

WASHINGTON COUNTY GOVERNMENT CENTER

ONE GOVERNMENT CENTER PLACE



ADMINISTRATIVE DIVISION
**PERSONNEL POLICIES AND
PROCEDURES MANUAL**
(2020)



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PART

1

INTRODUCTION

POLICY 01-01

GENERAL

Effective Date: October 27, 2020

Revised Date:

By Resolution 2020-39 adopted by the Washington County Board of Supervisors (Board) on October 27, 2020, the Board adopted the Administrative Division Personnel Policies and Procedures Manual (2020) (hereinafter, "Manual") to establish general guidelines for the County's employment practices and procedures. The Board may amend the Manual from time to time after its 2020 adoption, and all such amendments shall be incorporated into the Manual. Any references to the Manual thereafter shall mean the Manual as amended up to the date of such reference. The Manual is not a contract nor any other type of promise of specific treatment or duration of employment. Employment with the County is at-will employment, which means it is 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.

In addition to the Manual, County employees shall comply with policies contained in the Board's Policies that govern employee conduct, which include without limitation, policies regarding use of County property and facilities, political activities during performance of job responsibilities, and such other matters as determined by the Board. The Board policies may be found on the County website with the Board's By-laws, Policies, and Procedures and are adopted on an annual basis usually during the Board of Supervisor's Annual Organizational meeting.

POLICY 01-02

EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

Effective Date: October 27, 2020

Revised Date:

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:

- A. To promote diversity, inclusiveness and equality in all levels of the County's workforce;
- B. To encourage within the County staff a respect for diversity, accepting and celebrating individual differences, and valuing all employees.
- C. 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.
- D. To prohibit all employees from taking retaliatory action against any person making allegations of violations of this policy.
- E. 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.
- F. To establish procedures for making complaints of violation of this policy.
- G. 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.

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.
 - 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 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.

POLICY 01-03

ESTABLISHMENT OF POLICIES

Effective Date: October 27, 2020

Revised Date:

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

POLICY 01-04

APPLICABILITY OF POLICIES

Effective Date: *October 27, 2020*

Revised Date:

The Policies herein established and set forth in this Manual shall apply to all full-time employees of the Administrative Division of the County government as defined. Application of these Policies to 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.

POLICY 01-05

DISSEMINATION OF POLICIES

Effective Date: *October 27, 2020*

Revised Date:

The County Administrator shall ensure that the Manual is maintained and made available to Administrative Division employees in electronic format on the County website and in paper format to individual employees who so request a paper copy. The electronic presentation of the Manual on the County website shall be the official record of the Manual, and the County Administrator is directed to ensure that the electronic presentation is revised promptly upon Board adoption of revisions to the Manual. In addition to the electronic presentation on the County website, an official copy of the Manual shall be maintained in paper format by the Director of the Department of Human Resources in the Director's office. For historical purposes, superseded compilations of policies and procedures as well as both the original and revised forms of individual policies in the Manual as such are revised shall be maintained in the office of the Human Resources Director. The Director of the Department of Human Resources is responsible to advise new employees of the Manual and how to access it.

POLICY 01-06

DEFINITIONS

Effective Date: October 27, 2020

Revised Date:

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 Community Development
- Department of Emergency Management
- Department of General Services
- Department of Human Resources
- Department of Information Systems
- Department of Recreation
- Department of Solid Waste

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.

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:

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:

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 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.

POLICY 01-07

TERMINOLOGY

Effective Date: October 27, 2020

Revised Date:

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.

POLICY 01-08

ADMINISTRATION

Effective Date: October 27, 2020

Revised Date:

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.

POLICY 01-09

EFFECTIVE DATE

Effective Date: October 27, 2020

Revised Date:

By Resolution 2020-39 adopted at its regular meeting on October 27, 2020, the Washington County Board of Supervisors approved the 2020 Republication of the Washington County Administrative Division Personnel Policies and Procedures Manual (the Manual) to supersede any and all prior compilations of personnel policies and procedures for County Administrative Division employees. Many of the policies and procedures in the Manual were unchanged in the republication, but due to the comprehensive republication will be indicated effective as of October 27, 2020. Additions to or amendment of the policies and procedures in the

Manual that are made after October 27, 2020, shall be incorporated into the Manual, and the Manual shall note the effective dates for each such addition or amendment. The Human Resources Division will maintain for historic reference purposes a copy of the previous forms of policies and procedures noted with the effective date and termination or replacement date for each such policy or procedure. The policies and procedures presented in the Manual may be amended from time to time without notice and at the sole discretion of the County Administrator, who may at his sole discretion seek review by the Board of Supervisors prior to such amendment.

POLICY 01-10

AMENDMENTS

Effective Date: *October 27, 2020*

Revised Date:

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 Human Resources shall disseminate electronic copies or written copies on request 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 of 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.

POLICY 01-11

OBJECTIVES AND SCOPE

Effective Date: *October 27, 2020*

Revised Date:

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

- A. 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.
- B. 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;
- C. To define the rights and responsibilities of all Administrative Division personnel who are not otherwise exempted from these policies;
- D. To establish and maintain a sound salary structure which will attract and retain qualified employees;
- E. To establish and maintain salary ranges which will assure internal equity of compensation based on the systematic evaluation of each job;
- F. To maintain the salary structure in a proper relationship with competitive pay practices in the labor market in which the County competes;
- G. To assure each employee a performance review at specified intervals;
- H. To provide effective control of salary payments on a uniform basis; and
- I. To furnish County management with a consistent and effective means of recognizing improved and outstanding performance.

POLICY 01-12

INTERPRETATION

Effective Date: *October 27, 2020*

Revised Date:

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.

POLICY 01-13

ORGANIZATION OF WASHINGTON COUNTY GOVERNMENT

Effective Date: October 27, 2020

Revised Date:

The government of Washington County is a decentralized grouping of organizations established largely by the requirements of the Code of Virginia. The Commonwealth of Virginia is known as a "Dillon Rule" state, meaning that all legislative power and authority is vested in the Virginia General Assembly and Virginia's local governments (cities, counties and towns) are established by and may only exercise such powers and authority expressly granted by the General Assembly in the Code of Virginia (or those powers reasonably implied or incident to those expressly set out in state law).

County governments in Virginia exist for two principle reasons: (1) to act as agents of the state (the Commonwealth of Virginia), and (2) to provide certain functions specific to the needs of county citizens. The organizations that comprise the government of Washington County may be informally divided into six (6) groups or "divisions" for the purpose of understanding the roles and relationships between each:

- 1) County Administration
- 2) Constitutional Offices
- 3) Independent Agencies
- 4) Judiciary
- 5) Political Subdivisions
- 6) Public Schools

The principle responsibilities of the County Administration, the Public Schools and Political Subdivisions lie in the provision of certain functions specifically addressing the needs of county citizens. The Constitutional Offices, Independent Agencies, and Judiciary act more as agents of the state government (though in doing so these divisions also address local needs of county citizens). Each division is to a greater or lesser degree inter-related with all other divisions toward accomplishment of respective responsibilities.

Each office, board, department, authority and commission as entities within the six divisions has its own distinct set of powers, responsibilities and roles to play in the exercise of county governance and provision of county government services. Each are inter-rated in some way with the Board of Supervisors and, often, with each other.

This manual applies to the Officers and employees of the Washington County Board of Supervisors that constitute County Administration, or what throughout this Manual will be referred to as the "Administrative Division" of the Washington County government. The Administrative Division consists of the various offices, departments and employees of the County government established by the Board of Supervisors and placed under the direction of the County Administrator and County Attorney. These are as follows:

- Office of County Administrator
- Office of County Attorney

- Office of Budget & Finance
- Office of Community Development
- Office of Emergency Management
- Office of General Services
- Office of Human Resources
- Office of Information Systems
- Office of Recreation
- Office of Solid Waste

Throughout this Manual, the term "Administrative Division" shall refer to officers and employees of these offices and departments only.

The County Administrator and County Attorney are appointed by the Washington County Board of Supervisors, report solely and directly to the Board of Supervisors, and serve at the pleasure of the Board of Supervisors. These offices are officially independent of one another; however, a significant degree of inter-relationship exists between each. The County Administrator is charged with direction of the Office of County Administrator and activities of the above-listed departments. The County Attorney is charged with direction of the Office of County Attorney and functions as the Board of Supervisors' Chief Legal Advisor, representing the Board of Supervisors, County Administrator and the various departments in civil, governmental, and criminal actions in both defense and plaintiff positions.

The Washington County Board of Supervisors grants the offices of County Administrator and County Attorney broad responsibility for the missions, goals, objectives and organizations of the various departments under their charge. In turn, each statutory officer may delegate certain duties, powers and responsibilities to specific employees within each department consistent with ordinances of the Washington County Code, statutes of the Code of Virginia, and policies and directives of the Washington County Board of Supervisors.





PART 2

APPLICATIONS FOR
EMPLOYMENT

POLICY 02-01

GENERAL

Effective Date: *October 27, 2020*

Revised Date:

It is the policy of the Washington County Board of Supervisors to recruit and employ the most qualified individuals meeting the 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 requirements for either job performance or candidacy for consideration of a posted position.

POLICY 02-02

VACANCIES AND NEW POSITIONS

Effective Date: *October 27, 2020*

Revised Date:

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 Policy 13-03 and Policy 13-07 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.

*POLICY 02-03***POSITION DESCRIPTIONS****Effective Date:** *October 27, 2020***Revised Date:**

A written Position Description shall be established by the County Administrator and approved by the Board of Supervisors for all full-time and 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 5 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 Human Resources Director after review by the County Administrator and the Personnel Committee.

*POLICY 02-04***RECLASSIFICATION, RETITLING, AND/OR CONSOLIDATION OF EXISTING POSITIONS****Effective Date:** *October 27, 2020***Revised Date:**

From time to time, existing positions within the Administrative Division may be (i). reclassified (moved from one classification 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.

POLICY 02-05

TRANSITION OF TEMPORARY TO PERMANENT POSITIONS

Effective Date: *October 27, 2020*

Revised Date:

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

POLICY 02-06

PROMOTION OF PART-TIME TO FULL-TIME POSITIONS

Effective Date: *October 27, 2020*

Revised Date:

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

POLICY 02-07

TRANSFER OR PROMOTION OF EMPLOYEES

Effective Date: *October 27, 2020*

Revised Date:

Where vacancies exist in previously approved Administrative Division positions of the Supervisor/Specialist and Assistant/Operator/Technician, upon recommendation of the Department Director and approval of the County Administrator a full-time or part-time employee within the same department as the vacancy may be transferred or promoted to that position. Subsequent vacancies in positions due to such transfers or promotions may be filled in like fashion or filled pursuant to Part 2 of this Manual.

Employees transferred or promoted to positions shall have their compensation set upon recommendation of the Department Director and approval of the County Administrator pursuant to Policy 13-07 of this Manual.

POLICY 02-08

PHYSICAL STANDARDS

Effective Date: *October 27, 2020*

Revised Date:

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 persons with disabilities to perform the essential functions of positions within the Administrative Division.

POLICY 02-09

EMPLOYEE IDENTIFICATION

Effective Date: *October 27, 2020*

Revised Date:

All applicants for employment must furnish references and be interviewed prior to being considered for employment. All employees may be fingerprinted, DMV (Department of Motor Vehicles) checked 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, department of motor vehicles checks or bonding will be required.

All full-time and part-time Administrative Division employees shall be provided official Employee Identification cards with photograph as soon as possible upon acceptance of employment. Cards shall be of wallet or 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 director with the approval of the County Administrator. Employee Identification cards shall be turned in by the employee to his/her department director 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.

POLICY 02-10

FORM OF APPLICATION

Effective Date: *October 27, 2020*

Revised Date:

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.

POLICY 02-11

APPLICATION PROCESS

Effective Date: *October 27, 2020*

Revised Date:

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 Policy 13-03 and 13-07 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.
- 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 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.

POLICY 02-12

POSTING OF TEMPORARY POSITIONS

Effective Date: *October 27, 2020*

Revised Date:

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 Policy 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.

POLICY 02-13

OTHER STANDARDS FOR EMPLOYMENT

Effective Date: *October 27, 2020*

Revised Date:

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 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. All employees that are required to operate a County-owned vehicle must follow the *County's*

Vehicle Fleet Management Policy and sign the *County-Owned Vehicle Use Agreement & Release of Driving Record Transcripts*. An affected employee whose driver's license is suspended or revoked shall have his/her employment status reviewed by the department director 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.

POLICY 02-14

NEPOTISM

Effective Date: *October 27, 2020*

Revised Date:

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 director 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.

POLICY 02-15

RESIDENCY REQUIREMENT

Effective Date: *October 27, 2020*

Revised Date:

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.



PART 3

HIRING AND APPOINTMENT

POLICY 03-01

GENERAL

Effective Date: October 27, 2020

Revised Date:

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.

POLICY 03-02

STEPS IN THE SELECTION PROCESS

Effective Date: October 27, 2020

Revised Date:

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:
 - 1) any required skills or other pre-employment performance testing;
 - 2) any required pre-employment medical examination;
 - 3) criminal background checks,
- E. Offer of employment by County Administrator or Board of Supervisors.

POLICY 03-03

SELECTION PROCESS PARTICIPANTS

Effective Date: October 27, 2020

Revised Date:

Within five (5) working days of the Closing Date for any posted Administrative Division position, the Department of Human Resources shall make available and/or copy and distribute all applications for employment received

to those elected or appointed officials, and employees charged under this Section to be participants in the employment selection process. At the direction of the County Administrator, the Department of Human Resources 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 in accordance with the position, as follows:

A. Appointed:

Washington County Board of Supervisors

B. Directors:

- 1) County Administrator or his/her Designee and the Director of Human Resources and
- 2) 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) at the request of the County Administrator.

C. Supervisor/Specialist:

- 1) County Administrator or his/her Designee;
- 2) Director of Human Resources and
- 3) Department Director.

D. Assistant/Operator/Technician and all other Employees:

- 1) Department Director and
- 2) Director of Human Resources;
- 3) Department Supervisor/Specialist.

The department director(s) of the department(s) to which the position is assigned shall review employment applications for full-time and 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 positions at his/her discretion. Where indicated above, participation in the employment selection process by the Director of Human Resources 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 Director 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.

POLICY 03-04

REVIEW OF EMPLOYMENT APPLICATIONS

Effective Date: October 27, 2020

Revised Date:

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”.

POLICY 03-05

EMPLOYMENT INTERVIEW

Effective Date: October 27, 2020

Revised Date:

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.

POLICY 03-06

CANDIDATE RECOMMENDATION

Effective Date: October 27, 2020

Revised Date:

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 to the Appointing Authority. The acceptance of employment shall be made part of the candidates's permanent personnel record.

POLICY 03-07

NEGOTIATION OF SALARY OR WAGE

Effective Date: October 27, 2020

Revised Date:

During the candidate interview process, the application reviewers may discuss the Salary or wage available to the position in accordance with Policy 13-07 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 Policy 13-07 of this Manual or other appropriate guideline.

POLICY 03-08

PRE-EMPLOYMENT REQUIREMENTS

Effective Date: October 27, 2020

Revised Date:

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 director(s) to which the position is assigned and approved by the County Administrator. The County Administrator with the concurrence of the department director(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.

*POLICY 03-09***PRE-EMPLOYMENT CRIMINAL RECORD REVIEW****Effective Date:** *October 27, 2020***Revised Date:**

In the interest of public welfare and safety, offers of full-time and 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) 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.

- 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 be made and after results of the criminal history record review has been received and reviewed by the County Administrator or his/her designee a decision of continuing employment will be made based on the results following all State and Federal Law. 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, the County Administrator shall require the applicant to request the Washington County Sheriff's Office to provide to the County one set of the applicant's fingerprints. Upon receipt of the fingerprints, the County Department of Human Resources 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 Director of Human Resources shall review such results to determine the applicant's fitness for employment. The Director of Human Resources may consult

with the County Administrator, County Attorney and/or the Department Director 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.

POLICY 03-10

MANAGER POSITIONS

Effective Date: *October 27, 2020*

Revised Date:

At the discretion of the Washington County Board of Supervisors, appointments to Manager 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 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 position, nor alter any prescribed employer-employee relationship as set out in the Position Description.

POLICY 03-11

OFFICER POSITIONS

Effective Date: *October 27, 2020*

Revised Date:

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

POLICY 03-12

TEMPORARY POSITIONS

Effective Date: October 27, 2020

Revised Date:

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.

POLICY 03-13

TEMPORARY EMPLOYEES

Effective Date: October 27, 2020

Revised Date:

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 2 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 2 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 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.

*POLICY 03-14***MOVING AND RELOCATION EXPENSES****Effective Date:** *October 27, 2020***Revised Date:** *December 8, 2020*

New full-time employees of the Officer and Manager positions who wish to 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. 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.



PART 4

ORIENTATION

POLICY 04-01

GENERAL

Effective Date: October 27, 2020

Revised Date:

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.

POLICY 04-02

ORIENTATION SESSION

Effective Date: October 27, 2020

Revised Date:

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 Human Resources and the new employee's department director or his/her designee. The Department of Human Resources and department directors 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/Director positions.

POLICY 04-03

ORIENTATION INFORMATION PACKET

Effective Date: October 27, 2020

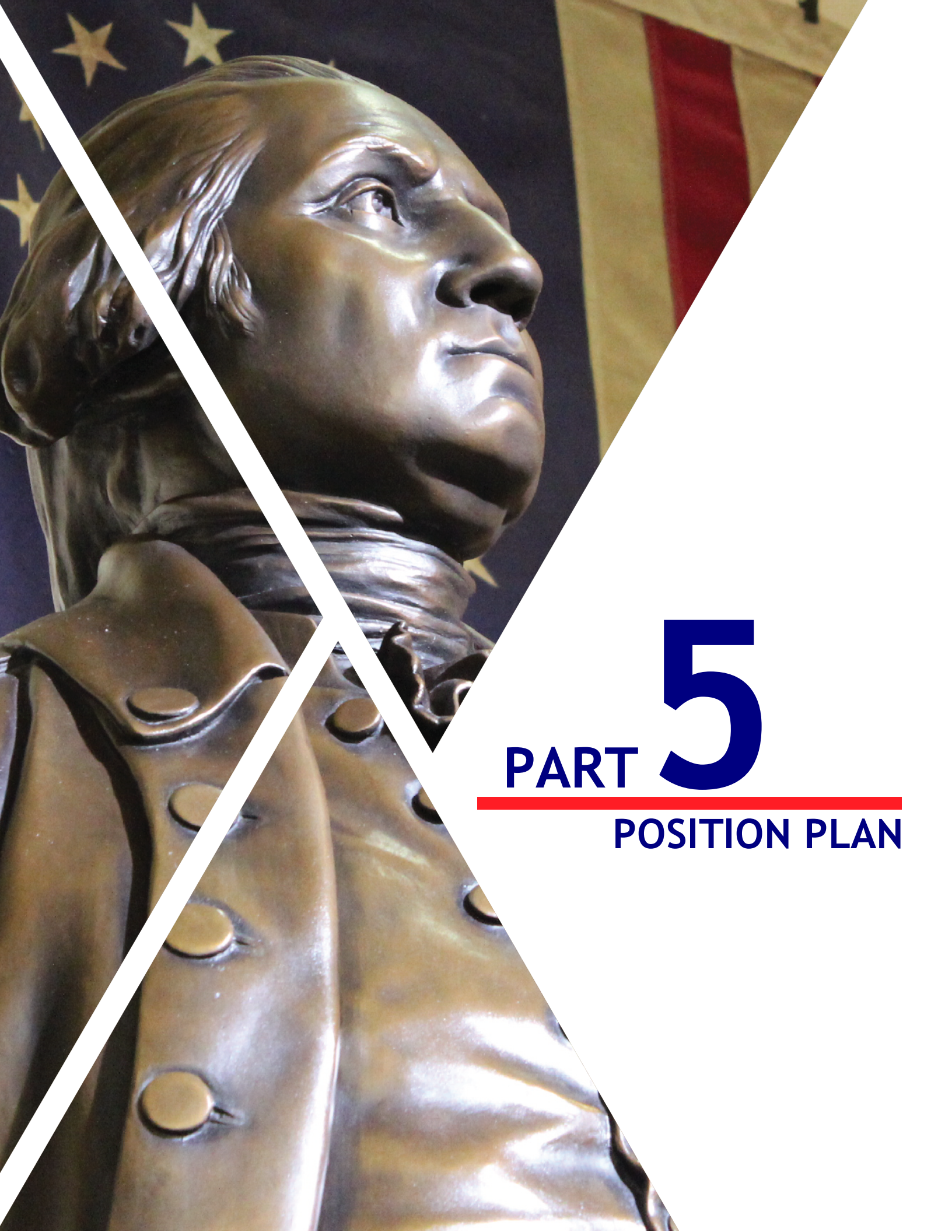
Revised Date:

Each new employee shall receive an information packet and each administrative department director 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.

*POLICY 04-04***ON-THE-JOB TRAINING****Effective Date:** *October 27, 2020***Revised Date:**

During the new employee's training period, each department director 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 training employment period, and each department director 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.





PART 5

POSITION PLAN

POLICY 05-01

GENERAL

Effective Date: October 27, 2020

Revised Date:

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 policies, rules and procedures governing issues relating to the structure of positions within the Administrative Division and the nature of employee compensation.

POLICY 05-02

ESTABLISHMENT OF DEPARTMENT POSITION PLAN

Effective Date: October 27, 2020

Revised Date:

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

POLICY 05-03

DESIGNATION OF POSITIONS

Effective Date: October 27, 2020

Revised Date:

The following Positions are designated within the Administrative Division:

- Officer – Limited to the County Administrator and County Attorney as direct employees of the Board of Supervisors.
- Director/Manager – Heads of departments within the Administrative Division.
- Supervisor/Specialist – 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.

- Assistant/Operator/Technician – Positions providing administrative assistance and/or requiring basic job knowledge or skills relative to other within their department.
- Part-Time – All part-time positions within the Administrative Division.

Officer 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). Director/Manager 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 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 and Part-Time 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 Positions. Generally, formal position titles shall contain the word Director, Supervisor, Specialist, Assistant, Operator, Technician or Part-Time denoting to which 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.

POLICY 05-04

ASSIGNMENT OF POSITIONS

Effective Date: October 27, 2020

Revised Date:

The County Administrator shall make all assignments of existing Administrative Division positions. The County Administrator shall be responsible for the assignment of newly-created, retitled and/or consolidated positions to the existing position or to new 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.

*POLICY 05-05***MAINTENANCE OF POSITION PLAN****Effective Date:** *October 27, 2020***Revised Date:**

Officer and Director/Manager 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 position should be changed.



PART 6

DEPARTMENTAL ORGANIZATION AND WORK SCHEDULES

POLICY 06-01

GENERAL

Effective Date: October 27, 2020

Revised Date:

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 directors report directly to the County Administrator who is responsible for the general direction and oversight of all Administrative Division departments.

POLICY 06-02

ADMINISTRATIVE DIVISION DEPARTMENT ORGANIZATION

Effective Date: October 27, 2020

Revised Date:

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

- A. Office of County Administrator:
 - County Administrator
 - Executive Assistant/Public Information Officer
- B. Office of County Attorney:
 - County Attorney
- C. Department of Budget & Finance:
 - Budget & Finance Director (*department head*)
 - Budget & Finance Deputy Director
 - Budget & Finance Specialist
- D. Department of Community Development:
 - Planner/Community Development Director (*department head*)
 - Economic Development Coordinator
 - Zoning and Subdivision Official
 - Building Official
 - Building Inspector
 - Environmental Inspector-Plan Reviewer

Permits Technician

E. Department of Emergency Management:

Emergency Management Coordinator (*department head*)

Emergency Management Deputy Coordinator

F. Department of General Services:

General Services Director (*department head*)

Maintenance Technician

HVAC Technician

Custodial Technician

G. Department of Human Resources:

Human Resources Director (*department head*)

Human Resources Specialist

H. Department of Information Systems:

Information Systems Director (*department head*)

Systems Administrator

Assistant Systems Administrator

Application Specialist

Technician

I. Department of Recreation:

Recreation Director (*department head*)

Programs Specialist

J. Department of Solid Waste:

Solid Waste Director (*department head*)

Solid Waste Specialist

Technician

Operator/Driver

Convenience Station Attendant

An Organization Chart of the Administrative Division is presented on the following page.



POLICY 06-03

SHARED POSITIONS BETWEEN DEPARTMENTS

Effective Date: October 27, 2020

Revised Date:

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.

POLICY 06-04

DESIGNATED WORK DAY, WORK WEEK, AND WORK YEAR

Effective Date: October 27, 2020

Revised Date: July 1, 2024

The designated “work day” for all Administrative Division employees shall be a period between the time on any particular day when the employee begins their principal activity and the time on that day at which they end such principal activity or activities.

As defined by 29 CFR §778.105 and the Fair Labor Standards Act (FLSA), an employee’s workweek is a fixed and regularly recurring period of 168 hours – seven (7) consecutive 24-hour periods. The designated “work week” for all Administrative Division employees shall begin at 12:01 AM Sunday and end at 12:00 midnight Saturday. The designated “workweek” for employees engaged in fire protection or law enforcement activities shall begin at 12:01 AM Sunday and end at 12:00 midnight Saturday and be a fixed and regularly recurring period of either 168 hours – seven (7) consecutive 24-hour periods or 336 hours – fourteen (14) consecutive 24-hour periods, as allowed for in Sec 207(k) of the FLSA and 29 CFR §553.22.

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.

POLICY 06-05

HOURS OF OPERATION

Effective Date: October 27, 2020

Revised Date:

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 Community Development
- Department of Emergency Management
- Department of Human Resources
- Department of Information Systems
- Department of Recreation

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.

POLICY 06-06

MEAL PERIODS

Effective Date: *October 27, 2020*

Revised Date:

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.

POLICY 06-07

ESTABLISHMENT OF DEPARTMENTAL OPERATING POLICIES AND PROCEDURES

Effective Date: October 27, 2020

Revised Date:

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.

POLICY 06-08

OFFICE CLOSURE DURING EMERGENCIES

Effective Date: October 27, 2020

Revised Date:

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 Policy 07-11 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.



PART **7**

EMPLOYMENT BENEFITS AND LEAVE

POLICY 07-01

GENERAL

Effective Date: October 27, 2020

Revised Date:

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.

POLICY 07-02

TYPES OF EMPLOYEE BENEFITS

Effective Date: October 27, 2020

Revised Date:

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

- Health Insurance
- Retirement Plan
- Life Insurance
- Paid Leave
- 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.

POLICY 07-03

ADMINISTRATION OF LEAVE

Effective Date: October 27, 2020

Revised Date:

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.

POLICY 07-04

PAID TIME OFF (PTO) LEAVE

Effective Date: *October 27, 2020*

Revised Date:

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. 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, 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.

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.

POLICY 07-05

SICK LEAVE

Effective Date: *October 27, 2020*

Revised Date:

This policy covers all employees hired prior to January 1, 2014.

The following table states the rate of accrual of Sick Leave (for all full-time employees hired prior to January 1, 2014), 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 Accrual Rates</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 Policy 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:

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

POLICY 07-06

HYBRID PLAN SICK LEAVE**Effective Date:** October 27, 2020**Revised Date:*****This policy covers all employees hired on or after January 1, 2014, with the exception of LODA covered employees.***

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 Accrual Rates</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 Policy 07-17 of the Personnel Policy Manual. Hybrid Sick Leave will not be paid out when the maximum balance is met or at termination of employment. Sick leave accumulated in excess of the maximum allowed shall be forfeited without compensation.

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 (Policy 07-11 of the Personnel Policy Manual) will be followed.

Sick Leave may be used only for the following:

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

- E. 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.
- F. 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.

POLICY 07-07

SICK LEAVE BANK AND LEAVE SHARING

Effective Date: *October 27, 2020*

Revised Date: *September 24, 2024*

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 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: Human Resources Department Director.

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

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

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

Member: A member of the Sick Leave Bank.

Qualifying Event: Inability to work due to circumstances certified as qualifying for leave under the Family and Medical Leave Act (FMLA), per Policy 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: A Member receiving hours of pay from the Sick Leave Bank.

Sick Leave Bank: 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

- A. Membership in the Sick Leave Bank is voluntary and open to all full-time employees who have completed at least 6 consecutive months of full-time employment.
- B. To draw leave from the Sick Leave Bank:
 - 1) Employee must be a Member;
 - 2) Employee must be experiencing a Qualifying Event;
 - 3) Employee's application to draw leave from the Sick Leave Bank must be approved as set out in this Policy.

ENROLLMENT, DONATIONS, & TERMINATION

- A. 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.
- B. 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.
- C. 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.
- D. 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.

- E. Employees may donate only from their accumulated sick leave and paid time off balances.
- F. 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.
- G. Donated leave shall not be returned to the donor. Any awarded but unused leave must be returned to the leave bank.
- H. Members receiving pay through the Sick Leave Bank shall not be required to reimburse hours received from the Bank.

BENEFITS

- A. 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.
- B. 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.
- C. 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.
- D. 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.
- E. A Recipient shall not accrue sick leave or paid time off while receiving pay through the Sick Leave Bank.
- F. 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.
- G. 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.
- H. 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.

- I. Recipients are not eligible for salary increases until they are no longer receiving pay through the Sick Leave Bank.

PROCEDURES FOR USE

- A. 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.
- B. 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.
- C. The application and physician's statement shall be submitted for approval to the Sick Leave Bank Committee.
- D. 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.

ADMINISTRATION

- A. The Sick Leave Bank shall be administered by the Sick Leave Bank Committee.
- B. 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.
- C. 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.
- D. 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.
- E. 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.

F. 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 ADAAA.

POLICY 07-08

JURY LEAVE

Effective Date: *October 27, 2020*

Revised Date:

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.

POLICY 07-09

MILITARY LEAVE

Effective Date: *October 27, 2020*

Revised Date: *May 27, 2025*

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 benefits 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 active duty, reserve or National Guard, for training, periods of active military service, and funeral honors duty, as well as for time spent being examined to determine fitness to perform such service. This policy also covers individuals serving in the active components of the National Disaster Medical System (NDMS) as well as reservists for the Federal Emergency Management Agency (FEMA) when they are deployed to disasters and emergencies on behalf of FEMA. Subject to certain exceptions under the applicable laws, these benefits are generally limited to five years of leave of absence.

MILITARY LEAVES:

Employees taking a leave of absence to participate in military duties will be placed in military leave status as described below. Continuation of employee benefits will be determined based on the duration of military leave and are outlined in the Benefits section of this policy.

- 1) **Paid Military Leave:** Employees will be eligible to receive up to 21 workdays of paid military leave within the federal fiscal year that runs from October 1st through September 30th.
- 2) **Temporary Military Leave:** A short-term period of less than 31 days during which the employee must be absent from their job.
- 3) **Extended Military Leave:** A long-term period of 31 days or more during which the employee must be absent from their job.

PROCEDURES FOR MILITARY LEAVE:

- A. 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. While written notice is preferred through submission of a Military Leave of Absence Notice form, it is not required under the law or this policy. In the event of verbal notice by the employee, Human Resources will document the military leave on a Military Leave of Absence Notice form.

- B. Employees will receive up to 21 workdays of paid military leave within the federal fiscal year. If an employee's military leave extends beyond the 21 paid workdays, the employee may, at their option, use any or all accrued leave during their absence to continue in a paid status, or, if on **extended** military leave, receive a lump sum payment up to the maximum payout limits for unused accrued leave. The choice shall be solely within the discretion of the employee. If accrued leave is not used, becomes exhausted, or paid out in full as a lump sum payment, the employee will be placed on leave without pay (LWOP) military status.

As these 21 workdays of paid military leave are given pursuant to VA state code §44-93 and §44-204, they are not an earned leave accrual and will not be paid out should the employee's employment with the County terminate. Further, as these paid leave days are to be used within the federal fiscal year of October 1st through September 30th, any unused balance will be forfeited at the end of the year and will reset to 21 workdays for the start of the federal fiscal year.

- C. When the employee intends to return to work, he or she must make application for reemployment to Human Resources within the application period set forth below.
- D. If the employee does not return to work, the Department Director must notify Human Resources so that appropriate action may be taken.

BENEFITS

If an employee is absent from work on **temporary** military leave, benefits will continue as normal. If an employee is on **extended** military leave, benefits will be impacted as follows:

B. **Health Insurance:**

An employee may elect to continue group health insurance coverage for the employee and covered dependents for up to 24 months from the date the military leave of absence begins. The County will continue to pay its portion of the premium rate for the first 3 months (12 weeks). If the employee is in a **leave with pay status**, health insurance benefits will continue as normal. If an employee is in a **LWOP military status**, the employee must pay, per month, the premium normally paid by the employee. After the 3-month period, the employee will be responsible for 100% of the overall premium rate.

C. **Paid Time Off (PTO) and Sick Leave Accruals**

Employees will continue to accrue PTO and Sick Leave while on military leave if they are in a **paid status**. Once placed on **LWOP military status**, leave is no longer accrued. If the employee chooses

to be placed on LWOP military status and does not receive a lump sum payment, accrued leave balances will be retained and reinstated upon reemployment.

D. Retirement

Upon reemployment, employees are eligible for service credit for the time served. The credit counts towards becoming vested in the retirement plans and eligibility for retirement.

E. Life Insurance

The County will continue to pay the employee's County paid basic 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. An employee on LWOP status, may continue optional life insurance coverage as long as the premiums are paid. If premiums are not paid, coverage will cease during the leave period. Upon reemployment, optional life insurance will be reinstated.

REEMPLOYMENT AND EXCEPTIONS:

A. Application for Reemployment:

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

1) Less than 31 days of service:

The employee must report for re-employment at the beginning of the first full regularly scheduled work period after the end of their military service, allowing for safe travel time back to the employee's residence and 8 hours of rest.

2) 31 – 181 days of service:

The employee must submit an application for re-employment with Human Resources no later than 14 days following the completion of service.

3) 181 days or more of service:

The employee must submit an application for reemployment with Human Resources no later than 90 days following the completion of service.

4) Service-connected injury:

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.

B. Benefits Upon Reemployment:

- 1) Employees reemployed 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.
- 2) The employee's hire date prior to military leave will be used to determine leave accrual eligibility. Any retained accrual balances will be reinstated.
- 3) Group life insurance and retirement benefits will be provided in accordance with the policies and procedures of the Virginia Retirement System.
- 4) Health Insurance and other supplemental employee benefits will be available to the employee.

C. Position Upon Reemployment:

Upon an employee's prompt application for reemployment (as defined above), an employee will be reinstated to employment in the following manner depending upon the duration of the employee's military service:

1) **Less than 91 days of service:**

The employee will be reinstated into a position that he/she would have attained if employment had not been interrupted by military service, so long as he/she is qualified for the position or can become qualified after reasonable efforts by the County. If the employee cannot become qualified after reasonable effort, he/she will be reinstated into the position held prior to military service.

2) **More than 91 days but less than 5 years of service:**

The employee will be reinstated into a position that they would have attained if employment had not been interrupted by military service, or a position of like seniority, status and pay, so long as they are qualified for the position or can become qualified after reasonable efforts by the County. If the employee cannot become qualified after reasonable effort, they will be reinstated into the position held prior to military service, or a position of like seniority, status and pay.

D. Employee with a Service-Connected Disability:

If after reasonable accommodation efforts by the County, an employee with service-connected disability is not qualified for employment in the position they would have attained or in the position that they left, the employee will be employed in any other position of similar seniority, status, and pay for which the employee is qualified or could become after reasonable efforts by the County. If no such position exists, the employee will be employed in the nearest approximation consistent with the circumstances of the

employee's situation.

E. Exceptions to Reemployment:

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

- 1) The County's circumstances have so changed as to make reemployment 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.

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.

POLICY 07-10

FAMILY AND MEDICAL LEAVE (FMLA)

Effective Date: *October 27, 2020*

Revised Date: *May 27, 2025*

POLICY:

Under this policy, the County allows eligible employees to take job-protected, unpaid leave, or to substitute appropriate paid leave if the employee has earned or accrued it, for up to a total of 12 workweeks in any 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 as a "Reason for Leave" stated herein for qualification as FMLA leave after an absence of more than 5 consecutive days or 10 days cumulative absence in a rolling 12-month period.

ELIGIBILITY:

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

- 1) Have been employed by the County for at least 12 months (need not be continuous);
- 2) Have worked at least 1,250 hours during the previous 12-month period (unless absent on military leave); and
- 3) Work at a location where the County employs at least 50 persons within a 75-mile radius.
- 4) 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”.

REASONS FOR LEAVE:

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

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

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.

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.

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. Additionally, a second or third opinion regarding the employee's condition and treatment may be requested at the County'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.¹

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.

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.

EMPLOYEE PAY AND BENEFITS DURING FMLA LEAVE:

A. PAY

FMLA leave is unpaid, job-protection for up to the 12-week period afforded to all employees, if qualified. In most situations of FMLA leave, employees will be required to use all available accrued leave time, including PTO, sick leave and any other earned or paid leave concurrently with their FMLA leave. The use of paid time off during an FMLA leave of absence shall not extend the length of an employee's FMLA leave.

VRS Hybrid plan employees have Short-Term Disability (STD) and Long-Term Disability (LTD) included in their retirement plan which provides disability leave benefits for leave taken due to an employee's own serious health condition. If approved, VRS Hybrid STD/TLD gives specific percentages of income protection to the employee depending on their years of service. Because leave pursuant to a disability benefit plan is not unpaid, the provision for substitution of accrued paid leave is inapplicable, and the employee will not be required to use their accrued paid leave. However, the employee may request to use accrued paid leave to supplement the disability plan benefits and maintain their full regular paid status. Leave taken pursuant to VRS Hybrid STD/TLD will be considered FMLA leave and counted against the employee's FMLA 12-week entitlement period.

B. BENEFITS

During FMLA leave, the County allows the employee to continue to accrue paid leave (PTO and Sick Leave) 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. During FMLA leave, the County will maintain fringe benefits provided to an Employee, subject to the following provisions. If accrued paid leave 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.

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.

¹ See *Military FMLA Policy, below, for specific rules governing any use of military caregiver leave.*

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

POLICY:

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

- 1) Up to 12 workweeks of unpaid, job-protected leave in a 12-month period because of a qualifying exigency; or
- 2) 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.

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

ELIGIBILITY:

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:

- 1) 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**
- 2) 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.

REASONS FOR LEAVE:

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

- 1) 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.**
- 2) 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 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 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.

POLICY 07-11

HOLIDAY LEAVE

Effective Date: *October 27, 2020*

Revised Date: *August 9, 2022*

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 (Emergency Services Division outlined below) 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 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 Policy 07-04 of the Personnel Policy Manual. No part-time or temporary employees are eligible to earn P.T.O. in this manner.

EMERGENCY SERVICES DIVISION

Full-time employees who are not required to work on a holiday receive their rate of basic pay for the applicable number of "basic work requirement" hours.

On a holiday, full-time employees under compressed work schedules are excused from all of the non-overtime hours they would otherwise work on that day-that is, their "basic work requirement" hours. For example, if a holiday falls on a 9,10 or 12-hour basic workday, the employee's holiday is 9,10 or 12 hours, respectively.

Employees that are scheduled to work on a County paid holiday will not be paid over-time pay but will be allowed to take another day off at a later time at their regular scheduled hours and basic pay for that day. The hours given for any holiday must be taken off within three (3) months or the time will be forfeited.

Over-time work on a holiday for full-time non-exempt employees under a compressed work schedule is work in excess of their "basic work requirement" hours. Basic work requirement hours and credit hours are not over-time hours.

Part-time employees will not be paid holiday pay for any hours worked on a County holiday.

POLICY 07-12

COMPENSATION OF LEAVE AT TERMINATION OF EMPLOYMENT

Effective Date: October 27, 2020

Revised Date: July 1, 2024

A. 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 Policy 07-04 of the Personnel Policy Manual 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 Policy 07-04 of the Personnel Policy Manual at the time of termination shall be forfeited without compensation.

B. Sick Leave

An employee shall be compensated (all full time employees hired prior to January 1, 2014) 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.

POLICY 07-13

EMPLOYEE BENEFITS AND LEAVE FOR PART-TIME OR TEMPORARY EMPLOYEES

Effective Date: October 27, 2020

Revised Date: June 2, 2022

No employment benefits, paid leave or paid holidays shall be provided to Part Time or Temporary employees of the Administrative Division. *Part Time employees will be allowed up to eight (8) hours off for Bereavement Leave as outlined in Policy 07-20 effective on May 10, 2022.

POLICY 07-14

TRANSFERABLE LEAVE

Effective Date: October 27, 2020

Revised Date:

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
- 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).

POLICY 07-15

WHEN PAID LEAVE ACCRUED

Effective Date: October 27, 2020

Revised Date:

Full-time Administrative Division employees shall accrue (earn) P.T.O. and Sick Leave at the monthly rates established pursuant to Policies 07-04, 07-05 and 07-06 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.

POLICY 07-16

ABSENCES WITHOUT LEAVE

Effective Date: *October 27, 2020*

Revised Date:

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.

POLICY 07-17

WORKER'S COMPENSATION

Effective Date: *October 27, 2020*

Revised Date: *August 16, 2023*

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 call the 24-7 **Company Nurse Line (1-888-770-0925, County Code**

V120) to 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 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.
- C. 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 follow the advise of the Company Nurse on seeking 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.
- D. An injured employee should seek treatment by a physician who is a participant in the County's Workers' Compensation Panel of Physicians. The panel and location information can be found in the Human Resources Department or from the Department Director. 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.
- E. After receipt of medical treatment (if necessary), the employee is responsible for providing all medical bills associated with the injury to the County's Insurance Carrier or 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.

POLICY 07-18

WORKER'S COMPENSATION AND EMPLOYEE PAY

Effective Date: *October 27, 2020*

Revised Date: *August 16, 2023*

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 07-17 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 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 or if the employee requests not to use PTO (Paid Time Off) or Sick Leave.

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. Upon the eighth day of incapacity, 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 and with the approval of the employee. The employee shall continue to accrue leave benefits pursuant to Policy 07-15 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 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.

POLICY 07-19

DISABILITIES POLICY

Effective Date: *October 27, 2020*

Revised Date:

POLICY

- A. 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.
- B. 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.

- C. 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.
- D. 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.

PURPOSE

- A. 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.
- B. 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.
- C. 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.

PROCEDURE

- A. 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.

- B. 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.
- C. 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.
- D. All requests for accommodation must indicate the following:
 - 1) Name, address, and telephone number of the person making the accommodation.
 - 2) 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.
- E. 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.
- F. The County will make every reasonable effort to maintain confidentiality of all communications regarding reasonable accommodation interactive process and any associated medical information.
- G. The following factors will be taken into consideration in review of a request for accommodation:
 - 1) Analyze the job or activity to determine the essential functions.
 - 2) Determine with the employee or applicant how the disability limits their performance of the essential functions.
 - 3) Identify accommodation options that overcome limitations and determine the effectiveness and feasibility of the proposed accommodations.
 - 4) 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.
- H. 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.
- I. 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.
- J. 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.

K. The deadlines stated, above, may be extended by mutual agreement of the requester and the County Administrator.

TERMS USED IN THIS POLICY

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:

- 1) The nature and cost of the accommodation;
- 2) 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;
- 3) The overall financial resources of the employer; the size, number, type and location of facilities; and

- 4) The type of operations of the employer, including the composition, structure and functions of the workforce; administrative or fiscal 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.

POLICY 07-20

BEREAVEMENT LEAVE

Effective Date: May 10, 2022

Revised Date:

POLICY

The County Administrator or his/her Designee shall grant employee leave with pay for an absence related to the death of family members.

ELIGIBILITY

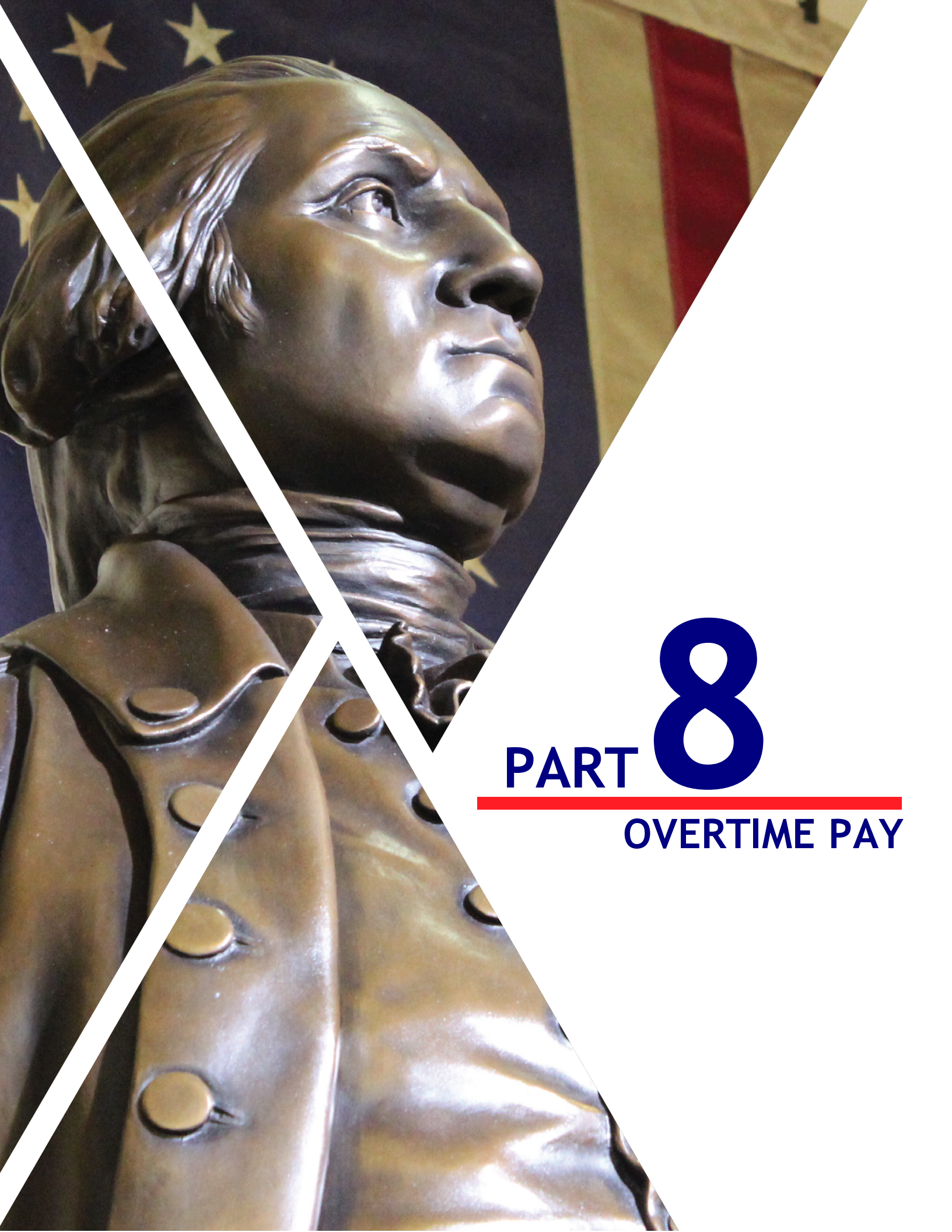
Paid bereavement leave will be granted according to the following schedule:

- Full-time employees are allowed up to three (3) days off from regularly scheduled duty with regular pay in the event of the death of the employee's spouse, domestic partner, child, step-child, parent, step-parent, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother, sister, stepbrother, step-sister, or an adult who stood in loco parentis to the employee during childhood.
- Full-time employees are allowed one (1) day off from regular scheduled duty with regular pay in the event of death of the employee's brother-in-law, sister-in-law, aunt, uncle, or spouse's grandparent.
- Part-time employees are allowed up to eight (8) hours off from regularly scheduled duty (based on the number of hours they would have been scheduled to work) with regular pay in the event of the death of the employee's family members as outlined above.

PROCEDURE

An employee who wishes to take time off due to the death of a family member should notify his or her Department Director/Supervisor as soon as possible. The Department Director/Supervisor along with the Human Resources Director will review and recommend the request based on each individual's circumstance and needs.

Bereavement leave cannot be banked into an employee's leave accrual balance or will not be paid to the employee if unused either in full or part.



PART 8

OVERTIME PAY

POLICY 08-01

GENERAL

Effective Date: October 27, 2020

Revised Date: July 1, 2024

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". The FLSA and this Manual Section shall govern the 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.

POLICY 08-02

EXEMPT POSITIONS

Effective Date: October 27, 2020

Revised Date: July 1, 2024

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 for overtime pay.

POLICY 08-03

NON-EXEMPT POSITIONS

Effective Date: October 27, 2020

Revised Date: July 1, 2024

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

POLICY 08-04

OVERTIME PAY

Effective Date: October 27, 2020

Revised Date: July 1, 2024

The County defines "overtime pay" as the amount of compensation an employee must be paid for the performance of work-related duties in excess of the maximum hours worked during any designated workweek. Overtime pay is paid at a rate of not less than one and one-half times (1.5) an employee's regular rate of pay and paid every payroll period as earned.

Employees will be compensated in overtime pay for all time worked in excess of forty (40) hours per seven-day workweek. For employees engaged in fire protection activities or law enforcement activities, overtime pay will be paid according to the overtime compensation rules outlined in 29 CFR §553.230 as follows:

	Maximum Hours Worked before Overtime is Paid	
Work weeks (days)	Fire Protection	Law Enforcement
14	106	86
7	53	43

POLICY 08-05

SPECIAL CIRCUMSTANCES INVOLVING OVERTIME PAY

Effective Date: October 27, 2020

Revised Date: July 1, 2024

Overtime pay may also be earned for hours worked in excess of the maximum hours worked during the designated 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 director or the County Administrator.

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 director 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.

POLICY 08-06

PART-TIME EMPLOYMENT AND OVERTIME PAY

Effective Date: October 27, 2020

Revised Date: July 1, 2024

No 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 overtime pay.

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

POLICY 08-07

ADDITIONAL PTO LEAVE DURING WEEKS WITH HOLIDAYS

Effective Date: October 27, 2020

Revised Date: July 1, 2024

During work weeks having one (1) or more designated County holidays pursuant to Policy 07-11 of this Manual, additional PTO Leave for all 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 PTO Leave. This additional PTO Leave shall be recorded on the employee's 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 Policy 07-11 of this Manual.



PART 9

GRIEVANCE PROCEDURE

POLICY 09-01

GENERAL

Effective Date: October 27, 2020

Revised Date:

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.

POLICY 09-02

DEFINITION OF GRIEVANCE

Effective Date: October 27, 2020

Revised Date:

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 Policy 09-03 (iii) of this Manual; (iii) discrimination on the basis of race, color, creed, religion, political affiliation, age, disability, national origin, sex, marital status, pregnancy, childbirth or related medical conditions, sexual orientation, gender identity, or status as a veteran; 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. for the purposes of clause (iv), there shall be a rebuttable presumption that increasing the penalty that is the subject of the grievance at any level of the grievance shall be an act of retaliation.

POLICY 09-03

COUNTY RESPONSIBILITIES

Effective Date: October 27, 2020

Revised Date:

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.

POLICY 09-04

COVERAGE OF PERSONNEL

Effective Date: October 27, 2020

Revised Date:

Unless otherwise provided by law, all full-time and part-time employees are eligible to file grievances with the following exceptions:

- 1) Officials and employees holding positions pursuant to Policy 05-02 of this Manual, including any additions thereto by amendment of this Manual.
- 2) Officials and employees who by law serve at the will or pleasure of an Appointing Authority;
- 3) Employees whose terms of employment are limited by law; and
- 4) Temporary/full-time, temporary/part-time and any other limited term and/or seasonal employees.

- 5) 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.

POLICY 09-05

DETERMINATION OF GRIEVABILITY

Effective Date: *October 27, 2020*

Revised Date:

At any time prior to a panel hearing as provided for in Policy 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.

POLICY 09-06

GRIEVANCE PROCEDURE

Effective Date: October 27, 2020

Revised Date:

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. Please note that in many departments, the Department Head may be the employee's immediate supervisor. In that case, the following applies. The first management step shall be an informal, initial processing between the employee and the employee's Department Head as described in First Management Step, below. The second management step shall be again between the employee and the employee's Department Head, but the grievance and the Department Head response shall be in writing as described in Second Management Step, below. The timelines and other requirements of the first and second management steps shall apply in all instances.

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 Policy 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 Human Resources 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.

POLICY 09-07

GRIEVANCE PROCEDURE - PANEL HEARING

Effective Date: October 27, 2020

Revised Date:

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 Director of Human Resources 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 Director of Human Resources 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, at least ten (10) 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 Policy 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.



PART **10**

**EMPLOYEE ETHICS
AND CONDUCT**

POLICY 10-01

GENERAL

Effective Date: October 27, 2020

Revised Date:

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.

POLICY 10-02

GIFTS AND GRATUITIES

Effective Date: October 27, 2020

Revised Date:

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.

POLICY 10-03

CONFLICT OF INTEREST

Effective Date: October 27, 2020

Revised Date:

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.

POLICY 10-04

WORKPLACE HARASSMENT AND DISCRIMINATION

Effective Date: October 27, 2020

Revised Date:

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.

APPLICABILITY

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.

PROGRAM

A. 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 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.

B. 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.

C. Prohibited Conduct Under this Policy:

1) **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.

2) **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 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.

3) **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; 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.

4) Retaliation

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.

D. 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.

E. 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.

POLICY 10-05

DISCRETION AND CONFIDENTIALITY

Effective Date: *October 27, 2020*

Revised Date:

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.

POLICY 10-06

STANDARDS OF CONDUCT

Effective Date: *October 27, 2020*

Revised Date:

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 9, 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:

- A. 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.
- B. Perform assigned duties and responsibilities with the highest degree of public trust.
- C. Devote full effort to job responsibilities during work hours.
- D. Maintain the qualifications, certification, licensure, and/or training requirements identified for their job positions.
- E. Demonstrate respect for the County and toward County coworkers, agencies, supervisors, directors, subordinates, and citizens.
- F. Use County equipment, time, and resources judiciously and as authorize.
- G. Support efforts that ensure a safe and healthy work environment.
- H. Utilize leave and related employee benefits in the manner for which they were intended.
- I. Resolve work-related issues and disputes in a professional manner and through established business processes.
- J. Meet or exceed established job performance expectations.
- K. Make work-related decisions and/or take actions that are in the best interest of the County.

- L. Comply with the letter and spirit of all County policies and procedures, the Conflict of Interest Act, and Commonwealth laws and regulations.
- M. Report circumstances or concerns that may affect satisfactory work performance to management, including any inappropriate (fraudulent, illegal, unethical) activities of other employees.
- N. 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.
- O. Obtain approval from Director prior to working overtime, if non-exempt from the Fair Labor Standards Act (FLSA).
- P. Work cooperatively to achieve Department and County goals and objectives.
- Q. Conduct themselves at all times in a manner that supports the mission of the County and the performance of their duties.
- R. 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.
- S. 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 POLICIES IN PERSONNEL POLICIES AND PROCEDURE MANUAL

- Part 6 Hours of Work
- Part 6 Emergency Closings
- Part 7 Leave Policies
- Part 10 Workplace Harassment and Discrimination
- Part 10 Electronic Communications and Social Media
- Part 10 Drug and Alcohol Free Workplace

CERTIFICATE OF RECEIPT

I have been given a copy of Policy 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.

Employee Signature

Date

Human Resources Director or his/her Designee
Signature

Date

POLICY 10-06

STANDARDS OF CONDUCT

Effective Date: *October 27, 2020*

Revised Date:

POLICY

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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 9, Grievance Procedures, in the Personnel Policies and Procedures Manual.

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Employees are expected to:

- A. 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.

- B. Perform assigned duties and responsibilities with the highest degree of public trust.
- C. Devote full effort to job responsibilities during work hours.
- D. Maintain the qualifications, certification, licensure, and/or training requirements identified for their job positions.
- E. Demonstrate respect for the County and toward County coworkers, agencies, supervisors, directors, subordinates, and citizens.
- F. Use County equipment, time, and resources judiciously and as authorize.
- G. Support efforts that ensure a safe and healthy work environment.
- H. Utilize leave and related employee benefits in the manner for which they were intended.
- I. Resolve work-related issues and disputes in a professional manner and through established business processes.
- J. Meet or exceed established job performance expectations.
- K. Make work-related decisions and/or take actions that are in the best interest of the County.
- L. Comply with the letter and spirit of all County policies and procedures, the Conflict of Interest Act, and Commonwealth laws and regulations.
- M. Report circumstances or concerns that may affect satisfactory work performance to management, including any inappropriate (fraudulent, illegal, unethical) activities of other employees.
- N. 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.
- O. Obtain approval from Director prior to working overtime, if non-exempt from the Fair Labor Standards Act (FLSA).
- P. Work cooperatively to achieve Department and County goals and objectives.
- Q. Conduct themselves at all times in a manner that supports the mission of the County and the performance of their duties.

- R. 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.
- S. 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.

POLICY 10-07

RELATIONSHIP BETWEEN OFFICERS, EMPLOYEES, AND BOARD OF SUPERVISORS

Effective Date: *October 27, 2020*

Revised Date:

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.

POLICY 10-08

DRESS CODE

Effective Date: *October 27, 2020*

Revised Date:

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 directors or the County Administrator may establish formal or informal standards appropriate to the work environment for employee dress.

POLICY 10-09

CHANGE OF ADDRESS OR TELEPHONE NUMBER

Effective Date: October 27, 2020

Revised Date:

All Administrative Division employees shall supply their home telephone number (or cell phone number if no home phone is available) to their department director or County Administrator. All employees are required to notify their department director or County Administrator and the Department of Human Resources of any change of home address or phone 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.

POLICY 10-10

ELECTRONIC COMMUNICATIONS AND SOCIAL MEDIA

Effective Date: October 27, 2020

Revised Date:

POLICY

A. 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.

B. 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

A. Business Use Requirements:

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

- 1) 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 is not limited to copyright laws, trademark laws, and other legislated requirements.
- 2) Be responsible and professional in their activities.
- 3) Conduct themselves in a manner that supports the mission of their department and the performance of their duties.
- 4) 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:
 - a. Use the Internet, electronic communication tools and social media only in accordance with State and County policy;
 - b. Maintain County established security protocols (including safeguarding of passwords) under which they are granted access to such media;
 - c. 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.
- 5) 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.
- 6) Use their accurate identities and state their affiliation when using electronic communications or social media for business purposes.
- 7) Ensure the security of sensitive or confidential information when communicating electronically or posting the information on internal or external websites including social media.
- 8) 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.

B. Personal Use Requirements:

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

- 1) 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:

- a. 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.
 - b. 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.
- 2) 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:

- A. Any use that is in violation of applicable local, state, or federal law.
- B. Accessing, uploading, downloading, transmitting, printing, posting, or storing fraudulent, threatening, obscene, intimidating, defamatory, harassing, discriminatory, or otherwise unlawful messages or images.
- C. 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.
- D. Using proprietary County information, County data or records, and social media to locate County citizens for personal reasons.
- E. Posting information or sending electronic communications such as email using another's identity.
- F. Permitting a non-employee to use County provided electronic communications tools for purposes of communicating the message of some third party individual or organization.
- G. Posting photos, videos, or audio recordings taken in the work environment without written consent of the County Administrator or his/her designee.
- H. Using County logos for activities unrelated to County business without written consent of the County Administrator or his/her designee.

- I. 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:

A. Monitor Use

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.

B. 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:

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

C. Addressing 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.

DEFINITIONS

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 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.

CERTIFICATE OF RECEIPT

I have been given a copy of Policy 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.

Employee Signature

Date

Human Resources Director or his/her Designee
Signature

Date

POLICY 10-11

PERSONAL USE OF COUNTY PROPERTY

Effective Date: October 27, 2020

Revised Date:

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.

POLICY 10-12

ADHERENCE TO SAFETY RULES

Effective Date: October 27, 2020

Revised Date:

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 directors 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.

POLICY 10-13

ZERO TOLERANCE WORKPLACE POLICY

Effective Date: October 27, 2020

Revised Date:

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:

- 1) 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;
- 2) Direct or indirect threats communicated or reasonably perceived as threat to harm or endanger the safety of an individual;
- 3) Abusive language including harassment, name-calling, swearing, inappropriate or excessive displays of anger, or verbal intimidation;
- 4) Threatening, abusive or harassing phone calls;

- 5) Destructive or sabotaging actions against personal property belonging to the County, to a County employee, or to a member of the public;
- 6) Stalking;
- 7) Violation of a restraining order; and
- 8) Threatening acts or abusive language that leads to tension within the work environment.

OBJECTIVES

The objective of this policy is to achieve the following:

- 1) to reduce the potential for violence in and around the workplace
- 2) to mitigate the negative consequences for employees who experience or encounter violence in their personal and work lives
- 3) 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
- 4) 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:

- 1) prompt and appropriate response to any act of violence that affects an employee or occurs in the workplace
- 2) accountability among employees for acts of violence committed in the workplace
- 3) effective investigations of violence occurring in the workplace
- 4) 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
- 5) 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
- 6) 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 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 - Part 11: Disciplinary Action And Termination.**

POLICY 10-14

DRUG AND ALCOHOL FREE WORKPLACE

Effective Date: October 27, 2020

Revised Date: October 25, 2022

POLICY

Washington County maintains a zero-tolerance standard for use of drugs and alcohol. The possession, use, or sale of illegal drugs; unauthorized or misuse of legal drugs; consumption of alcohol; or testing positive during an employees' working hours while on County property or elsewhere 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. Employees with a need are encouraged to request assistance through the County's Employee Assistance Program or through community agencies.

Further, employees in safety sensitive positions, such as those who operate a county-owned Commercial Motor Vehicle (CMV) and are required to hold a Commercial Driver's License (CDL), Emergency Services Division employees, and General Services Department employees, are subject to a higher degree of regulation than other employees. Employees testing positive will be removed immediately from duties and terminated from 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.

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.

APPLICABILITY

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

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:

- 1) 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.
- 2) 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.
- 3) 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 (CMV): 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.

Director: The County Director of Human Resources.

Drug Paraphernalia: Any article or equipment intended to be used to administer or consume drugs.

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, subject to the following exceptions. The following shall not be considered illegal drugs for purposes of this policy: (1) a controlled substance used by the employee pursuant to a valid prescription for medical purposes filled in the United States, and (2) a marijuana product used by the employee having a current medical marijuana certification pursuant to a medical certification for such use in accordance with Va. Code § 54.1-3408.3.

Impairment: Without limitation, any of the following conditions may be considered "evidence of impairment" unexplained inability to perform normal job functions, slurred speech, any unusual lack of physical coordination or loss of equilibrium, unexplained hyperactivity, unexplained significantly reduced activity, unexplained inability to think or reason at the employee's normal levels, bizarre behavior or ideation, and information obtained from a reliable person with personal knowledge.

Marijuana Product: Means the same as that term is defined in VA. Code § 4.1-600, and when used in this policy shall mean; interchangeably, cannabis, cannabis oil, cannabis product, marijuana, medical cannabis, and medical marijuana as such terms are used and defined in VA. Code §§ 4.1-600 and 54.1-3408.3.

Medical Certification for use of Cannabis Oil: Means a valid written certification issued by a practitioner for use of marijuana products for the treatment or to eliminate the symptoms of the employee's diagnosed condition or disease pursuant to VA. Code § 54.1-3408.3.

On-Duty: Anytime an employee is engaged in one's regular work or tasks.

Safety Sensitive Functions: Tasks 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 or Emergency Services support personnel engaged in emergency response activities that include, but are not limited to: emergency services delivery, training activities, duty crew assignment, home response, operation of vehicles and equipment, public education programs, public services, and other activities that involve the public trust or presents a safety risk.

Safety Sensitive Position: A position of employment with the County that is designated as such on the position description and performs safety sensitive functions.

Substance Abuse Professional (SAP) if applicable: 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.

SELF-REPORTING

Prescriptions, Over-the-Counter Drugs, and Marijuana Products: Employees taking prescription drugs issued by a licensed physician, over-the-counter drugs, or marijuana products are responsible to be aware of the effects such drugs may have on the performance of their duties and to report to the Director that they are taking such substances that may affect their performance. Employees shall promptly report to the Director any use of prescribed drugs, over-the-counter drugs, and marijuana products that may affect the employee's judgment, performance, or behavior and shall provide to the Director proof of a current prescription or proof of current medical marijuana certification, when applicable. 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 termination. Notwithstanding the foregoing, CDL employees are strictly prohibited from the use of marijuana products, and self-reporting such use, even if proof of current medical marijuana certification is provided, shall not prevent termination of employment in the event test results are positive for marijuana products.

DESIGNATED EMPLOYER REPRESENTATIVE

The Director of Human Resources shall serve as the Designated Employer Representative (DER). 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.

TESTING CONDITIONS

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

A. 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.

If a current employee seeks a position that requires a CDL license, they would be subject to pre-employment testing for drug and alcohol use before allowed to operate any CMV.

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

C. Reasonable Suspicion:

Employees will be tested whenever the individual's behavior or appearance indicates evidence of impairment on the job, which causes the employee's supervisor to question the employee's ability to perform his/her duties competently and safely. In the event test results following such reasonable suspicion are positive for drug use, including without limitation, use of marijuana products, the County shall take into consideration the employee's prescription or current medical marijuana certification that was self-reported to the Director in accordance with this policy, but the presence of such prescription or current medical marijuana certification will not in all circumstances reduce the disciplinary action determination when evidence of impairment is present.

D. Random:

Employees will be tested whenever the random selection process designates the employee for testing.

E. Post-Accident:

Employees shall be tested any time they are involved in an on-the-job vehicle accident resulting in a citation for moving violation(s) or when an on-the-job accident 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.

F. Other Testing (if applicable):

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.

G. 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.

H. 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.

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 result of the employee's drug test. Also, results will be sent to federal agencies as required by federal law. Test results will be made available to a SAP, should an employee seek treatment.

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 presentation to the Director of a physician prescription or current medical marijuana certification, 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.

In the event of evidence of impairment on-the-job due to use of an illegal drug, alcohol, or marijuana product 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 demonstrating evidence of impairment due to drugs, alcohol, or marijuana product 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 or current medical marijuana certification will not be an acceptable excuse, and the employee will be subject to disciplinary action or termination.

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) CDL Drug and Alcohol Clearinghouse, Rule, 49 CFR Part 382. All County employees who are required to have any category of Commercial Driver's License as a condition of employment are subject to a 5-panel controlled substance drug testing and breath & saliva alcohol testing as required by DOT. CDL employees who test positive for illegal drugs, marijuana products (even if the employee has a current medical marijuana certification), or a blood alcohol level above the 0.02 standard established by the U.S. DOT regulations shall be immediately terminated from employment in accordance with the County's zero-tolerance standard for use of drugs and alcohol.

Further, as mandated by the FMCSA CDL Drug and Alcohol Clearinghouse, the County will conduct queries to the Clearinghouse as outlined below to determine whether current and prospective employees have incurred a drug and alcohol violation that would prohibit them from performing safety-sensitive functions such as operating CMVs. All queries require driver consent before a query can be performed. If a driver refuses consent, the query cannot be conducted and the driver is prohibited from performing safety-sensitive functions for the County.

1. New Hires: A full query is required on all prospective new hires. Full queries require specific consent, provided electronically within the Clearinghouse. Refusing consent or query results designating a driver as prohibited, would cause the County to rescind an offer of employment.
2. Current Employees: A limited query is required on an annual basis for all current employees. Limited queries require general consent that may be provided in written format and will run for the duration of the driver's employment with the County. Should a limited query result in a "Record(s) Found" notification, a full query with specific consent provided electronically within the Clearinghouse would be needed to further determine the driver's eligibility status. Refusing consent or query results designating a driver as prohibited, shall result in termination of employment.

Positive test results from pre-employment and random testing are required to be reported to the Clearinghouse. A reported violation will prohibit a driver from performing safety-sensitive functions until they have completed the return-to-duty (RTD) process with a DOT-qualified SAP. In accordance with Rule, 49 CFR Part 40.289 and the County's zero-tolerance standard, the County is not required to provide a SAP evaluation or any subsequent recommended education or treatment for a perspective new hire or current employee who has violated DOT drug and alcohol regulations and employment shall be immediately terminated. Since reported violations remain in a driver's Clearinghouse record until completion of the return-to-duty (RTD) process with a DOT-qualified SAP, the County will provide a listing of local DOT-qualified SAPs readily available should the driver wish to complete the RTD process independently and at their own expense.

EMERGENCY SERVICES DIVISION EMPLOYEES

Emergency Services Division Employees are subject to the County mandatory drug and alcohol program.

In accordance with Virginia Administrative Code Section 12VAC5-31-940 (Drug and Substance Abuse), EMS personnel may not be under the influence of any drugs or intoxicating substances that impairs their ability to provide patient care or operate a motor vehicle while on-duty or when responding or assisting in the care of a patient. Any drug paraphernalia is strictly prohibited.

MARIJUANA PRODUCTS

In regard to marijuana products, the County's Drug and Alcohol-Free Workplace policy is written to be consistent with Virginia Code § 40.1-27.4, which established limited protections for employees related to medicinal use of cannabis oil.

An employee's positive test result indicating use of marijuana products without prior self-reporting to the Director of a current medical marijuana certification for such use shall be deemed an unauthorized drug use for purposes of this policy.

Possession prohibited in County facilities and vehicles. While in any County facility or in any County vehicle, County employees shall neither use nor have in their possession any marijuana product; regardless of whether the employee has a current medical marijuana certification. Violation of this prohibition shall result in disciplinary action up to and including termination of employment.

Federal contracts and grants: The County may take disciplinary action up to and including termination of employment if an employee's positive test result for marijuana product use would cause the County to be in violation of federal law or would result in loss of a federal contract or federal funding.

EXCLUSIONS

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.

INTERPRETATION

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



PART

11

**DISCIPLINARY ACTION
AND TERMINATION**

POLICY 11-01

GENERAL

Effective Date: October 27, 2020

Revised Date:

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 advice from the Board of Supervisors where an anticipated disciplinary action may result in possible legal action being taken against the County.

POLICY 11-02

FORMS OF DISCIPLINARY ACTIONS

Effective Date: October 27, 2020

Revised Date:

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
 - 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 Policy 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.

POLICY 11-03

AUTHORIZATION TO TAKE DISCIPLINARY ACTIONS

Effective Date: October 27, 2020

Revised Date:

Administrative Division employees who are department directors (and any class of employee who is empowered by the County Administrator to act in the capacity of a department director) 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 direct a department director to take disciplinary actions against an employee, including granting the department director 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 director prior to the action being taken.

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

POLICY 11-04

GRADUATION OF DISCIPLINARY ACTIONS

Effective Date: October 27, 2020

Revised Date:

The types of approved disciplinary actions set forth in Policy 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 director is required to gain the approval of the County Administrator before such a nondisciplinary demotion may occur.

Policy 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.

POLICY 11-05

CAUSES FOR DISCIPLINARY ACTION

Effective Date: *October 27, 2020*

Revised Date:

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 Policy 10-04 of this Manual, or violate the alcohol and drug misuse policy set out in Policy 10-15 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 employee, or the employee's immediate department director or supervisor so as to constitute gross insubordination;
- 10) Induces, or attempts to induce, an Officer 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 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 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 director 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 director, 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.

POLICY 11-06

DISCIPLINARY ACTION PROTOCOL

Effective Date: *October 27, 2020*

Revised Date:

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.

POLICY 11-07

DISCIPLINARY PROCEDURE

Effective Date: *October 27, 2020*

Revised Date:

A. Lodging of Complaint:

Alleged complaints against employees of a Supervisor/Specialist and Assistant/Operator/Technician within the Administrative Division shall be first referred to the department director to which the employee is assigned. Alleged complaints against employees of a Director/ Manager shall be referred to the County Administrator. The County Administrator should be advised by the department director 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 director) 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 director 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 director 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 director 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 Policy 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 Policy 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 9 of this Manual. Verbal admonishments, verbal warnings, and informal or formal written warnings as disciplinary actions are not subject to grievance.

POLICY 11-08

FILINGS WITHIN PERMANENT PERSONNEL RECORD

Effective Date: *October 27, 2020*

Revised Date:

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 Human Resources. 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.

POLICY 11-09

SUSPENSION WITH PAY DURING ADMINISTRATIVE INVESTIGATION

Effective Date: *October 27, 2020*

Revised Date:

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.

POLICY 11-10

DISCIPLINARY ACTION AND PERFORMANCE EVALUATIONS

Effective Date: October 27, 2020

Revised Date:

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).

POLICY 11-11

DEMOTIONS

Effective Date: October 27, 2020

Revised Date:

Demotion refers to the change of an Administrative Division employee from one position to another, possibly having lower pay and possibly requiring the performance of less responsible duties. This may also include transfer from a full-time position to a 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 part-time Administrative Division employees in this Manual.

POLICY 11-12

SUSPENSION AND EMPLOYMENT BENEFITS PROGRAMS AND LEAVE

Effective Date: October 27, 2020

Revised Date:

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 Human Resources, and reimbursement to the Department of Budget & Finance 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.

POLICY 11-13

TERMINATION FOR DISCIPLINARY REASONS

Effective Date: *October 27, 2020*

Revised Date:

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 director 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 director or County Administrator. All such documentation shall be maintained in the affected employee's Permanent Personnel Record.

POLICY 11-14

RESIGNATION

Effective Date: *October 27, 2020*

Revised Date:

An Administrative Division employee may terminate employment with the County voluntarily by resignation by stating his/her reasons in writing to the department director 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 director or County Administrator. Once written acceptance has been issued, the department director 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.

POLICY 11-15

RETIREMENT

Effective Date: October 27, 2020

Revised Date:

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 Human Resources in writing within six (6) calendar months of the desired date of retirement. The Department of Human Resources will assist the employee upon request in preparing the paperwork and 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 assist the employee in applying 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 does not apply for, or is determined ineligible for, disability or retirement.

POLICY 11-16

EMPLOYEE BENEFITS PROGRAMS UPON TERMINATION, RESIGNATION, OR RETIREMENT

Effective Date: October 27, 2020

Revised Date:

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 Department of Human Resources 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 Director of Human Resources 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 Human Resources 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. 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 midway through any month, the final contribution will be for the entire month. Terminated employees must meet with the Director of Human Resources for information on where they need to go 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 Policies 07-03 through 07-17 of this Manual as of the date of termination. Employees should refer to Policies 07-12 and 13-05 of this Manual regarding compensation of leave at termination of employment.





PART

12

**EMPLOYEE
PERFORMANCE
EVALUATION**

POLICY 12-1

RESERVED

Effective Date:

Revised Date:



PART

13

EMPLOYEE PAY PLAN

POLICY 13-01

PAY PERIODS**Effective Date:** October 27, 2020**Revised Date:**

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

POLICY 13-02

INITIAL STARTING SALARIES AND WAGES**Effective Date:** October 27, 2020**Revised Date:**

The Board of Supervisors has established -Approved Initial Starting Salaries and Wages- Administrative Division Positions set forth in Policy 13-07 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 13-07

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 Policy 13-07 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 13-07 of this Manual.

POLICY 13-03

BASIS FOR ANNUAL SALARIES AND SALARIED OVERTIME COMPENSATION

Effective Date: *October 27, 2020*

Revised Date:

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 8 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.

POLICY 13-04

AUTHORIZED PAYROLL DEDUCTIONS

Effective Date: *October 27, 2020*

Revised Date:

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.

POLICY 13-05

DEDUCTIONS ON TERMINATION

Effective Date: *October 27, 2020*

Revised Date:

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, un-retained 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. Notwithstanding the foregoing, the final paycheck shall be no less than minimum wage for hours worked within the pay period.

POLICY 13-06

EMPLOYEE SERVICE REQUIREMENTS FOR COST OF LIVING SALARY ADJUSTMENTS

Effective Date: *October 27, 2020*

Revised Date:

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.

POLICY 13-07

APPROVED INITIAL STARTING SALARIES AND WAGES - ADMINISTRATIVE DIVISION POSITIONS

Effective Date: October 27, 2020

Revised Date:

Administrative Division Positions	Min. Starting Salary	Max. Starting Salary
<u>Office of County Administrator</u>		
County Administrator	Board of Supervisors Discretion	
Executive Assistant/Public Information Officer	\$38,000	\$52,000
<u>Office of County Attorney</u>		
County Attorney	Board of Supervisors Discretion	
<u>Department of Budget and Finance</u>		
Director of Budget and Finance	\$75,000	\$90,000
Deputy Director	\$50,000	\$58,000
Budget and Finance Specialist	\$35,000	\$40,000
<u>Department of Community Development</u>		
Planner/Director of Community Development	\$65,000	\$80,000
Economic Development Coordinator	\$60,000	\$75,000
Zoning and Subdivision Official	\$56,000	\$65,000
Building Official	\$55,000	\$65,000
Building Inspector	\$35,000	\$45,000
Environmental Inspector-Plan Reviewer	\$35,000	\$40,000
Permits Technician	\$30,000	\$35,000
<u>Department of Emergency Management</u>		
Emergency Management Coordinator	\$60,000	\$72,000
Emergency Management Deputy Coordinator	\$45,000	\$55,000
<u>Department of General Services</u>		
Director of General Services	\$60,000	\$70,000
Maintenance Technician	\$28,000	\$32,000
HVAC Technician	\$32,000	\$45,000
Custodial Technician	\$24,000	\$28,000
<u>Department of Human Resources</u>		
Director of Human Resources	\$56,000	\$73,000
Human Resources Specialist	\$38,000	\$45,000

Department of Information Systems

Director of Information Systems	\$80,000	\$95,000
Systems Administrator	\$48,000	\$58,000
Assistant Systems Administrator	\$35,000	\$45,000
Application Specialist	\$38,000	\$48,000
Technician	\$32,000	\$45,000

Department of Recreation

Director of Recreation	\$56,000	\$62,000
Recreation Programs Specialist	\$32,000	\$37,000

Department of Solid Waste

Director of Solid Waste	\$65,000	\$75,000
Solid Waste Specialist	\$32,000	\$38,000
Solid Waste Technician	\$24,000	\$29,000
Operator/Driver	\$31,200	\$36,000
Convenience Station Attendant	\$23,000	\$26,000



PART

14

GENERAL

POLICY 14-01

EMPLOYEE TRAVEL AND RELATED EXPENSES**Effective Date:** October 27, 2020**Revised Date:**

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 policy. 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*).
- 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 policy, 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.
- 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 policy).

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 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 judgment when choosing an Internet travel service site. Hidden fees, significant prepayments, 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 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:

- a. Reason for travel and any unusual fees such as charges for changing a reservation/ticket
 - b. Itemized detailed receipt for lodging
 - c. Detailed receipt for each meal expenditure
 - d. Receipt for registration fees
 - e. Receipt and reason for using “for hire transportation” (examples: taxi, shuttle, metro, and limousine)
- 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

Human Resources Department:
276-525-1313

Budget & Finance Department:
276-525-1310

POLICY 14-02

VEHICLE FLEET MANAGEMENT POLICY**Effective Date:** October 27, 2020**Revised Date:** July 1, 2024**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 economical and efficient management of these vehicles.

PURPOSE

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. *Emergency 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, either wholly or in part, that are used for emergency response activities. This policy shall not govern vehicles assigned to the Washington County Sheriff's Office or Washington County Public Library.

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 County, 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 and Emergency motor vehicle under the supervision of the assigned agency. 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 and 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.

The County Department of Emergency Management Services, through the Coordinator and with the approval of the County Administrator or his/her designee, may develop administrative policies specific to Emergency motor vehicles assigned for use to that department not otherwise provided for herein this policy.

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;
- 6) Other individuals, not otherwise specified above, with special written permission of the County Administrator.

- B. Users shall hold a current driver's 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 the 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.

ELIGIBILITY FOR CDL EMPLOYEES AND EMERGENCY MANAGEMENT SERVICES EMPLOYEES

Employees who operate a county-owned Commercial Motor Vehicle (CMV) and are required to hold a Commercial Driver's License (CDL) or EMS Department employees who operate an emergency motor vehicle are subject to a higher degree of regulation than other employees. These employees will be subject to the following:

- A. Annual inquiry and review of driving record: At least once every 12 months, the employee's motor vehicle record will be reviewed to determine continued eligibility to operate a county-owned CMV or emergency motor vehicle pursuant to 49 CFR §391.25.
- B. Notification of Convictions for Driving Violations: If an employee is convicted of any type of motor vehicle traffic violation in any type of motor vehicle, notification must be given to the department head within 10 days for EMS employees (12VAC5-31-910(C)(4d)) or 30 days for CDL employees (49 CFR §383.31(b)) following the conviction date. The notification must be in writing and contain the employee's full name, driver's license number, date of conviction, specific traffic violations, and location of the offense. For CDL employees, the notification must indicate whether the violation was in a commercial motor vehicle. The

employee must sign the notification.

- C. Notification of Driver's License Suspensions: If an employee has a driver's license suspended, revoked or canceled, notification must be given to the department head before the end of the day following the day the employee received notice of such suspension, revocation, or cancellation pursuant to 49 CFR §383.33.

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/reassigned, taken out of service, and/or surplused.

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.

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.

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. Holding a cell phone for whatever the reason or 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.

OPERATION OF EMERGENCY MOTOR VEHICLES

- A. Prior to operation, it is the responsibility of the vehicle driver to conduct a walk-around inspection of an emergency motor vehicle to check for obvious concerns such as low tires, fluid leaks, broken lights or mirrors, etc. and report any safety or operational issues associated with the vehicle to the appropriate agency. No vehicle is to be operated with a known safety defect until repairs are completed.
- B. Driver and front seat passengers shall use passenger restraints at all times when operating Emergency motor vehicles. Other occupants should wear restraints when practical.
- C. Users of Emergency motor vehicles are expected to know and follow safe driving practices and rules of the road. Vehicles must be operated in compliance with applicable state law at all times.
- D. When responding to an EMS scene, emergency vehicles shall respond in accordance with the local emergency response plan.
 - 1) When transporting to the hospital, the attendant-in-charge should determine based on the patient's condition whether the response should be emergency (with lights and/or siren) or non-emergency.
 - 2) It is the responsibility of the driver to ensure all materials (stretchers, defibrillators, backboards, etc.) are safely secured for travel.
 - 3) All loose items being hauled in the passenger compartment of the vehicle are to be stored or secured in a manner to prevent them from becoming projectiles in the event of an accident or from interfering with the operation of the vehicle.
 - 4) Drivers shall exercise added caution when driving through residential and school zones, overtaking children on bicycles/roller skates/stake boards, etc. and when passing playground areas.
 - 5) When stopping on the road becomes necessary, appropriate warning devices shall be used, including emergency lights, flares, safety cones, or reflective triangles to provide adequate warning.
 - 6) When backing a vehicle that may have an obstructed view to the rear, back slowly, watch both sides using mirrors and, if possible, enlist the help of another person as a guide.
 - 7) Any incidents that result in a vehicle operator being charged with any motor vehicle violation, property damage, or personal injury as a result of the vehicle operation while on-duty must be immediately reported to the agency leadership.
- E. Prohibited Actions during operation of Emergency Motor Vehicles:
 - 1) The consumption of alcoholic beverages and use of illegal drugs is strictly prohibited while on-duty or driving emergency vehicles. Violation of this rule can result in immediate termination of employment.
 - 2) Employees using prescription or non-prescription medications that impair their driving ability shall not operate emergency vehicles.
 - 3) Tobacco use of any kind is prohibited in any emergency vehicle.

F. Driver Training Requirements:

- 1) All employees who operate an Emergency motor vehicle, must provide evidence of completion of an OEMS approved Emergency Vehicle Operator's Course (EVOC).
- 2) All new employees will be required to review this written policy prior to the operation of any Emergency motor vehicle.
- 3) Additional training may be conducted on an 'as needed basis' for employees who have demonstrated a pattern of unacceptable driving performance, as determined by the agency.

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.

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.

REVOCATION 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.

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. Gas Fuel Cards will be issued for each County owned vehicle, cards are assigned to the vehicle not the driver. Refer to the County's "Fuel Card Program Policy & Procedures" issued thru the Budget & Finance office for direction on usage. 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 submitting of an appropriate detailed receipt signifying payment with personal funds if a Gas Fuel Card is unavailable.

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.

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.

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.

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.

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.

POLICY 14-03

REIMBURSEMENT OF EMPLOYEE PURCHASE

Effective Date: *October 27, 2020*

Revised Date:

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.

*POLICY 14-04***CERTIFICATION AND EDUCATION ASSISTANCE****Effective Date:** *October 27, 2020***Revised Date:****POLICY**

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.

PURPOSE

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.

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 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

- A. 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.

- B. The Program must clearly align with the employee's current position of employment with the County or position to which the employee is reassigned.
- C. The Program must be taken at an accredited college or university, approved trade school or technical school, or approved online educational or certification program.
- D. 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.
- E. 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

- A. Failure to successfully complete the course of study

Participating employees must submit to the Department of Human Resources a copy of the official grade 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.

- B. 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 +	

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.

- C. 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.
- D. 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 excusable from gross income.

POLICY 14-05

TELECOMMUTING POLICY & PROCEDURES

Effective Date: October 27, 2020

Revised Date:

OBJECTIVE

Telecommuting allows employees to work at home, on the road or in a satellite location for all or part of their workweek. Washington County considers telecommuting to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Telecommuting may be appropriate for some employees and jobs but not for others. Telecommuting is not an entitlement; it is not a countywide benefit; and it in no way changes the terms and conditions of employment with Washington County.

PROCEDURES

Telecommuting can be informal, such as working from home for a short-term project or on the road during business travel, or a formal, set schedule of working away from the office as described in this policy. Either an employee or a supervisor can suggest telecommuting as a possible work arrangement.

Telecommuting is not designed to be a replacement for appropriate child care. Although an individual employee's schedule may be modified to accommodate child care needs, the focus of the arrangement must remain on job performance and meeting business demands. Prospective telecommuters are encouraged to discuss expectations of telecommuting with family members before commencement of telecommuting.

Any telecommuting arrangement may be discontinued at will and at any time at the request of either the telecommuter, department director, or the County Administrator. Every effort will be made to provide sufficient notice of such change to accommodate commuting, child care and other issues that may arise from the termination of a telecommuting arrangement. There may be instances, however, when no notice is possible.

ELIGIBILITY

Before entering into any telecommuting agreement, the employee and department director, with the assistance of the Human Resources Department, will evaluate the suitability of such an arrangement, reviewing the following areas:

- Employee suitability. The employee and department director will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.

- Job responsibilities. The employee and department director will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
- Equipment needs, workspace design considerations and scheduling issues. The employee and department director will review the physical workspace needs and the appropriate location for the telework.
- Tax and other legal implications. The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

If the employee and department director agree, and the Human Resource Department concurs, a telecommuting agreement will be prepared and signed by all parties.

Evaluation of telecommuter performance will include regular interaction by phone and e-mail between the employee and the department director and regular in-person meetings on a schedule established in the telecommuting agreement to discuss work progress and problems. As the telecommuting arrangement proceeds, the employee and department director will regularly evaluate the arrangement and make recommendations for continuance or modifications. Evaluation of telecommuter performance will be consistent with that received by employees working at the office in both content and frequency with a focus on work output and completion of objectives in a timely manner.

EQUIPMENT

On a case-by-case basis, Washington County will determine, with information supplied by the employee and the department director, the appropriate equipment needs (including hardware, software, modems, phone and data lines and other office equipment) for each telecommuting arrangement. The Human Resources and Information Systems departments will serve as resources in this matter. Equipment supplied by the County will be maintained by the County. Equipment supplied by the employee, if deemed appropriate by the County, will be maintained by the employee. Washington County accepts no responsibility for damage or repairs to employee-owned equipment. Washington County reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the County is to be used for business purposes only. The telecommuter must sign an inventory of all Washington County property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, all County property will be returned to the County, unless other arrangements have been made.

Washington County will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary. Washington County also will reimburse the employee for business-related expenses, such as phone calls and shipping costs, that are necessary to carry out the employee's job and not otherwise incurred by the employee. Washington County will not pay employee expenses that the employee would incur regardless of the telecommuting arrangement such as telephone or Internet service that the employee would maintain regardless of the telecommuting arrangement.

The employee will establish an appropriate work environment within his or her home for work purposes. Washington County will not be responsible for costs associated with the setup of the employee's home office,

such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space.

SECURITY

Consistent with the County's ("Electronic Communications and Social Media, Policy 10-10), telecommuting employees will be expected to ensure the protection of proprietary County and customer information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

SAFETY

Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties may be covered by the County's workers' compensation policy. Telecommuting employees are responsible for notifying the County of such injuries as soon as practicable. The employee is liable for any injuries sustained by visitors to his or her home worksite.

TIME WORKED

Telecommuting employees will be required to accurately record all hours worked using Washington County's time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's department director. Failure to comply with this requirement may result in the immediate termination of the telecommuting agreement.

TEMPORARY ARRANGEMENTS

The County Administrator or Department Director may approve telecommuting arrangements for temporary circumstances such as sickness, quarantines, inclement weather, special projects or business travel. These arrangements will be approved on an as-needed, case-by-case basis, with no expectation of continuation unless the employee enters into a telecommuting agreement as described in this policy. Temporary telecommuting arrangements will not require entry into a telecommuting agreement but, otherwise, shall be subject to all provisions in this telecommuting policy.



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