the employee. The Application must be filed and approved before expense has been incurred for a Program. Notwithstanding the foregoing, the County Administrator may approve an Application filed after incurrence of expense for a Program if the County Administrator determines that circumstances are appropriate for such approval. However, no approval shall be granted for any Program for which any portion was undertaken prior to employment with the County or completed after termination of employment with the County. Applications must be approved by both the employee's Department

# WASHINGTON COUNTY, VIRGINIA

Director and the County Administrator, except Department Director applications for assistance require approval only by the County Administrator.

## **Program Expenses**

The following expenses are “Program Expenses” subject to the provisions of this policy: tuition, required textbooks or other required materials, and laboratory and technical fees, if any.

## **Employee Eligibility and Program Qualifying Criteria**

1. Eligibility for assistance pursuant to this policy begins immediately upon hire as a full-time employee of the County and will continue for the duration of an employee’s maintenance of acceptable job performance as determined by their Department Director or, for Department Directors, by the County Administrator. Reimbursement will not be paid to any person no longer employed by the County at the time of scheduled reimbursement pursuant to this policy.
2. The Program must clearly align with the employee’s current position of employment with the County or position to which the employee is reassigned.
3. The Program must be taken at an accredited college or university, approved trade school or technical school, or approved online educational or certification program.
4. In the event the County did not pay in advance for a Program, reimbursement to the employee will be made upon successful completion of the course (a grade of “C” or better or a “pass” for a pass/fail course). The application for reimbursement must be submitted to the Department of Human Resources within 30 days of Program completion, or within 10 work days of receiving the official grade report, whichever is later.
5. All approved and funded courses must be completed successfully before registering for any additional courses. An employee normally will not be reimbursed for a course, which was previously reimbursed under this policy. However, reimbursement may be paid for some repeated courses at the discretion of the County Administrator.

## **Refund to County**

1. Failure to complete successfully the course of study. Participating employees must submit to the Department of Human Resources a copy of the official grade

# WASHINGTON COUNTY, VIRGINIA

report and all relevant receipts within 30 days of course completion, or within 10 work days of receiving the official grade report, whichever is later. An employee who fails to comply with this submittal requirement shall refund the County any Program Expense paid by the County pursuant to this policy within 30 days of course completion, or within such other time period specified in writing by the County Administrator. If a participating employee is unable to complete successfully the course of study, the employee shall refund the County any amount paid by the County pursuant to this policy within 30 days of course completion, or within such other time period specified in writing by the County Administrator.

2. Failure to continue employment with the County. Because this benefit is offered to employees to maintain or improve their required skills and to encourage their further development while increasing their contribution to the County, any employee who leaves employment with the County within 36 months of completion of a Program for which the County pre-paid or reimbursed expense and any employee who leaves employment with the County prior to completion of a Program for which the County pre-paid or reimbursed expense will be required to refund the County an amount pro-rated in accordance with the schedule set out below. Any amount owed under this policy at the time of departure from employment with the County becomes immediately due and payable at the time of such departure. The County has the right to deduct any amount owed pursuant to this policy from any monies due and owing the employee including but not limited to paychecks, expense checks, and payments for accrued Paid Time Off and Sick Leave at the point of employee departure from employment with the County in accordance with the provisions for such deduction in the Certification and Education Assistance Agreement.

<u>Amount of Tuition Reimbursement</u>	<u>Employment Duration</u>
Up to \$249.99	None
\$250 -- \$749.99	6 months
\$750 -- \$1,999.99	1 year
\$2,000 -- \$4,999.99	2 years
\$5,000+	3 years

For example, if the County reimburses an employee \$5000 for a course, and the employee leaves employment with the County 2.5 years after completion of the course, the reimbursement would be calculated as follows:

$(\$5,000 / 36 \text{ months}) \times 6 \text{ months remaining in employment duration period} = \$833.34$  refund due to the County from the employee.

# WASHINGTON COUNTY, VIRGINIA

3. Discretionary waiver of refund requirement. Notwithstanding the foregoing, no such refund shall be due from the employee if the County Administrator determines in writing that extenuating circumstances (such as employee illness or the illness of a family member) has caused an employee's inability either to complete the course of study or to remain employed by the County for the stated duration after completion of the course of study. However, if the Program provider pays the employee a tuition or materials refund for expenses that had been paid by the County either in advance or by reimbursement, then the employee shall give the full refund to the County within one week of receipt.
4. Termination of employment. In the event the County terminates the employment of an employee for cause (involuntary termination of employment) for which the County had paid Program Expenses pursuant to this Policy, then the following refund requirement shall apply. The County Administrator shall make a written determination of whether refund to the County of Program Expenses shall be required. An involuntary termination of employment for the convenience of the County (not for cause) shall not result in a requirement of refund of Program Expenses to the County.

## **At-will Employment**

Neither this policy nor any Application or Agreement entered into pursuant to this policy shall create, or in any manner be deemed, a contract of employment between any employee and the County nor a contract to ensure promotion or salary adjustment. All County employees may terminate employment with the County at any time with or without cause, and the County may terminate employment of any employee at any time with or without cause.

## **Income tax implications**

Only Programs that are work-related or anticipated to be work-related will be exempt from income tax. If a Program is not directly work-related, it will be considered a taxable benefit to the employee. Current I.R.S. guidelines should be consulted to determine the annual maximum amount of employer-provided educational expense reimbursement that is excludable from gross income.

## **ATTACHMENT B**

**Effective Date: January 1, 1998**

### **GENERAL POLICIES OF THE BOARD OF SUPERVISORS (ARTICLES 1, 2, 4 AND 5)**

The following are Articles 1, 2, 4 and 5 of the Washington County Board of Supervisors General Policies:

#### ***Article 1. Political Activities of County Administrative Officials and Employees and Use of County-owned and County-controlled Property and Facilities for Political Activities.***

*1.1. The Washington County Board of Supervisors (hereinafter the Board) recognizes and respects affiliation and participation in the political processes of the United States, the Commonwealth of Virginia, the County of Washington and other localities by administrative officials and employees of the Board. In establishing the policy set forth in this Article, the Board endorses the following principles:*

- a. Board administrative officials' and employees' political rights shall be protected.*
- b. No politically motivated interference, pressure or coercion shall be permitted in the execution of the lawful duties, services and responsibilities of Board administrative officials and employees.*
- c. The execution of lawful duties, services and responsibilities by the Board of Supervisors and its administrative officials and employees shall be rendered without political bias or the perception of political bias.*

*1.2. The Board shall take no action, directly or indirectly, in prohibition of or punishment for the exercise and expression of political affiliation and participation in political processes of the federal, state and local governments by its administrative officials and employees which are not part of or performed during the exercise of the officials' or employee's job-related activities.*

*1.3. While in performance of lawful duties, services and responsibilities, administrative officials and employees shall in discourse and manner abstain from any form of political expression or exercise, including, but not limited to, the following:*

- a. The circulation of political petitions and campaign materials of any form.*
- b. The wearing of items endorsing a particular candidate for public office.*
- c. The production of any item, material or other work-product for use in political initiatives or campaigns.*
- d. To portray, suggest or imply in any manner that the Board or any administrative official, employee, department or agency thereof endorses or opposes any candidate for public office, or endorses or opposes any political issues or ideas.*
- e. To knowingly solicit or endorse contribution of monies to any political candidate or party.*
- f. To knowingly permit or acquiesce in the conduct of the above by any administrative official, employee or*

*candidate for public office, whether incumbent or seeking, during the exercise of duties, services and responsibilities by administrative officials and employees.*

*The provisions herein and of this Article generally are not intended to limit the constitutional rights of Board administrative officials and employees in their capacity as private citizens. They are intended to reasonably limit expression and exercise of political affiliation and participation while acting in the capacity of a public employee, during the exercise of job-related duties, services and responsibilities. Such restrictions are designed to further the principle of political neutrality in the conduct of public employees on the job.*

*1.4. The Board shall not permit the following political activities to be conducted within or on the grounds of any property or facility owned and/or under the direct control of the Board:*

- a. The conduct of campaign activities by any federal, state or local candidate, whether incumbent or seeking, whether by the candidate for office in person or by his representative.*
- b. The posting or distribution of campaign signs, printed materials or other items for any federal, state or local candidate for office, whether incumbent or seeking.*
- c. The use of any equipment or motor vehicle as part of any federal, state or local political campaign or initiative.*

*This provision shall be interpreted to include those properties and facilities used by the Constitutional Officers of Washington County which are owned in the name of the Board or which are directly controlled through leasehold or other arrangement by the Board.*

*1.5. The Board recognizes that properties and facilities under its ownership and control have utility and convenience to the conduct of certain types of political activities. Accordingly, the Board shall permit the following types of activities under the following conditions:*

- a. The holding of organized political party meetings of the federal, state and local governments, through prior arrangement with the office of the County Administrator.*
- b. The holding of organized political debates, discussions and other public forums providing the opportunity for free and open political discourse between candidates for public office, through prior arrangement with the office of the County Administrator.*
- c. The conduct of interviews with the electronic media and press by candidates for public office, whether incumbent or seeking.*

*In a. and b. herein, the office of the County Administrator may set the time, place and manner of use of the property or facility consistent with good order and the uninterrupted operations of the County government. Once use is arranged and approved, the Board or any administrative official or employee shall not further regulate the conduct of discourse. Upon conclusion of the use, the property or facility shall be restored to its original state and order at the expense of the participating parties or sponsor of the event.*

*1.6. Nothing herein this Article shall be construed so as to prohibit or limit activities or discourse on political matters properly authorized as part of a County administrative official's or employee's job-related functions.*

1.7. Any violation or breach of this policy shall be investigated by the County Attorney or other such other person as may be designated by the Board. If the violation or breach is proven, the investigating party shall report his findings and recommendations to the County Administrator (in the event of the involvement of a County administrative employee), and/or to the Board. The County Administrator shall take such measures as required under Board personnel or other policies or deemed appropriate in disciplinary action against any County administrative employee, including termination of employment. The Board may also take such lawful action as it deems appropriate.

1.8. All previous policies and procedures adopted by the Board related to political activities of County administrative officials and employees and use of County-owned or County-controlled property and facilities for political activities, except those policies not in conflict with the above as set forth in the Washington County Board of Supervisors Personnel Policies and Procedures Manual for Administrative Division Employees, are hereby repealed.

## **Article 2. County Property and Facilities**

### **2.1. Custody and Control of County Properties and Facilities**

2.1.1. The Washington County Board (hereinafter the Board) hereby vests the day-to-day authority over and control of the County office buildings properties, facilities and equipment and County employees using same, and the responsibilities of various officials and employees for maintaining control over areas assigned to them and maintaining a proper working environment as follows:

- a. The building and associated grounds of the County Administration Building, 205 Academy Drive, Abingdon, Virginia shall be under the control of the Board and the County Administrator.
- b. When the Board is engaged in an official meeting, the County Administration Building and associated grounds are under the control of the Chairman of the Board or Acting Chairman or his designee for the orderly conduct of the meeting. Upon prior to and upon adjournment of an official meeting, authority and control are returned to the County Administrator or Acting County Administrator or his designee.
- c. When the Board is not engaged in an official meeting, subject to the further provisions herein, the building and associated grounds are under the control of the County Administrator or Acting County Administrator or his designee for the orderly conduct of the County's business.
- d. Because of the unique relationship which exists between the Board and the County Attorney, the County Attorney shall be responsible for controlling the office area which is specifically assigned to him/her and support staff and is authorized and directed to take appropriate steps to maintain the security of the office area and to maintain an appropriate working environment.
- e. When the County Administration Building is open to conduct County business, the County Administrator is in control of the building and associated grounds (subject to the provisions contained in the previous paragraph); however, in the absence of an express statement to the contrary, County administrative department heads are delegated the authority and responsibility to control and manage their employees, equipment and office areas occupied by or assigned to the department and to the department's employees.
- f. When more than one department shares an office area or space, in the absence of an express written statement of policy by the Board or by the County Administrator to the contrary, each department head is

*delegated responsibility and authority to control and manage the area or space assigned to the department and the department's employees.*

*g. When more than one department shares employees, in the absence of a statement or policy (by the Board or by the County Administrator) to the contrary, each department head is delegated responsibility and authority to control and manage the support staff and equipment assigned to the department.*

*h. When more than one department shares an office area, equipment or employees in the County Administration Building and the department heads do not agree on the proper action, management, or use of the shared space, items or personnel, the disagreement shall be submitted to the County Administrator or Acting County Administrator (person designated by the County Administrator or the Board to make decisions in the County Administrator's absence) who shall resolve the disagreement in the manner; if neither the County Administrator nor the Acting County Administrator is present and the dispute requires an immediate resolution, the County Attorney may resolve the dispute if he/she is present; if the County Administrator is not present and a decision may reasonably be delayed until the County Administrator returns, the dispute will be reduced to writing and the decision will be made by the County Administrator on his return.*

*2.1.2. Any County administrative employee so empowered by this Article may take lawful action to cause the removal of any person disrupting the conduct of County business in his assigned office area. Consent or direction of the County Administrator, Acting County Administrator, or County Attorney is not required for such lawful action to be taken. If such action is taken, the administrative employee taking the action shall immediately document same in writing and advise the County Administrator, Acting County Administrator and/or County Attorney as soon as practical.*

*2.1.3. County buildings, facilities and properties owned or held in leasehold or other arrangement in the name of the Board of Supervisor but which are used principally by the judiciary, Constitutional Officers of Washington County and other organizations, agencies and individuals shall be for the purposes of the Article considered under the authority and control of those officers, organizations, agencies and individuals. Nothing herein shall prohibit the development of similar policies by those individuals in charge of it. The County Administrator, Acting County Administrator or County Attorney shall not exercise day-to-day authority and control over same, but may act in an emergency or other circumstance to protect the orderly conduct of County business if no other responsible official or employee is in charge.*

## *2.2. Use of Tobacco Products On and Within County Property and Facilities*

*2.2.1. Smoking and use of oral tobacco products within all County buildings and facilities owned or held in leasehold or other arrangement in the name of Washington County or the Board of Supervisors shall be prohibited during the regular business hours of the occupants of those buildings and facilities.*

*2.2.2. Smoking and use of oral tobacco products shall be permitted on County property including the grounds outside of County buildings and facilities. The heads of the various offices, organizations, departments and agencies housed within such buildings and facilities may designate specific areas on the grounds where their employees and the public may use such products during regular business hours.*

*2.2.3. Smoking and use of oral tobacco products shall be prohibited in all designated meeting or conference rooms within County buildings and facilities at any time such rooms are in use.*

2.2.4. *The Sheriff of Washington County may establish policy for smoking and use of oral tobacco products within the County Jail. The provisions of this Article shall apply to other buildings and facilities occupied by the Washington County Sheriff's Office.*

2.2.5. *Article 2.2. shall become effective September 1, 2003. This Article shall be continued in effect unless amended or abolished pursuant to the provisions of Board's By-Laws.*

#### **Article 4. Conduct of the Office of the County Administrator**

4.1. *In addition to the provisions of Article 12 of the Washington County Board of Supervisors (hereinafter the Board) By-Laws, the Board adopts the following ethical code regarding the office of County Administrator of Washington County (adapted for use from the International City/County Management Association (ICMA) Code of Ethics and Guidelines, first adopted by the ICMA Executive Board in 1924 and Revised in January, 1994):*

a. *The County Administrator shall be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.*

b. *The County Administrator shall affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.*

c. *The County Administrator shall be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the respect and confidence of the elected and appointed officials, employees and the public may be merited.*

d. *The County Administrator shall recognize that the chief function of the local government is at all times to serve the best interests of all the people.*

e. *The County Administrator shall submit policy proposals to elected and appointed officials, provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals, and uphold and implement local government policies adopted by those officials.*

f. *The County Administrator shall recognize that the credit for the establishment of local government policies lies with the elected and appointed officials; responsibility for policy execution rests with the administrative officials and employees of the local government.*

g. *The County Administrator shall refrain, in word and conduct, from politically partisan participation in the election of local government officials, and from all partisan political activities that would impair performance as a professional administrator.*

h. *The County Administrator shall make it his duty to continually improve upon professional abilities and to develop the competence of employees in his charge in the execution and delivery of their assigned responsibilities.*

i. *The County Administrator shall keep the public informed on local government affairs, encourage communication between the citizenry and all elected and appointed officials, emphasize friendly and courteous*

*service to the public; and seek to improve the quality and image of public service.*

*j. The County Administrator shall resist any encroachment on professional responsibilities, maintaining a position that he/she should be free to carry out official policies, duties and responsibilities without interference and proceed without discrimination on the basis of principle and justice.*

*k. The County Administrator shall handle all matters relating to local government personnel on the basis of merit, fairness and impartiality, especially those pertaining to appointments, compensation, promotions and discipline.*

*l. The County Administrator shall not seek nor accept any pecuniary or substantial material favors from his position, nor shall he/she maintain or establish private business relationships or investments which conflict or have the potential of conflicting with official duties.*

*4.2. The County Administrator shall treat all elected and appointed officials of Washington County with the respect and courtesy due such offices, and shall treat the interests and positions of all such officials with equal respect and deference.*

*4.3. In making policy proposals, the County Administrator shall attempt to provide genuinely viable policy options to the degree that professional standards will permit, and to treat all such options provided in such a way as to depict real choice among the options provided.*

*4.4. Where the County Administrator knows that a decision or policy of the local government is legally wrong, or where uniform application of such decision or policy would thwart or circumvent the true intent of same, the County Administrator shall not cause implementation of said decision or policy if such is within his authority and responsibility; but instead shall bring the matter to the attention of the appropriate officials at the earliest possible time.*

*4.5. Where circumstances will permit, the County Administrator shall not request or by surprise or immediate necessity require a decision by elected and appointed officials where sufficient time and supporting information has not been previously provided.*

***Article 5. Use of County Employee Services and County-owned and County-controlled Property by Individual Members of the Board of Supervisors***

*5.1. While recognizing that members of the Washington County Board of Supervisors (hereinafter the Board) are vested with no distinct powers or authority to act as individual office-holders, the Board does grant its members certain privileges with respect to the use of the services of County administrative employees and County property as set forth in this Article.*

*5.2. Members of the Board may at their discretion have prepared for their use stationary bearing their individual names, office title, election districts, home or other address(es) and telephone number(s) with the County Seal affixed, the cost of which may be paid from the general revenues of the County subject to annual appropriation and purchased or obtained in reasonable quantity through the office of the County Administrator. Such stationary is the personal property of the Board member, and may only be used for purposes set out in Section 5.4. of this Article. Members of the Board may also use official County stationary for correspondence to be forwarded under their signature.*

5.3. *Individual Board members may at their discretion request correspondence be prepared on their personal stationary or official County stationary for their signature by County administrative employees. Board members shall make such requests through the office of the County Administrator or his designee. The County Administrator or his designee shall direct the appropriate County personnel to prepare the correspondence as part of the employee's regular duties. Correspondence prepared in this manner may be transmitted through the regular mail or by electronic means, the cost of which may be paid from the general revenues of the County. The preparation and distribution of such correspondence is subordinate to the other duties and responsibilities of the employee to which such work is assigned. Reasonable effort will be made to complete such correspondence within two (2) County working days from the date it is received and assigned.*

5.4. *Correspondence written by or for individual members of the Board by County administrative employees in this manner shall be limited to subject matter immediately germane to the activities or interests of the Board of Supervisors as the governing body of the County. County employees may not be used to prepare oral or written presentations, working papers, maps, drawings, renderings or other forms of written or graphic materials, or to undertake research or compile information from sources not immediately available to the employee where the subject matter of such materials does not relate to or reflect any activity or interest of the Board as the governing body of the County. County employees may be used to prepare such materials where the content of it has been previously discussed and approved by the whole Board, and is reflective of the official position of the Board as the governing body of the County.*

5.5. *Mass-mailings of correspondence by individual Board members is prohibited. Mailings of twenty-five (25) or fewer identical or substantively similar letters by individual Board members at any one time is permissible.*

5.6. *The services of County employees and the use of County-owned and County-controlled property may not be employed to prepare or otherwise facilitate the production and distribution of any materials or information associated with political campaigns or election activities of the federal, state or local governments, including the re-election of incumbent members of the Board. Individual Board members shall not use their personal stationary or official County stationary in any way associated with political campaigns or election activities of the federal, state or local governments, including personal re-election campaigns.*

5.7. *Individual members of the Board may use County-owned property such as telephones, motor vehicles and data processing equipment so long as the use of it is consistent with the provisions of this Article.*



## VEHICLE FLEET MANAGEMENT POLICY

**Effective Date:** May 14, 2014

**Policy Covers:** All Users of County Vehicles

**Original Source:** August 27, 1996

### I. GENERAL PURPOSE AND APPLICATION OF POLICY

The Board of Supervisors has a substantial investment in County-owned motor vehicles made available for use by County Government employees. The policies, rules, and guidelines set forth herein are intended to provide for the economic and efficient management of these vehicles.

For purposes of this Policy, *County motor vehicles* refers to vehicles titled and registered with the Virginia Department of Motor Vehicles in the name of Washington County or the Washington County Board of Supervisors that are maintained for use in furtherance of operations of the County. This Policy shall not govern vehicles assigned to the Washington County Sheriff's Office or Washington County Public Library.

### II. ADMINISTRATION OF POLICY

The County Administrator or his/her designee has overall responsibility for the acquisition, use, maintenance and disposition of motor vehicles covered under this Policy. All motor vehicles owned in the name of the Washington, Virginia, Board of Supervisors are assigned to the administrative oversight of the County Department of General Services, with the exception of vehicles under supervision of the Director of the Department of Solid Waste. The day-to-day management and enforcement of this Policy shall be by the Director of the Department of General Services, under supervision of the County Administrator.

The County Department of Solid Waste, through the Solid Waste Director with the approval of the County Administrator or his/her designee, may develop administrative policies specific to County motor vehicles assigned for use to that department not otherwise provided for herein this Policy.

### III. ELIGIBILITY TO USE COUNTY MOTOR VEHICLES

- A. The following individuals are eligible to use County Motor Vehicles for purposes related to business of the County government and County agencies, subject to the eligibility criteria and use standards stated in the Fleet Management Policy:
1. Full time and part-time County Administrative Division employees;
  2. Members of the Board of Supervisors;
  3. Members of Board of Supervisors-appointed Boards, Authorities, Commissions, and Committees;
  4. Constitutional Officers and their employees;
  5. Employees of non-Administrative Division offices and agencies of the County government; and
  6. Other individuals, not otherwise specified above, with special written permission of the County Administrator.
- B. Users shall hold a current drivers license in the state of their residence.
- C. Users shall provide to the County a copy of their Motor Vehicle Record if so requested by the County Administrator, or his designee.
- D. Users shall consent and adhere to a County-Owned Vehicle Use Agreement.
- E. Users other than County-Administrative Division employees and members of the Board of Supervisors shall obtain the permission of their Constitutional Officer employer, department head, head official of the office or agency, and/or approval of the County Administrator or his/her designee.
- F. The ability to operate a County motor vehicle is a privilege authorized by the County by and through the County Administrator or his/her designee. The County Administrator or his/her designee may suspend or revoke an individual's use privileges where there exists evidence that an individual is operating the motor vehicle in an inappropriate, dangerous or damaging way, or for other reason at the discretion of the County Administrator.

### IV. ASSIGNMENT OF COUNTY MOTOR VEHICLES

The General Services Director with the approval of the County Administrator or his/her designee shall assign and may re-assign motor vehicles to shared, priority or dedicated use, as defined below:

- A. *Shared motor vehicles* are those available generally to all eligible users.

- B. *Priority motor vehicles* are those assigned for primary use by certain departments, offices or agencies of the County government, but which may be used by other personnel if needed and when available.
- C. *Dedicated motor vehicles* are those assigned to more or less exclusive use by a particular department, office or agency.

The Department of General Services shall maintain a list of all County motor vehicles in the Vehicle Fleet showing the shared, priority and dedicated use assignments, and the Department shall maintain and update such list, as necessary, to keep it current as motor vehicles are acquired, assigned/re-assigned, taken out of service, and/or surplused.

#### **V. CHECK-OUT OF COUNTY MOTOR VEHICLES**

- A. Individuals using shared County motor vehicles shall pick up the keys for these vehicles from the Office of County Administrator. A log book shall be kept with the keys, and users shall note the time of departure, destination, vehicle used, and anticipated time of return for all trips in these vehicles.
- B. Upon return of the vehicle, users shall return the keys to the office of the County Administrator and enter the actual time of return into the log book.
- C. Individuals having access to priority or dedicated County motor vehicles shall maintain keys in a location accessible to all users authorized to use these vehicles. Log records are not required for trips in priority or dedicated vehicles except when non-department employees use these vehicles.

#### **VI. PERSONAL USE OF COUNTY MOTOR VEHICLES**

- A. Use of County motor vehicles exclusively for personal transportation and convenience is prohibited. Employees are permitted to make incidental stops for meals and other needs while using a County motor vehicle during the course of regular County working hours and when traveling outside the County for County business. Use of motor vehicles that are tagged and titled in the County's name, either sole or joint owned, is otherwise strictly prohibited for personal transportation and convenience during and after regular County working hours.
- B. The County Administrator or his/her designee is authorized to establish additional regulations and restrictions on use of County motor vehicles.
- C. Users shall not have County motor vehicles at their personal residences overnight in the absence of written permission from the County Administrator or his/her designee. The County Administrator or his/her designee may permit users of County vehicles to garage County motor vehicles overnight at their residence from time to time as work-

related needs and circumstances dictate. The County Administrator or his/her designee is authorized to establish additional regulations and restrictions on County motor vehicles garaged in this manner.

- D. Employees who are absent from work for any reason on the following day after keeping a County vehicle at home when returning after business hours for any reason must return the vehicle to their regular place of work the following morning even if they are going to be absent from work that day. No County employee may use a County motor vehicle while absent from work and/or off-duty for personal transportation.
- E. Employees should not keep personal property in County motor vehicles for extended periods of time. The County is not responsible for the loss or theft of personal property kept in County motor vehicles.

## **VII. SAFE OPERATION OF COUNTY MOTOR VEHICLES**

- A. Users of County motor vehicles are expected to know and follow safe driving practices and rules of the road. Because these vehicles are visibly identified as County-Owned public vehicles, users should strive to be courteous to other drivers at all times.
- B. Driver and all passengers shall use passenger restraints at all times when operating County Motor vehicles.
- C. Child seats are not provided in County motor vehicles. Accordingly, no children meeting the requirements for child seats shall be permitted transport in County motor vehicles unless a seat is made available.
- D. Users shall be responsible for safe, overnight parking of the vehicle in a home garage, private driveway, or other safe and legal areas off public ways if the user has permission to take the vehicle home for County business.
- E. Texting while driving on County business or while driving a County-Owned vehicle is strictly prohibited.
- F. The use of a hands-free device for phone calls while driving on County business or driving a County-Owned vehicle is required or driver must park the vehicle in a safe place before the driver may make phone calls if they do not have a hands-free device.

## **VIII. TRAFFIC VIOLATIONS**

- A. Individuals operating County motor vehicles are expected to know and obey all traffic laws and rules of the road. Courtesy and respect must be shown to all other drivers and pedestrians.

- B. The County Administrator or his/her designee may temporarily suspend or permanently revoke an individual's County motor vehicle use privileges for violation of traffic laws involving the unsafe operation of a County motor vehicle. Any person receiving a violation citation while operating a County motor vehicle is personally responsible for the payment of any and all fines and other charges associated with the violation, including any court costs.
- C. The County Administrator or his/her designee may permanently suspend or permanently revoke an individual's County motor vehicle use privileges and may take such other disciplinary actions as necessary, including termination of employment of Administrative Division employees, for any of the following:
  - 1. For the third (3) separate moving or traffic violation involving a County motor vehicle;
  - 2. For any charge and conviction of driving under the influence of alcohol or illegal drugs, whether or not the charge is reduced to a lesser offense but where the use or presence of alcohol or illegal drugs was materially demonstrated;
  - 3. For repeated or flagrant violation(s) of the provisions of this Policy;
  - 4. For involvement in more than one (1) accident involving significant property damage and/or personal injury where the accident is demonstrated to be the fault of the County fleet vehicle driver; and
  - 5. For other reasons as determined necessary and appropriate by the County Administrator.

## **IX. ACCIDENTS**

- A. It is recognized that even the most careful and cautious drivers may be involved in an accident. The Board of Supervisors maintains liability and property damage insurance coverage for all County motor vehicles, and this coverage extends to all authorized persons operating County motor vehicles.
- B. All accidents involving County motor vehicles are to be reported as soon as possible to the General Services Director and/or County Administrator or his/her designee where property damage and/or personal injury has occurred. The driver of the County motor vehicle involved in such accident shall cooperate fully with all law enforcement investigations of such accidents. The General Services Director may develop procedures as may be necessary or appropriate regarding reporting and administrative review of accidents involving County fleet vehicles.

**X. REVOCAION OF COUNTY MOTOR VEHICLE USE PRIVILEGES**

In the event County motor vehicle use privileges are temporarily suspended or permanently revoked by the County Administrator or his/her designee under the terms of this Policy, the County Administrator also may revoke the user's entitlement to County travel mileage or other compensation for the use of his/her personal vehicle for work-related activities.

**XI. REFUELING OF COUNTY MOTOR VEHICLES**

All shared County motor vehicles shall be returned for use with no less than one-half (1/2) tank of gasoline when possible. When possible and practical, refueling of County motor vehicles shall be made at the Washington County Sheriff's Department vehicle fueling station. County employees and members of the Board of Supervisors, and others as authorized by the County Administrator, may charge fuel purchases to County (P-Card) credit cards or may request reimbursement upon submittal of an appropriate detailed receipt signifying payment with personal funds.

**XII. CLEANLINESS OF MOTOR VEHICLES**

Individuals using County motor vehicles shall remove all trash from the vehicle after each use. The Department of General Services is responsible for general cleaning of shared and priority County motor vehicles on a periodic basis. Cleaning of dedicated vehicles is primarily the responsibility of the department, office or agency to which the vehicle is assigned. A shared or priority vehicle that is particularly dirty (either interior or exterior) should be reported to the General Services Director as soon as possible.

**XIII. VEHICLE MAINTENANCE**

- A. General maintenance responsibilities for all County motor vehicles (except the County Department of Solid Waste) is assigned to the County Department of General Services. The General Services Director shall have primary responsibility for ensuring that all County motor vehicles governed by this Policy shall be maintained mechanically and kept in safe operating condition.
- B. Any person using a County motor vehicle have the responsibility of reporting to the General Services Director or General Services Supervisor any problem or condition affecting the safety or mechanical operation of a vehicle as soon as possible. The General Services Director may develop procedures as may be necessary or appropriate

regarding the reporting and repair of such problems or conditions consistent with all applicable County ordinances and policies.

#### **XIV. EMERGENCY REPAIRS TO COUNTY MOTOR VEHICLES**

- A. In the event a County motor vehicle becomes disabled or inoperable while in use, whether inside or outside of Washington County, the user should immediately contact the General Services Director, County Administrator or his/her designee (during regular working hours, evenings, weekends and County holidays). The General Services Director, County Administrator or his/her designee should be apprised of the situation regarding the vehicle before towing or repairs are initiated. The General Services Director, County Administrator or his/her designee will provide instructions and authorization to effect towing and/or repairs as circumstances may warrant, including rental vehicle authorization.
- B. If the General Services Director, County Administrator or his/her designee cannot be reached within a reasonable amount of time, the user shall take such minimum steps as necessary (1) to secure the County motor vehicle from further damage and (2) to determine the nature of the repairs needed to make the vehicle operable again. If repairs necessary cost less than \$500.00 (excluding towing charges), the employee may authorize those repairs be made, the cost of which to be billed to the County, charged on the County (P-Card) credit card, or reimbursed to the user with appropriate detailed receipt. If the cost of repairs exceeds \$500.00, authorization must be secured from the General Services Director, County Administrator or his/her designee prior to proceeding with repairs.
- C. Users are authorized to effect minor repairs to County motor vehicles and for incidental expenses (for such things as flat tire changes, running out of gas, towing out of ditch, cab or taxi fares, etc.) without prior authorization provide the cost of same is less than \$150.00.

#### **XV. PURCHASE AND ACCEPTANCE OF MOTOR VEHICLES**

- A. The Department of General Services may submit requests for the purchase of motor vehicles to the Board of Supervisors during the County's annual budgeting process. All shared motor vehicles approved for purchase shall be budgeted in the Department of General Service's operating budget. Priority and dedicated motor vehicles may be budgeted for in this manner or requested by the particular department to which the vehicle will be assigned and budgeted as part of that department. Should need arise, requests to purchase motor vehicles may be made outside of the County's annual budgeting process via request for supplemental appropriation to the Board of Supervisors. In the case of shared vehicles, such a request shall be made either by the

Department of General Services, the County Administrator or his/her designee. For priority or dedicated vehicles, the General Services Director, the County Administrator or his/her designee, the department, office or agency to which the vehicle is assigned may submit the request.

- B. Any motor vehicle purchase by the County shall be conducted in conformance with the County Procurement Ordinance. The Department of General Services and the County Department of Budget and Finance shall coordinate to ensure procurement of motor vehicles conforms to all applicable County policies, state and local laws and ordinances.
- C. All County motor vehicles shall be titled in the name of the Washington County Board of Supervisors. The County Administrator or his/her designee is the authorized agent for the Board of Supervisors with respect to the execution of vehicle titles. All County motor vehicles will be provided local government use tags issued by the Virginia Department of Motor Vehicles.
- D. The Board of Supervisors may accept a motor vehicle offered in donation or contribution to the County government. The Department of General Services may seek sources for such vehicles and may bring the availability of such vehicles to the attention of the County Administrator and Board of Supervisors at any time.

## **XVI. STANDARDS FOR COUNTY MOTOR VEHICLES**

- A. The Department of General Services in coordination with the Department of Budget and Finance may establish standards or specifications of different types of motor vehicles to be purchased. Said standards or specifications shall meet the minimum or desired operational criteria for the use(s) that the vehicle is to fulfill. Said standards or specifications shall be made part of the bid package or purchase order for such vehicle and shall conform to the requirements of the County Procurement Ordinance.
- B. No motor vehicle may be put into operation and made available for use that does not meet the minimum safety standards for said vehicle as of the date of its manufacture. No motor vehicle may be put into operation and made available for use that does not have a current Virginia Motor Vehicle Safety Inspection certificate or decal.
- C. To effect uniformity in the appearance of the Administrative Division motor vehicle fleet, new Administrative Division motor vehicles shall be purchased with white as the exterior color when possible. Generally, all Administrative Division motor vehicles shall be designated by self-adhering Washington County Seal decals on the front driver and passenger doors. Vehicles may also be further marked with decals bearing departmental names or other decals as necessary for vehicle maintenance, safety, identification or promotion of legitimate County programs. No motor vehicle may bear any other decal or permanent markings other than the above.