


COUNTY OF YORK

MEMORANDUM

DATE: December 3, 2021

TO: York County Board of Supervisors

FROM: Neil A. Morgan, County Administrator 

SUBJECT: Applications for Potential Reuse of the Grafton Annex

As the Board is aware the County conducted an initial solicitation process to determine potential interest in the reuse of old Fire Station #1 (aka The Grafton Annex). We have received four proposals. Under County Code, we are obligated to maintain the confidentiality of the submittals until later in the selection process.

Our plan is to have a staff committee conduct an initial evaluation of the viability of each proposal. Thereafter, we will provide the Board of Supervisors with additional information and seek your direction for the next steps.

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COUNTY OF YORK

MEMORANDUM

DATE: December 1, 2021

TO: York County Board of Supervisors

FROM: Neil A. Morgan, County Administrator

SUBJECT: Personnel Policies and Procedures Manual



Staff has completed its annual review of the Personnel Policies and Procedures Manual. To assist you in your review, a copy of the manual with the sections that have been revised have been transmitted to you electronically and all proposed changes have been noted.

All of the changes are indicated with underlines and strike-throughs. Most of the changes are regulatory or editorial in nature and are intended to clarify the policy and reflect current procedures.

Chapter 3: Compensation Policy and Procedures

- Section 3-12: Premium Pays – Holiday Premium Pay – Dispatchers and shift personnel assigned to Fire and Life Safety or to the Sheriff's Office receive a stipend for each holiday on which they do not work as long as they are not in a leave-without-pay status, or receiving any disability payments (short/long-term disability for VRS Hybrid employees or Sick Leave Bank grant for VRS Plan 1 or 2 employees). This stipend has not been increased in over 25 years, increasing now from seventy five dollars (\$75) to one hundred and fifty dollars (\$150).

Chapter 14: Miscellaneous

- Section 14-5: Holidays – Initially, the State allowed June 19, 2020 as a one-time only holiday, which many localities followed. In October of 2020, the General Assembly amended the Code of Virginia, Section 2.2-3300 relating to legal holidays, making Juneteenth a state holiday. On June 17, 2021, Juneteenth officially became a federal holiday. This day is to commemorate the announcement of the abolition of slavery in Texas, the last of the former Confederate States of America to abolish slavery, and to recognize the significant roles and many contributions of African Americans to the Commonwealth and the nation. The list of County observed holidays has been amended to include Juneteenth, to be first observed on June 20, 2022.

Gorwitz/3348

Attachment

- Personnel Policies and Procedures Manual Draft (with track changes)

PERSONNEL POLICIES
AND
PROCEDURES MANUAL

COUNTY OF YORK,

VIRGINIA

December 21, ~~2020~~2021

PERSONNEL POLICIES AND PROCEDURES MANUAL

PERSONNEL POLICIES AND PROCEDURES MANUAL

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General Policy as to Personnel

The York County Board of Supervisors has established the following mission:

As stewards of the public trust, the Board of Supervisors will maintain and improve the quality of life for all County citizens. The Board will:

- Emphasize efficiency, effectiveness, and openness of County government
- Protect the physical, historical and environmental heritage of the County
- Ensure that growth and development are positive forces on the quality of life
- Value and respect the individual

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

In understanding the relationships between the Board and its' employees, it is important that employees understand that all employees are employed at the will of the Board of Supervisors for an indefinite period and that no employment contract exists. County employment may be ended at any time, for any reason, with or without cause or notice, except as described in these policies. At the same time, employees may terminate their employment at any time and for any reason, subject only to the conditions contained in these policies.

It is further the policy of the County of York that a uniform personnel management system be established for its employees. The Board of Supervisors has assigned to the County Administrator the authority to maintain a Personnel Administration System including, but not limited to, recruitment, testing, development, and placement of new employees; the establishment of equal employment opportunity/affirmative action,

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employee relations, and personnel records programs; and the administration of the classification and pay plans. It is the intent of this policy to vest the County Administrator with all necessary authority to manage all employees, including department directors. Such authority is to be exercised in a manner consistent with the approved budget, any policies adopted by the Board of Supervisors, and all other applicable laws and regulations. The County Administrator may delegate such authority as deemed appropriate to assist in the management of the personnel system.

The specific objectives of the County's Personnel Administration System are to:

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

Except as stated in this policy, no statements by any County representative or written materials shall modify this policy for any employee or create any agreement, oral or written, contrary to this policy. Supervisory and management personnel may not make

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any representations to employees or applicants concerning the terms or conditions of employment with the County which are not consistent with County policies. No statements or representations to County employees will in any way alter the at-will nature of County employment. No statements made in pre-hire interviews or discussions, or in recruiting materials of any kind, alter the at-will nature of County employment.

Similarly, County policies or practices with respect to any matter are not to be considered as creating any contractual obligation on the County's part or as stating in any way that termination will occur only for "just cause." Statements of specific grounds for termination or discipline set forth in this Policy or in any other County documents are for emphasis or provided as examples. They are not all-inclusive and are not intended to restrict the County's right to discipline or dismiss employees. Completion of a probationary period or attainment of regular status does not change an employee's status as an employee-at-will.

Chapter 1: The Personnel Administration System

Section 1-1: General

The Personnel Policies and Procedures Manual of the County of York, Virginia, contains policies that govern employees of the County. It states the County's policies with regard to employment, classification, compensation, promotion, demotion, dismissal, and other relationships with employees.

Section 1-2: Authority and Administrative Procedures

The County Administrator is responsible for the daily administration of the Personnel Administration System. The County Administrator may designate other County officials to assist in the administration of these policies.

The County Administrator shall specifically:

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

b. Have the authority to administer the County's classification, compensation and benefit plans and to issue policies and procedures for the administration of the plans.

c. Have the authority, within budgetary limitations, to create and establish new classifications and positions, reclassify existing classifications, delete or abolish positions or transfer to other departments, or make changes in employee classifications to provide for proper administration of the classification and pay plan; and shall be

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additionally authorized to establish, from funds allocated for this purpose, the compensation of each employee within the designated salary range.

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

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

f. Provide to the Board of Supervisors, annually, a complete copy of the personnel policies of the County for review and approval, along with a summary of administrative changes made during the preceding year. The currently approved policies and procedures, as they may be revised and/or interpreted from time to time by the County Administrator, shall remain valid until such time as the Board of Supervisors formally approves a revised version.

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

This policy does not preclude department directors from issuing standard operating procedures designed to govern the performance and management of assigned

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employees provided such procedures or rules do not conflict with either policies of the Board of Supervisors or the County Administrator.

Section 1-3: Applicability

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

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

The unclassified service includes:

- a. County Administrator;
- b. County Attorney;
- c. Constitutional officers and their employees, except for employees of such officers who have elected to have their employees included in the classified service;
- d. Members of boards and commissions;
- e. Volunteer personnel and personnel appointed to serve without pay;
- f. Positions involving seasonal, temporary, or work-as-required employment.
- g. Student interns and work-study employees;
- h. Independent contractors.

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The provisions of this policy are applicable to all classified employees of the County. Unclassified employees are not governed by these policies, notwithstanding the fact that some unclassified employees may be eligible for benefits and governed by policies in a manner similar to classified employees. Employees of constitutional officers who have elected to have their employees included in the classified service shall be governed by and covered under all of the provisions of this policy as if they entered County service on the date of such election or a prior election by the constitutional officer if there has been no gap between such elections.

Section 1-4: Records Retention and Access

Employee personnel records, either in the original paper form, electronic media storage, or microfilm copies, are maintained for a period of fifty (50) years after termination, or for such period as may be required by the records management guidelines of the Library of Virginia, and then destroyed. All other documents are destroyed in accordance with the established record retention schedule maintained in the Human Resources Office.

In accordance with the Government Data Collection and Dissemination Practices Act, Code of Virginia 2.2-3806(C), the following information relative to employees and former employees is available to the public when requested: name, position, job classification, official salary or rate of pay, and any record of allowances and reimbursements for expenses paid to any public officer, official or employee, departmental assignment, and department/division telephone number. This provision shall not apply to records of the official salaries or rates of pay of employees whose annual rate of pay is \$10,000.00 or less.

Representatives of government or law enforcement agencies, in the course of their business, may be allowed access to personnel file information as may be authorized by law. Access will be granted by the Human Resources Director in response to a request

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accompanied by a signed authorization from the employee/former employee; a legal subpoena, or court order.

The County Administrator, department director, division chief, or an employee's immediate supervisor may have access to records and performance information of their subordinate employees available in the personnel files.

Employees may review their employment file in the Human Resources Office. Letters of recommendation or reference files are not subject to review by the employee.

Documents, except those restricted by other policies or laws, may be reproduced and furnished to the employee by the Human Resources staff.

Section 1-5: Use of Term - Department Director

As used throughout these policies, the term department director includes agency head or constitutional officer as may be appropriate. If a department director position is vacant, the County Administrator may designate other County officials to assist in the administration of the personnel policies and procedures.

Section 1-6: Availability

An information copy of these policies shall be maintained in each division of the County. The department director shall be responsible for informing employees of the contents of these policies and any amendments thereto as they are received. The official copy of these policies shall be maintained by the Human Resources Director who shall provide updates to the departments.

Chapter 2: Classification

Section 2-1: Employment Categories

Regular Full-Time - positions that are established on a permanent basis and requiring a regularly scheduled work week of 40 hours or more. Individuals in these positions are eligible for all benefits.

Regular Part-Time - positions that are established on a permanent part-time basis and requiring a regularly scheduled work week of less than 40 hours. Individuals in these positions may be eligible for benefits. Part-time positions may be categorized according to their "Full Time Equivalent" or FTE.

Project Position - positions that are established on a full-time or part-time basis and are utilized to perform a specific function or project with the terms of employment depending on the continuing need or funding for the function being performed. Individuals in full-time positions are eligible for all benefits. Individuals in part-time positions may be eligible for benefits.

Work as Required (WAR) - positions that are established on a part-time or temporary basis for a certain period of time. Individuals in these positions work only when required and may be eligible for benefits

Section 2-2: Definitions

The Position Classification Plan is the official system of grouping positions into appropriate classes, including a schematic index to the class specifications and the class specifications themselves.

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a. Classification is the entire process of assigning and reassigning individuals to positions, positions to classes, and classes to salary grades.

b. Allocation is the assignment of an individual position to an appropriate class of positions on the basis of the kind, difficulty, required skill, and responsibility of the work performed.

c. For position classification purposes, a position is a group of currently assigned duties and responsibilities requiring the employment of one position.

d. A class is a group of positions (or one position) that have similar duties and responsibilities, requires like qualifications, and can be compensated equitably by the same salary grade.

e. The class title is the official designation or name of the class as stated in the class specification.

f. The schematic list of classes determines the salary grade for each class of position with due regard to the salary grades for other classes, the relative difficulty responsibility and characteristic duties of positions in the class, the minimum qualifications required, the prevailing rate paid for similar employment outside the County service, and any other factors that may properly be considered to have a bearing upon the fairness and adequacy of the grade.

Section 2-3: Creation and Maintenance of Classification Specifications

Prior to the establishment of a new position, a job description covering the duties, responsibilities and minimum qualifications for the proposed position(s) shall be developed. The position is then assigned to one of the classes in the classification plan.

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If a suitable class does not exist, the County Administrator shall direct that a new class specification be developed and incorporated into the Position Classification Plan.

Section 2-4: The Classification Plan

The class specifications are descriptive and not restrictive. Particular phrases or examples of work performed are not to be construed as a full definition of a class and the use of a particular description of duties, qualifications or other factors is not to be held to exclude others of similar kind or quality. Class specifications are intended to indicate the kinds of positions which are allocated to the classes established and are interpreted in their entirety and in relation to other positions in the classification plan.

The Human Resources Director is responsible for maintaining an official copy of the Position Classification Plan, as approved or amended by authority of the County Administrator. The official copy includes a schematic list of class titles and class specifications plus all amendments thereto. A copy of the official classification plan shall be available in the Human Resources Office for inspection by the public or any employee under reasonable conditions during normal operating hours.

Section 2-5: Position Allocation List

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

Chapter 3: Compensation Policy and Procedures

Section 3-1: General

It is the purpose of this policy to set forth the manner in which the compensation system operates and how each type of expected transaction should affect an employee.

- a. These policies shall apply to all employees who enter, serve in, and leave classified positions in the York County personnel and compensation systems.
- b. Exceptions and deviations from these policies shall be handled on a case by case basis through the appropriate department director and the County Administrator and shall, when necessary, be the subject of supplements to this policy statement.
- c. It shall be the responsibility of the Human Resources Director to administer these policies and to facilitate the resolution of problems and issues that may arise from time to time.
- d. It shall be the policy of the County of York to comply with the salary basis requirements of the Fair Labor Standards Act (FLSA) and applicable provisions of the Code of Virginia. Therefore, all supervisors and managers are prohibited from making any improper deductions from the salaries of exempt employees or from misreporting overtime worked by non-exempt hourly employees. We want employees to be aware of this policy and that the County does not allow deductions or other pay practices that violate the FLSA or applicable state law. If an employee believes that an improper salary deduction has been made, or there is any other discrepancy in their pay, the employee should immediately report this information to his/her supervisor or the County Human Resources Department. Reports of improper pay practices will be promptly investigated. If it is determined that an improper pay practice has been made, the employee will be reimbursed for any improper deduction made or overtime withheld.

Section 3-2: Definitions

a. Grade Entry Date (GED). The month, day, and year on which employees constructively enter their current grade.

b. Time in Grade (TIG). The number of years, expressed to the nearest hundredth of a year, from the GED to the date on which the TIG is being figured.

c. Anniversary Date. The annual anniversary of the GED expressed as a month and day.

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

e. Standard Work Week. Begins Sunday at 12:01 a.m. and ends Saturday at 12:00 midnight.

Section 3-3: The Compensation Plan

a. The County's Compensation Plan shall be designed to achieve the following objectives:

1. Establish and maintain a salary structure which attracts and retains qualified employees who are representative of the community and fully able to deliver services at acceptable levels

2. Maintain the salary structure in proper relation to competitive pay practices in the local labor market

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3. Provide a consistent and effective means of recognizing and rewarding employee contributions

b. The County's compensation program will:

1. Balance salary and non-salary benefits to achieve competitive total compensation

2. Assure that like jobs are valued with comparable methodology and are treated similarly in terms of base pay

3. Manage pay ranges with respect to the relevant market for comparable work

4. Promote individual contributions and high levels of performance that contribute to organizational and departmental results

5. Consider relevant market data, internal equity, knowledge, skills and abilities, length of service in the job and demonstrated performance in setting individual pay

6. Attract applicants with the skills needed to successfully perform in their particular position

7. Allow new employees with relevant experience (both quantitative and qualitative) and demonstrated competence to be hired at a pay rate above the range minimum

8. Ensure that the pay of current employees with experience similar to new employees is comparable, assuming satisfactory performance

9. Be fiscally responsible

c. Market Comparisons: The market is defined as other employers competing for personnel similar to those employed by the County. Ideally, market analysis will compare pay and benefits in other organizations of similar size, cost of living, service delivery requirements, and organizational structure.

d. Plan Development: The County uses market pricing and whole job ranking to develop its salary structure and place jobs within the salary ranges. Key components of this process are:

1. Selection of Market Data Sources: The County participates in and references a variety of published, public and private sector sources that are produced by professional associations and/or consulting firms with expertise in salary survey design and development.

2. Identification of Benchmark Positions: Because there is no published data available to match all jobs in the County, benchmark positions serve as a basis for comparison to the external market. The Department of Human Resources ensures as many benchmark jobs as possible are selected within the following criteria:

- All job families are represented
- Within each job family, as many levels as possible are matched.
- The job content, not job titles, of benchmark positions is considered and compared to survey job descriptions. Jobs are matched to the survey data when the essence of the job matches the survey job description. For matching purposes, broad statements of job duties, scope of assignment, and/or qualifications are used for comparisons to outside organizations.

3. Development of the Salary Structure

a. The market data collected for benchmark positions is combined to build the salary structure and identify the appropriate salary ranges for benchmark positions.

b. The County's salary ranges have minimum, midpoint, and maximum salary amounts which are periodically adjusted. The difference between the salary range minimum and the range maximum is large enough to accommodate various levels of experience and job performance.

c. In addition, salary ranges overlap. This recognizes that a highly capable employee at one salary range may contribute more to the organization, and therefore, earn more, than an inexperienced, or not yet fully productive employee at a higher salary range.

4. Placing Non-Benchmark Job Classes in the Salary Structure

a. Because it is the County's goal to be competitive with organizations with whom it competes for talent, the external labor market is used for setting the relative ranking of jobs in the organization.

b. The Department of Human Resources places non-benchmark positions in the salary structure referencing the benchmark jobs in the same job family for which there is market pay data.

e. Pay Plan Adjustment

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1. Salary Structure Adjustment

a. The competitiveness of salary ranges is reviewed as part of the budget process. Where appropriate, adjustments are recommended to the ranges based on actual market movement and labor supply and demand influences.

b. Salary structure adjustments are typically effective the beginning of each fiscal year.

c. Employees' salaries are only affected by a structure adjustment if the adjustment causes their salaries to fall below the new minimum. In such cases, the employee's salary is increased to the new range minimum at the time the new structure is implemented.

2. Market Adjustment: The market competitiveness of job classes is reviewed as part of the budget process. Because of fluctuations in the labor market, a job class may require reassignment to a higher or lower salary range.

3. Other Adjustments: Job classes are typically reviewed for the need for market adjustment, reclassification, or career ladder advancements as part of the compensation plan maintenance during the budget process.

Section 3-4: New Employee Entry

New employees or persons who are re-entering County employment after resignation or discharge normally enter the grade for their position at the entry level or lowest point on the pay scale specified for that classification. In other than normal circumstances, the department director involved may petition the County Administrator for approval of a

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beginning salary above the entry level on the pay scale specified for the relevant classification.

Section 3-5: Regular Pay Increases

Salary increases are considered by the Board of Supervisors as part of the budget process and, if approved, will be implemented as directed.

Section 3-6: Reclassifications and Re-gradings

Reclassification and re-grading, as defined in Section 10-2, of a position may alter the salary level of incumbents. The County Administrator may approve a change in salary level if it is deemed necessary based on market conditions or in the best interest of the County.

a. If the employee's salary level prior to reclassification plots below the new scale (it is lower than the entry level for the new grade), the employee's salary is increased to at least the entry level for the new grade.

b. If the employee's salary level prior to reclassification plots above the new scale (it is higher than the maximum of the new grade), no change occurs in the total salary level until scale adjustments cause the total compensation to move above that level.

c. Positions that are re-graded to a higher grade (See definitions in Section 10-2) may be given a promotional increase in recognition of changed and/or significantly increased responsibilities.

Section 3-7: Promotion

An employee who is promoted, as defined in Section 10-1, from one classified position to another receives an immediate salary increase. The new salary (the salary level after the promotion) is determined by the percentage difference between the current grade and the grade promoted to, typically 5% per grade, if the grade change is three grades or less. Promotions of four grades or more will be capped at 15%, or the entry salary of the new position, whichever is greater. However, the County Administrator may reduce or increase the salary level of the promoted employee below or above the level otherwise indicated by this section if such adjustment is necessary to ensure the promoted employee's salary fits in with others in the same grade.

Section 3-8: Temporary Promotion

A temporary promotion occurs when an employee is temporarily promoted from one classified position to another and is given full responsibility for all of the essential functions of the higher level job, to include supervisory and signatory responsibilities. Employees who are temporarily promoted shall receive an immediate salary increase of 5% for the period of the temporary assignment, provided the assignment is expected to be 30 or more calendar days. If the employee is assuming the full duties and responsibilities of a division manager level position or above, a higher salary increase may be allowed with the approval of the County Administrator. An employee in a temporary assignment for less than 30 calendar days shall not receive any additional compensation; however, a retroactive salary increase is authorized should the assignment eventually be 30 or more calendar days. The Department Director shall notify the County Administrator when a temporary promotion exceeds 60 calendar days.

Section 3-9: Demotion

Disciplinary Demotions: An employee who, due to poor performance, failure to meet job requirements, or misconduct moves from his or her current position to a position with distinctly different duties and responsibilities will have their pay reduced if they are assigned to a pay grade with a lower minimum salary. The new salary (the salary level after the demotion) is determined by the percentage difference between the current grade and the grade demoted to, typically 5% per grade, if the grade change is three grades or less. Demotions of four grades or more will be capped at 15%, or the entry salary of the new position, whichever is less. Demotions as a result of disciplinary or performance related action shall always be accompanied by a reduction in salary.

Voluntary Demotions: An employee who requests and is granted a demotion or is selected through a competitive selection process to a position in a lower grade, shall have his or her pay set at a lower level. The new salary (the salary level after the demotion) is determined by the percentage difference between the current grade and the grade demoted to, typically 5% per grade, if the grade change is three grades or less. Demotions of four grades or more will be capped at 15%, or the entry salary of the new position, whichever is less.

In unusual circumstances, the director of the department in which the demoted employee works may petition the County Administrator to adjust the amount of the salary reduction either upward or downward.

Section 3-10: Career Ladders

The term “career ladder” refers to jobs within the same job family that perform a core of the same essential functions, but at differing skill levels. From one level up to the next level, the knowledge, skill, and ability increases, the supervision required of the

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incumbent decreases, and the responsibilities and work behaviors become more difficult and/or complex.

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

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

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

Employees reclassified through the career ladder process receive an increase in salary in the same manner as a promotion.

Section 3-11: Pay Scale Adjustments

Periodically, as market conditions warrant, the Board of Supervisors may approve across the board pay scale adjustments (a "market adjustment") for the classified staff. Employees receive the same percentage increase with the exception of those who are above the total salary for their pay grade. In such cases, the salary of the affected

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employees is not changed until such time as the adjusted pay scale exceeds the individual's salary.

Section 3-12: Premium Pays

Premium pays are authorized as follows.

a. Overtime Premium Pay. Overtime may be approved when necessary to accomplish particular tasks. The County Administrator shall designate those positions eligible for overtime pay or compensatory leave and those not eligible for such pay or leave in accordance with the standards of the Fair Labor Standards Act (FLSA). Positions designated as exempt or non-exempt from the provisions of the FLSA are so identified on the approved County Pay Plan.

The overtime rate is one-half times the regular hourly rate of pay, in addition to the regular hourly rate. Any compensation paid for a leave of absence is not counted as hours worked for overtime purposes, except as provided below for station personnel assigned to the Division of Fire and Rescue. Hours worked on holidays are not counted as hours worked for overtime purposes, but instead are compensated as holiday premium pay in accordance with (b), below. When a holiday falls within a work cycle, the threshold number of hours required for overtime eligibility is reduced by eight hours for each holiday in that work cycle, or in the case of public safety shift personnel or deputy sheriffs the threshold hours are adjusted to reflect the number of hours the employee is regularly scheduled to work on the holiday in question. If the employee leaves prior to the end of the shift, the overtime threshold will be reduced only by the hours actually worked on the holiday. Hours worked which qualify for holiday premium pay do not qualify for overtime pay.

Station personnel assigned to the Division of Fire and Rescue who currently work 120 hours during a 15-day work cycle receive overtime compensation for all hours

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worked in excess of 114. In accordance with the Code of Virginia, Section, 9.1-700 et. seq., all hours that station personnel work or are in a paid leave status during their regularly scheduled work hours shall be counted as hours worked for the purposes of computing entitlement to overtime compensation. For hours worked outside of a regular 120 hour shift, only hours actually worked count towards overtime eligibility, in accordance with the Fair Labor Standards Act. Deputy sheriffs who currently work 160 hours in a 28-day work cycle receive overtime compensation for all hours actually worked in excess of 171. Pursuant to the Fair Labor Standards Act, when changes in the work cycle occur for these employees, the threshold number of hours required for overtime eligibility changes. Overtime pay is received in the pay period for which the overtime work is performed. If circumstances preclude overtime payment during the pay period in which earned, compensatory time off at the rate of one and one half times the number of overtime hours not paid must be taken before the end of the fiscal year in which it was earned, otherwise, the overtime pay must be enumerated to the affected employee(s). Additionally, employees must use accumulated compensatory time before vacation, sick, and personal leave.

b. Holiday Premium Pay. With the exception of work-as-required employees, dispatchers and shift personnel assigned to Fire and Life Safety or to the Sheriff's Office, employees who do not work on a holiday are entitled to pay equal to the employee's regularly scheduled hours of work, not to exceed (8) hours.

Dispatchers and shift personnel assigned to Fire and Life Safety or to the Sheriff's Office are entitled to receive a ~~seventy-five~~ one hundred and fifty dollar (\$~~75~~150) stipend for each holiday on which they do not work as long as they are not in a leave-without-pay status, or receiving any disability payments (short/long-term disability for VRS Hybrid employees or Sick Leave Bank grant for VRS Plan 1 or 2 employees). An employee who has an unexcused absence or is in a leave-without-pay status for any part of the workday immediately preceding or following a holiday does not receive this stipend. If an employee works any part of the holiday or leaves work prior to the end of their shift they will receive the stipend as long as they work four (4) hours or less,

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otherwise they will not be eligible to receive this stipend. Except as provided above, the compensation level for such shift personnel and work-as-required employees includes consideration of the irregular work schedule, including shifts, holidays, weekends, nights, etc.

Except for work-as-required employees, non-exempt employees, including dispatchers, deputy sheriffs and shift personnel assigned to Fire and Life Safety who work on a holiday, receive holiday pay at one time the regular hourly rate of pay in addition to the regular hourly rate. At the discretion of the department director, a non-exempt employee who works on a holiday may be given time off equal to time actually worked in lieu of holiday pay. This time must be taken by the end of the fiscal year. An employee who has an unexcused absence or is in a leave-without-pay status for any part of the workday immediately preceding or following a holiday does not receive holiday pay. The only exception to this policy is if the last calendar day of the month is a holiday, and the employee is retiring from the County, he/she will receive holiday pay for that day. At the discretion of the Department director, an exempt employee, who works on a holiday, may be given time off equal to time actually worked.

An employee who is receiving a Hybrid short- or long-term disability payment will not be eligible to receive holiday pay in addition to the disability payment, as paid holidays are included in the maximum benefit periods administered through the County's Hybrid Disability Plan.

Section 3-13: Special Pays

a. Fire and Life Safety Certification Pay.

(1) Emergency Medical Technician-Intermediate: Uniformed career firefighters and officers in the Department of Fire and Life Safety who are state certified as Emergency Medical Technician-Intermediate and released by the

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Department to provide care at that level receive incentive payments of \$105.77 per pay period beginning the first full pay period after the request for the special pay is received and approved by the Human Resources Director.

(2) Paramedic: Uniformed career firefighters and officers in the Department of Fire and Life Safety who are State certified as Emergency Medical Technician-Paramedic and released by the Department to provide care at that level receive incentive payments of \$240.39 per pay period beginning the first full pay period after the request for the special pay is received and approved by the Human Resources Director.

b. Clothing Allowance. An employee of the Office of the Sheriff who is classified and assigned to duty as a Deputy Sheriff - Investigations shall receive a \$200 per month allowance for the maintenance and replacement of civilian clothes worn in the course of assigned duties.

c. On-Call Pay.

(1) On-Call Standby Pay. A regular full-time employee, with the exception of those assigned to public safety positions as station fire and rescue personnel and deputy sheriffs (excluding Investigators), who is non-exempt under the provisions of the Fair Labor Standards Act and who, during routine operations, is required to be available immediately by telephone or beeper after regular working hours and to respond within a reasonable period of time when called is eligible to receive on-call standby pay. Employees who are required to be on standby receive one dollar and 50 cents (\$1.50) per hour for each hour on standby. Department directors identify and approve positions considered essential to County operations after normal working hours that are eligible to receive on-call standby pay. This approval must be obtained prior to the employee commencing standby status.

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(2) Compensation When Called in to Work at a York County Work Location. Employees on on-call status who are actually called to work and are required to travel to a work location shall be compensated for at least two hours of pay for that work period.

(3) Compensation for Employees Called but Who are Able to Work Remotely. Employees on on-call status who are called to work and who are able to and are authorized to work remotely will, in addition to receiving on-call standby pay, be paid for the actual time worked (with no less than 15 minutes for each call).

Any time actually worked in excess of the applicable FLSA overtime threshold by an employee on on-call status is counted as time worked for overtime purposes.

Exempt employees may receive on-call standby pay when necessary on a case by case basis when approved by the County Administrator.

d. Public Safety Employee Educational Incentive Pay

(1) Eligibility. All regular full-time (non-probationary) uniform career firefighters and officers, up to and including the rank of Assistant Chief, and deputy sheriffs, up to and including the rank of Captain and Major, are eligible to receive educational incentive pay.

(2) Levels of Incentive Pay. The following levels of incentive pay are provided annually to eligible employees properly certified to have completed successfully all course work and other degree requirements for an accredited course of study which has been approved by the County. Incentive pays are not cumulative.

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(a) \$600 Annual Incentive Pay. Provided to those who possess an Associate's Degree in Public Administration, EMS or Fire Administration, Fire Science, Fire Engineering, Law Enforcement, Criminology, Police and Fire Science, or Criminal Justice or other approved work related field.

(b) \$900 Annual Incentive Pay. Provided to those who possess a baccalaureate degree in Public Administration, EMS or Fire Administration, Fire Science, Fire Engineering, Criminology, Law Enforcement, Police Science, Criminal Justice, or other approved work-related field.

(c) \$1,000 Annual Incentive Pay. Provided to those who possess a graduate degree in Public Administration, EMS or Fire Administration, Fire Science, Fire Engineering, Criminology, Criminal Justice, or other approved work-related field.

Applications, including an official transcript proving the granting of the appropriate degree, are submitted by the Department Head to the Human Resources Director.

Incentive pay shall be given as part of the regular paycheck beginning the first full pay period after the application is received and approved by the Human Resources Director. Payment of incentives shall be based upon official records of courses, subject to budget constraints.

e. Head Start Teachers Educational Incentive Pay. As a result of changes in the educational requirements affecting the Head Start program, the following educational incentives have been implemented:

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(1) Head Start Teachers who possess an Associate's Degree in early childhood education, or another approved work related field, shall receive \$600 annual educational incentive pay.

(2) Head Start Teachers who possess at least a Bachelor's degree in a field related to early childhood education, or another approved work related field, with experience in teaching preschool children shall be promoted to the position of Teacher II.

(3) Teachers must have at least twenty-seven (27) college level credits in early childhood education courses for the degree to qualify as "related".

An application identifying those who meet these requirements, with a copy of the official transcript, must be provided by the department director to the Human Resources Director. Incentive payments or the promotion shall be effective the first full pay period after the application has been received and approved by the Human Resources Director.

f. K-9 Unit - Compensation for Home Care of K-9s

In accordance with the Fair Labor Standards Act (FLSA), time spent by sheriff's department personnel assigned to the K-9 unit for the care of the patrol dogs during off duty hours is compensable. Care of the dog is defined as bathing, brushing, feeding, related cleaning of the dog's kennel or transport vehicle, as well as time spent taking the dog to and from the veterinarian and/or animal hospital and administration of medications.

For each scheduled shift, dog handlers are allowed sixty (60) minutes for the care and maintenance of the patrol dogs. Thirty (30) minutes of the allowed time per scheduled workday is for the completion of home and kennel care such as feeding and sanitary maintenance of the dog for that day. An additional thirty (30) minutes of the

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allowed time per scheduled workday is for time spent for the care and sanitary maintenance of the dog during all off duty hours

When on an approved leave status, personnel who are responsible for the care of K-9 dogs will be charged at the rate of 7 hours of paid leave for each full work day unless the dog is housed at a County designated kennel, in which case leave will be charged as 8 hours.

All hours compensated for the care and sanitary maintenance of the patrol dogs count toward the accumulation of overtime.

Special care or maintenance tasks that would reasonably exceed sixty (60) minutes per day must receive the prior written approval of the Captain Deputy Sheriff - Uniform Personnel or the Canine Training Coordinator. Compensation for such approved activities will be in accordance with the County's compensation policy. It is recognized that certain emergencies may arise preventing the handler from obtaining prior approval. In such instance, the authorization must be obtained as soon as possible.

g. Automotive Maintenance Technician Certification Pay

The Fleet & Maintenance Superintendent and all automotive, equipment and parts technicians who are full time, non-probationary employees and who maintain current certifications by the National Institute for Automotive Service Excellence, The Emergency Vehicle Technician Certification Commission or the Service Dealer Association and Outdoor Power Equipment Certification Institute in skill areas approved by the County's Operations Chief – Fleet & Grounds Maintenance, are eligible to receive incentive pay. Incentive payments shall be \$200 per year for each certification current as of January 1st of each year. This incentive pay shall be prorated and added to the individual's regular bi-weekly compensation effective the first pay date in March of each year. Total payments shall not exceed 10% of the employee's salary.

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Certifications required by a technician's current job description shall not be eligible for payment.

h. Tool Allowance

Maintenance Service Technicians required to provide their personal tools in the repair and maintenance of County vehicles and equipment shall receive \$500 per year allowance, payable as a lump sum on the first pay date in March of each year.

Technicians must be full time non-probationary employees as of each January 1st to be eligible for the allowance.

(1) The purpose of the allowance is to defray some of the acquisition costs for new types of small hand tools or diagnostic equipment required in the maintenance or repair of County vehicles and equipment.

(2) Tools owned by Maintenance Service Technicians, which are made unserviceable in the course of repairs made to County vehicles and equipment may be replaced at County expense at the discretion of the Operations Chief – Fleet & Grounds Maintenance. Such replacement cost shall be in addition to the annual tool allowance.

Section 3-14: Head Start Employees

Head Start employees, whose work schedule is consistent with the school year (i.e., who are scheduled to work 1241.5 or 1528 hours per year) are paid their annual salary over a 12-month period. In order for the County to be able to contribute to the employee's health and retirement benefits during the summer break, the annual salary is generally spread equally throughout each year's pay periods. If an employee resigns or is terminated prior to the end of the school year, he/she is paid the remainder of the salary that was retained and scheduled to be paid out through the summer months. If

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an employee does not return after the summer break or does not work at least 30 calendar days of the new school year, he/she must reimburse the County for the employer's portion of the health insurance paid during the summer break.

Section 3-15: Leave Without Pay Provisions

Employees in leave without pay status for longer than 90 consecutive calendar days will have their GED adjusted (extended) day-for-day for each calendar day the leave without pay status exceeds 90 consecutive calendar days. This section will not apply to Head Start teachers who are hired for less than a full program year and go into a leave without pay status during the summer months when school is not in session.

Section 3-16: Maintenance of the Compensation Plan

Periodically, the County Administrator may cause to be made a comprehensive review of all factors affecting employee compensation. The review when undertaken, will consider rates of pay for comparable positions in the area, fringe benefits, general wage data, the County's financial condition and other pertinent factors. Prior to implementing changes to the employee compensation plan based on such review, approval of the Board is required.

Chapter 4: Benefits

Section 4-1: General

Benefits are a privilege of employment and retirement. They can be changed or revoked at any time. Benefits are personal to the employee or retiree and cannot be assigned to other employees or retirees. Benefits are available to regular full-time employees and on a limited basis to regular part-time employees.

Section 4-2: Retirement

The County provides and funds through an agreement with the Virginia Retirement System, a supplemental retirement program to Social Security benefits. Participation is mandatory for all regular full-time employees. Employees are fully vested in the defined benefit component after five consecutive years of membership. Qualified Public Safety employees are eligible for an early unreduced retirement benefit through the Virginia Retirement System at age 50 with at least 25 years of service. Non-Public Safety employees are also eligible for an early unreduced retirement benefit. However, the age of eligibility depends on the date of hire, as VRS now has three separate retirement plans for non-public safety employees depending on the date of hire. Please see the Member's Handbook online at www.varetire.org for more detailed information.

From time to time, the Virginia Retirement System offers pre-retirement seminars. Since the County encourages employees to attend these sessions, they are not required to use leave to cover these absences. A copy of the registration must be submitted to the supervisor for approval.

Section 4-3: Health Care

The County currently offers a health care program to its full-time employees and retirees. For purposes of this paragraph, full-time status is determined in accordance with the Patient Protection and Affordable Care Act. The County shares the cost of selected coverage with the employees at a rate authorized by the Board of Supervisors. Employees who leave County service are eligible to continue coverage for periods specified if eligible under the Federal Consolidated Omnibus Budget Reconciliation Act of 1984 (COBRA) regulations. Employees terminated for gross misconduct are not eligible for continuation of such coverage. Retirees are also eligible to continue to be covered by the County's health plans. Please refer to AD-02-48: Retiree Healthcare Contribution for more information. The County may at any time modify the cost sharing arrangement, change the available coverage, or eliminate coverage. Please refer to AD-96-28: Health Insurance Program for a description of the health insurance plans offered by the County. Additionally, please refer to AD04-50: HIPAA (Health Insurance Portability & Accountability Act) Administrative Requirements for information regarding the County's guidelines and procedures pertaining to compliance with these requirements.

Section 4-4: Life Insurance

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

The County also provides the employee with an option to purchase additional life and accidental death and dismemberment insurance to supplement the basic group

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insurance provided by VRS. All active employees currently covered by the VRS group life plan are eligible for this optional plan. Employees may purchase this additional insurance coverage for themselves or their spouse and children. Employees can be insured for one, two, three, or four times their annual salary, up to \$600,000 or as may be allowed under the provisions of the VRS.

Section 4-5: Workers' Compensation

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

Section 4-6: Credit Union

The County is within the field of membership of the Langley Federal Credit Union and its employees enjoy full membership eligibility for all of the Credit Union's programs.

Section 4-7: Deferred Compensation

The County provides a deferred compensation option for employees who wish to participate in a voluntary, payroll-deduction supplemental retirement program. This benefit allows an employee to voluntarily contribute to one or a combination of investment options. Money deposited in a member's account must, however, remain in the account until the employee separates or retires. Proceeds in an account are not taxed until funds are withdrawn, either upon separation or retirement.

Section 4-8: Flexible Spending Accounts

The County provides employees the option to voluntarily participate in Flexible Spending Accounts (FSA). This benefit allows employees to set aside a portion of their salary as pre-tax dollars to be used as reimbursement for qualifying health and dependent care expenses. Employees may participate in a FSA even if they do not have healthcare with the County. If an employee has a health savings account, they may not also have a health care FSA.

Section 4-9: Premium Conversion

The County offers a Premium Conversion Program that allows employees to have their salary adjusted by the amount of any contributions for group health insurance benefits, resulting in less taxable income and more take-home pay for the employee.

The adjustment is made in equal installments each pay period beginning on the date the employee is eligible to participate. The option is selected by completing the required forms and continues until revoked or changed in accordance with the agreement.

Section 4-10: Employee Assistance Program

The Employee Assistance Program (EAP) is a confidential service provided to employees and their immediate families. It is designed to help employees resolve personal and job related problems that could have a detrimental impact on job performance and personal harmony. The EAP assures that all requests for assistance, and resulting services received, shall be protected from disclosure and released to no one unless done with the employee's consent or when required by law. Employees are encouraged to seek help through the EAP without fear that the confidentiality of such help will be violated.

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The County shall bear the cost of short-term counseling and referral services. The Employee Assistance service provider shall refer the employee and dependents to an affordable community resource, through coordination with the employee's health insurance plan, if possible, for longer-term counseling.

Section 4-11: Unemployment Insurance

The County provides unemployment insurance at no cost to the employee.

Section 4-12: Leave

Leaves of absence for a variety of purposes and reasons are detailed in Chapter 6 of the Personnel Policies and Procedures Manual.

Section 4-13: Short and Long Term Disability

a. Employees hired January 1, 2014, or after, excluding sworn public safety employees, who are participating in the VRS hybrid retirement plan have access to short- and long-term disability. These employees will not have access to the sick leave bank.

b. VRS Plan 1 and 2 employees and all sworn public safety employees will continue to accrue sick leave for illnesses.

c. Short term disability (STD) pays eligible employees a percentage of their salary for up to 125 work days, if they are ill or injured, and cannot perform the duties of their job. The benefit received ranges from 60% to 100% of the employee's pre-

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disability earnings and is based on the number of months of continuous participation in the Virginia hybrid retirement plan. Coverage starts eight calendar days after the employee suffers a condition that leaves them unable to work. Employees are required to use their accrued paid time off (PTO), sick leave, or vacation leave during this waiting period before short term disability begins. Additionally, once short-term disability begins, employees may augment STD with PTO, enabling them to be supplemented up to 100% of their pre-disability earnings. Short term disability is an employer paid benefit.

While eligibility for income replacement for work-related disabilities begins upon employment, eligibility for income replacement for non-work-related disabilities begins after 12 months of continuous service.

Shift employees (e.g., dispatchers and other shift personnel) who have been approved to receive a disability payment will be converted to a standard Monday through Friday work week.

d. Long term disability pays eligible employees a percentage of their salary when they have an extended disabling illness or injury. Long term disability begins after short term disability has ended.

Chapter 5: Employee Recognition Program

Section 5-1: Purpose

The accomplishments and values of County employees provide the cornerstone of successful operations. It is the policy of the County that there be an official program to recognize, apart from the compensation system, all employees whose quality performances contribute significantly to the advancement of the goals, values and business of the County. The purpose of this policy is to establish the Employee Recognition Program and the procedures by which it is to operate.

Section 5-2: Coverage

These procedures shall apply to all those covered by the York County personnel and compensation systems. “Department” is defined as any department or agency and “Department Head” is defined as any department director covered by this policy.

Section 5-3: Department Implementation

a. It is the responsibility of each Department Head to assure that one or more of the approved programs are utilized in a timely fashion for the purposes of recognizing employees within that Department. Additionally, the Department Head is to notify the County Administrator of those employees selected for recognition and provide a brief statement of the basis for their selection and the method by which they were recognized on a semi-yearly basis.

b. While each function of County government is important to the organization, there are extensive differences in type and nature of the roles of each Department. This

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policy seeks to provide sufficient flexibility to acknowledge that diversity in determining the criteria for selection and the manner of presentation. In all cases, however, recognition must include consideration of quality employee performance, be consistent with the values of the organization and strive to foster teamwork and cooperation rather than competition.

c. Each Department Head is to include within the department budget an amount not to exceed \$10.00 per regular employee and \$5.00 per work-as-required employee or \$500 whichever is greater to be used in the implementation of the recognition program within the department, based on the availability of appropriated funds. Department Heads, division heads and all others in the supervisory chain are expected to regularly recognize employee accomplishments through verbal and written affirmation. When employees are recognized, pictures, certificates or other forms of notice should be placed in areas of the Department's facilities that are generally open to staff and members of the public. Additionally, the Department Head is to select one or more alternatives from among the following approved Employee Recognition Program elements:

(1) An Employee Recognition Event - occurs within the department as an opportunity to present those being recognized and the nature of their accomplishments to their colleagues, the County Administrator, department and division heads. The event can involve gathering employees for a breakfast, luncheon or reception. This should include presentation of some tangible expression of appreciation.

(2) Certificates of Leave - provides a certificate, signed by the Department Head with notification to the County Administrator, giving reasonable periods of leave time in recognition of outstanding performances. There is no time limit on when an employee may use this leave.

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(3) Commemorative Gifts - Items bearing the County seal or some other insignia generally associated with the business, historical or geographical nature of the County of York, or other suitable mementos left to the discretion of the Department Head. These items are to be provided to employees either privately or publicly. Additionally, the purchase of commemorative gifts must be made in accordance with the County's procurement ordinance. Should any employee performance be considered so outstanding as to warrant greater consideration, the Department Head will submit a nomination to the County Administrator for approval.

(4) Internal Customer Service Survey – This program is used to foster positive feedback among and between employees for teamwork and cooperation. All employees are encouraged to participate in this program as a way to acknowledge their co-workers. This is an effective means of recognition for assistance with activities above and beyond regular duties.

(5) The Employee Suggestion Program - The purpose of this program is to reward employees monetarily for innovative and creative ideas that increase efficiency of County operations and, ultimately, result in cost savings or increase in service to citizens. Please see AD00-44: Employee Suggestion Program, for additional information and procedures.

Section 5-4: County Administrator Recognition - The Spirit of York Award

The County Administrator reserves the option to select those employees for recognition whom he considers to have contributed, by deed or example, in an unusually significant fashion. This action is at the sole discretion of the County Administrator and is fully separate and apart from any other Employee Recognition function. Nominations may

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be submitted, however, for County Administrator consideration by Department Heads or other County employees.

Selection results in the presentation of the Spirit of York lapel pin at a meeting of the Board of Supervisors, accompanied by a Resolution detailing the purposes for award along with an appropriate individualized expression of appreciation. The recipient is entitled to wear the pin thereafter as a symbol of extreme accomplishment.

It is understood that the significance of this category naturally limits the numbers of recipients. While there is no set schedule for consideration, it is unlikely that more than one or two such presentations would occur annually. It is also possible that no such award would be made. Further, it is unlikely that a recipient would receive consideration for subsequent awards in this category. Should there be cause to further recognize an individual, the County Administrator would determine an appropriate symbol.

Section 5-5: Service Recognition

a. Length of Service. It is the policy of the County to award certificates and service pins to employees for each five years of service.

b. Employees Who Leave in Good Standing. It is the policy of the County to recognize those employees who have provided long and valuable service to the County upon the occasion of their departure. The nature and extent of the recognition varies with the length of service and is to be based on the following schedule:

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Years of Completed Service

Recognition

0-5	Any action or departmental event considered appropriate and desirable by the department
6-10	Departmental event and a letter of appreciation from the County Administrator
11-15	Departmental event and a letter of appreciation signed by the Chairman of the Board of Supervisors
over 15	A mounted Resolution of the Board of Supervisors, a tangible memento symbolizing appreciation for service by the retiree's department, an event to which other County employees would be invited at their own expense

Depending upon the employee's function within County government or record of outstanding performance, the County Administrator may recommend to the Board the adoption of a Resolution of appreciation at any level of service.

Section 5-6: Employee-of-the-Quarter Award

Nominations for potential recipients of the Employee-of-the-Quarter Award for outstanding performance will be solicited on a quarterly basis and reviewed by the Employee-of-the-Quarter Selection Committee. Awards may be made to one or more employees in any quarter. Employees may be recognized for public service and/or public safety activities. If in the opinion of the Committee there have been achievements, which warrant recognition, a resolution recognizing the employee or

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group of employees will be prepared for Board action. Following adoption of the resolution the employee or group of employees will be invited to a Board meeting for presentation of the award. In addition to the resolution adopted by the Board, the Department Head is expected to recognize the employee or group of employees through the use of any of the employee recognition methods contained within this chapter.

Chapter 6: Provisions for Leaves of Absence

Section 6-1: General Provisions

The County provides a policy for leaves of absences for a variety of conditions and reasons. These policies pertain to regular full-time and regular part-time employees, and probationary employees unless they are specifically exempted from any of these provisions. Employees earn leave or paid time off (PTO) for each full calendar month of service. Leave and PTO accrue on the last day of each month, and are available for use on the first day of the following month. Vacation leave and PTO for other than personal illness or that of an immediate family member must be requested in advance and sick leave or PTO for personal illness or that of an immediate family member should be requested in advance, if possible. Requests for leave or PTO, for other than personal illness or that of an immediate family member, will be granted if in the opinion of the supervisor such leave is not disruptive to normal operations.

Any period of unexcused absence may result in the loss of pay for that period and may also result in disciplinary action. An employee, not in an approved leave status, who fails to report to work for two (2) consecutive workdays, may be separated from employment.

Section 6-2: Definitions

a. Sick Leave. Sick leave is defined as leave with pay granted for the employee's personal illness or illness of an immediate family member requiring the employee's presence; bodily injury, quarantine, medical or dental appointments; or a temporary disability.

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b. Immediate Family Members. For the purpose of this chapter, "immediate family members" are defined as the employee's spouse, parent, guardian, brother, sister, son, daughter, parents-in-law, grandparent, grandchild, step-parent, step-brother, step-sister, step-child, or any other individual who normally resides within the same household as the employee. In the case of funeral leave only, relationships in-law are permitted.

Section 6-3: Vacation Leave

a. Regular full-time and regular part-time employees hired on or before December 31, 2013, new hires who are already in VRS Plan 1 or 2, and all sworn public safety employees earn vacation leave for each full calendar month of service. Employees covered by the VRS hybrid retirement plan hired on or after January 1, 2014, earn paid time off (PTO) as described in Section 6-5.

b. Regular Employees. Regular full-time and regular part-time employees, with the exception of dispatchers and fire and rescue personnel assigned to station duty and deputy sheriffs, are credited with and may use vacation leave at the end of six (6) months of service. Dispatchers, fire and rescue personnel assigned to station duty and deputy sheriffs are credited with and may use vacation leave at the end of one year of service. New employees who begin work on the 20th of the month or sooner shall receive the full accrual of vacation leave for that month. If they begin work on the 21st of the month or later no accrual will be credited for that month.

Regular part-time employees receive a prorated amount of the vacation leave benefits of full-time employees. The number of hours earned per month is based on the average number of hours worked per day. For example, an employee who works a four-hour workday earns four (4) hours of vacation leave per month.

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The vacation leave accrual schedule for non-Fire and Rescue full-time employees is as shown in the following table. Employees in County service prior to January 1, 1992 who currently earn leave at a higher level than that authorized in the following table shall not lose such entitlement. The accrual level for this group of employees shall next change when the years of service obtained corresponds to the next higher level of accrual.

For employees whose anniversary date is the 20th of the month or sooner, the leave accrual, when crossing into a higher accrual category, will post at the higher accrual level at the end of the month. For employees whose anniversary date is after the 20th of the month, the higher accrual level of leave will occur at the end of the following month.

For regular part-time employees who become regular full-time employees the number of years of service credited for leave accrual purposes shall be determined by pro-rating the total number of complete months of service based on their full-time equivalency before becoming a full-time employee. For example, an employee who has worked at an FTE of .50 for two (2) years and subsequently becomes a regular full-time employee, shall have the equivalent of 1 year credited to his or her leave accrual category for leave accrual purposes.

Years of Service	Hours per Month	Hours per Year	Maximum Hours Allowed Each June 30th and Maximum Hours Paid at Separation
0-5	8	96	192
6-10	10	120	240
11-15	12	144	288
Over 15	16	192	288

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Vacation leave may be taken in quarter hour increments. Requests for vacation leave should be made far enough in advance to permit accommodations in the work schedule. Accruals in an employee's account that are beyond the level allowed in the above table shall be moved to a special inactive leave account, as described in Section 6-3(g). For regular part-time employees, the maximum hours allowed each June 30th is prorated based on the employee's FTE (Full-time equivalency) rating.

c. Fire and Rescue Employees. Vacation leave for those fire and rescue employees assigned to station duty and who work twenty-four (24) hour shifts is credited after one year of service with the County and thereafter leave accrues monthly. The vacation leave accrual schedule for these employees follows:

Years of Service	Hours per Month	Hours per Year	Maximum Hours Allowed Each June 30th and Maximum Hours Paid at Separation
0-5	12	144	268
6-10	15	180	336
11-15	18	216	403
Over 15	24	288	403

The Fire Chief will establish and maintain a process to schedule the vacation leave credited to those fire and rescue employees assigned to station duty and who work twenty-four (24) hour shifts. Accruals in an employee's account that are beyond the level allowed in the above table shall be moved to a special inactive leave account as described in Section 6-3(g).

d. Head Start Employees. Head Start employees whose work schedule is consistent with the school year (i.e. who are scheduled to work 1241.5 or 1528 hours per year) earn three (3) personal days (19.5 hours or 24 hours respectively) per school

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year rather than accrue vacation leave. Personal days are available to the employee at the beginning of each school year, and following successful completion of the probationary period for new employees hired prior to November 30. New staff hired after November 30 will not accumulate personal days because the employee will not have completed the probationary period prior to the end of the school year.

If the personal days are not used during the school year or the employee terminates their employment, these days are forfeited. Additionally, if an employee uses one or more personal days and terminates their employment prior to the end of the school year, their final pay will be docked an equivalent amount of days. The number of personal days used by the employee will be annotated in the remarks section of the Employee Separation Report.

e. Vacation leave accruals paid to employees who leave County service is covered in Sections 6-11.

f. Probationary employees do not earn or accrue entitlement to vacation leave or personal days and are not compensated for vacation leave or personal days if separated from County service during the probationary period; however, upon successful completion of the probationary period, leave is granted retroactive to the first full month of service and personal days are available for use.

g. Inactive Leave Account. Each June 30th, vacation leave that exceeds the established maximums will be moved into a special inactive leave account. Balances in this account will, in no way, affect current policies with respect to leave usage, leave maximums, or compensation upon termination. These balances will only become available under the following circumstances:

(1) The employee's department director declares that all other accrued sick and vacation leave hours have been used and the inactive balance is the only alternative to sick leave without pay.

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(2) Specific approval of the County Administrator has been obtained to utilize the inactive account balance.

h. Station Personnel Vacation Leave Conversion. The accrued vacation leave for employees of the Fire and Rescue Operations Division of the Department of Fire and Life Safety who because of a change in positions which results in a change in work schedule is converted as follows:

(1) If the change is from a 2912 hour per annum work schedule to a 2080 hour schedule, the total accrued hours are divided by a factor of 1.4.

(2) If the change is from a 2080 hour per annum work schedule to a 2912 hour schedule, the total accrued hours are multiplied by a factor of 1.4.

i. New Hire Vacation Leave Adjustments. Although not normally the practice, it may from time to time be necessary to negotiate the vacation accrual in order to attract and retain qualified individuals. In these cases, the County Administrator may approve vacation accrual that is greater than the standard benefit.

Section 6-4: Sick Leave

a. Regular full-time employees hired on or before December 31, 2013, new hires who are already in VRS Plan 1 or 2, and all sworn public safety employees earn sick leave at the rate of eight hours per month for each full calendar month of service. Employees covered by the VRS hybrid retirement plan hired on or after January 1, 2014, earn paid time off (PTO) as described in Section 6-5. All employees earning PTO on or after July 1, 2020, earn sick leave at a rate of three hours per month for each full calendar month of service.

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New employees who begin work on the 20th of the month or sooner shall receive the full accrual of sick leave for that month. If they begin work on the 21st of the month or later no accrual will be credited for that month.

For fire and rescue employees who work 24-hour shifts, the definition of "one day" for sick leave accrual purposes is 12 hours.

Head Start employees hired on or before December 31, 2013, whose work schedule is consistent with the school year (i.e. who are scheduled to work 1241.5 hours per year) earn 6.5 hours per month for each full calendar month they work from September through May. Head Start employees hired on or before December 31, 2013, whose work schedule is consistent with the school year (i.e. who are scheduled to work 1528 hours per year) earn 8 hours per month for each full calendar month they work from September through May.

Head Start employees hired on or after January 1, 2014, whose work schedule is consistent with the school year (i.e. who are scheduled to work 1241.5 hours per year) earn four hours per month for each full calendar month they work from September through May and are allowed a maximum of 180 hours of sick leave each June 30. Hours over 180 will be forfeited. Head Start employees hired on or after January 1, 2014, whose work schedule is consistent with the school year (i.e. who are scheduled to work 1528 hours per year) earn five hours per month for each full calendar month they work from September through May and are allowed a maximum of 225 hours of sick leave each June 30. Hours over 225 will be forfeited.

Regular part-time employees receive a prorated amount of the sick leave benefits of full-time employees and the number of hours earned per month is based on the average number of hours worked per day.

Regular full-time and regular part-time employees, and all sworn public safety employees may accumulate sick leave without limitation.

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b. Usage. Sick leave may be taken in quarter hour increments and may be used because of personal illness or illness in the immediate family which requires the presence of the employee. Sick leave may also be used for visits to health providers during working hours with the permission of the supervisor. Employees must keep the supervisor informed of any absence and the anticipated duration from work due to illness, and must, at the supervisor's discretion, present a physician's statement to verify the need for the absence. For personal illness, the physician's statement must include information about how the illness prevents the employee from performing the essential functions of their job. Any medical information provided to the supervisor must be kept in a confidential and secure location. Whenever possible, requests for sick leave should be made in advance. In the case of personal illness, or unanticipated circumstances, the employee's supervisor must be notified no later than the beginning of the workday or as soon thereafter as is practical. In accordance with generally accepted accounting practices, sick leave is debited from an employee's sick leave account by using the first-in first-out (FIFO) method of accounting (notwithstanding the value of such leave as described elsewhere in these policies, when an individual is separated from the County). Fraudulent use of sick leave is considered a serious offense and is grounds for disciplinary action up to and including termination.

c. Station Personnel Sick Leave Conversion. The accrued sick leave for employees of the Fire and Rescue Service who because of a change in positions which results in a change in work schedule is converted as follows:

(1) If the change is from a 2912 hour per annum work schedule to a 2080 hour schedule, the total accrued hours are divided by a factor of 1.4.

(2) If the change is from a 2080 hour per annum work schedule to a 2912 hour schedule, the total accrued hours are multiplied by a factor of 1.4.

d. Sick Leave Bank.

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(1) Purpose. To establish a Sick Leave Bank, which provides income for those County employees who, due to illness or injury, have exhausted all of their accrued sick leave, annual leave and compensatory time, and are not receiving Workers' Compensation or Virginia Retirement System (VRS) retirement benefits. The Sick Leave Bank is not designed to provide coverage for brief illnesses or injuries (i.e. 20 work days or less). The Sick Leave Bank will be continued as long as at least 100 employees agree to participate in accordance with the provisions of this policy.

(2) Eligibility for Participation.

a. Full-time and regular part-time employees hired on or before December 31, 2013, and all sworn public safety employees who have completed one year of service are eligible to participate. Full-time employees must have a minimum of ten (10) workdays in order to join the Bank. As long as contributions continue to be made, an employee need not maintain ten (10) workdays to continue membership. Sick leave balance requirements for part-time employees shall be prorated according to the sick leave accrual rate as shown in the following example:

Monthly Accrual Rate	Sick Leave Balance Required to Join Bank
4 hours	40 hours
6 hours	60 hours
8 hours	80 hours

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b. The equivalent contribution for an 8-hour workday of a public safety employee who works a 24-hour shift is 12 hours. Full-time employees in this category must have a minimum of 120 hours in order to join the Sick Leave Bank. Contributions of 12 hours are credited to the Bank as 8 hours. Should a person in this category be approved for use of the Sick Leave Bank, only 8 hours need be withdrawn from the Bank to provide for 12 hours of sick leave to the affected employee.

c. Employees meeting the requirements specified above are eligible to join the Bank effective October 1 of each year. The month of September is designated as open enrollment. Applications must be received by September 30.

(3) Requirements for Participation.

a. Participation in the Sick Leave Bank is voluntary and only those employees who voluntarily contribute time to the Bank are permitted to participate in the plan. Participation does not guarantee the approval of a request to withdraw hours from the Bank.

b. In order to participate initially, each employee is required to contribute one workday of accumulated sick leave to the Bank and agree to any assessment that may be needed to increase the balance in the Sick Leave Bank. (Part-time employees must contribute the equivalent of one workday of sick leave.) Any leave deducted from an employee's sick leave balance for the purpose of the policy is the sick leave that would normally be accrued during the month of September. The sick leave will be deducted using the LIFO (last in first out) method. Participation begins as of the date of contribution. Contributions to the Bank are irrevocable and remain in the Bank if an employee cancels his or her participation.

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c. Participating employees are required to contribute one additional day on October 1 of each year unless the number of full time days in the Bank exceeds two times the number of participating employees. If on October 1 the employee has depleted his or her sick leave, the 8 hours earned for the month of September will be automatically deposited in the Sick Leave Bank. A special assessment of one (1) day from each participating employee is required at any time that the number of days in the Bank falls below 50% of the number of participating employees.

(4) Eligibility for Benefits.

a. Provided the employee is a participant, the employee, or someone on his or her behalf, must submit the appropriate request form for a withdrawal of sick leave and send it to the Review Committee in care of the Human Resources Department. A physician's certification of disability of the employee must accompany the request. If at any time throughout the grant process the employee's physician provides documentation that the employee is permanently unable to return to work, further consideration for a sick leave bank grant shall cease.

b. The Review Committee must act on any request within ten (10) working days following the receipt of an application. Workdays are defined as the days in which the administrative offices of the County are customarily open, Monday through Friday, not including holidays observed by the County. A 20-work day waiting period, during which Sick Leave Bank benefits may not be awarded, begins on the first day the employee is absent from work as a result of the illness or injury. The equivalent waiting period for a public safety employee who works a 24 hour shift is 7, 24 hour shifts. Only a 5-workday waiting period is required when the disability is related to a previous disability for which the employee was

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previously determined to be approved to withdraw sick leave hours from the Bank.

c. The Review Committee may request additional information/clarification of the medical information provided or a second opinion from a physician of the Committee's choice at any time and at the employee's expense. The physician shall submit a report directly to the Committee. The report must indicate the nature, extent, and anticipated duration of the disability. Additional physician certification may be required by the Committee, at the Committee's discretion.

d. Failure to submit any requested physician's certification of disability may result in denial of Sick Leave Bank grants.

e. To be eligible for Sick Leave Bank grants, an employee must have exhausted all of his or her accrued sick, annual, and compensatory leave days, however, an application requesting a Sick Leave Bank grant may be filed with the Review Committee prior to the exhaustion of this leave.

f. All employees applying for a Sick Leave Bank grant agree to permit the Sick Leave Bank Committee to review leave records and all pertinent medical information.

(5) Disability Benefits.

a. No employee will be entitled to draw more than 60 workdays for one absence from work during a twelve-month period.

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b. The maximum number of workdays which can be drawn by an employee from the Sick Leave Bank during his or her career is based on the length of his or her service and is shown below:

<u>Length of Service</u>	<u>Maximum Days</u>
1-4 years	50
5-9 years	100
10-14 years	150
15-19 years	200
20 or more years	250

c. Sick leave days granted to an employee need not be repaid.

d. An employee who is receiving disability retirement benefits from VRS or Social Security is ineligible to withdraw days from the Sick Leave Bank.

(6) Exclusions, Limitations, and Termination of Benefits.

a. Employees with disabilities resulting from the following will not be eligible for Sick Leave Bank grants:

(1) Any occupationally related accident or illness for which Worker's Compensation benefits are payable.

(2) Intentionally self-inflicted injuries.

(3) Injury occurring in the course of committing a felony or assault.

(4) Service in the armed forces.

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(5) War, insurrection, rebellion, or active and illegal participation in a riot.

(6) Cosmetic surgery or treatment, or surgery or treatment not deemed necessary by a physician.

b. No Sick Leave Bank grants will be payable for that portion of any period of disability during which the disabled employee is confined in a penal or correctional institution as a result of conviction for a criminal or other public offense.

c. A participating employee will immediately lose the right to apply for or receive Sick Leave Bank grants in the event of any of the following:

(1) Termination of employment with the County.

(2) Suspension without pay.

(3) Voluntary cancellation of participation in the Bank.

(4) Failure to make required contribution or provide required physician certification.

(7) Pre-Existing Condition.

For employees eligible to participate in the Sick Leave Bank, medical conditions arising within the first year of participation and attributable to a pre-existing condition will be excluded from the Bank for a period of two (2) years from the effective date that the employee joined the bank. Pre-existing conditions are those conditions for which medical advice or treatment was

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received during the twelve (12) month period prior to the effective date of the employee's participation in the Sick Leave Bank. Charter members (those who joined the Sick Leave Bank when it was initially implemented) are not subject to this pre-existing condition provision.

(8) Administration.

a. The Sick Leave Bank is administered by the Human Resources Department. The Human Resources Department may recommend such rules and policies, not in conflict with those provided herein, considered appropriate for the operation of the Sick Leave Bank. Any additional rules or policy so developed must be agreed upon by the Review Committee and the County Administrator. The Sick Leave Bank policy will be reviewed and approved annually by the Board of Supervisors as part of the Personnel Policy.

b. A twelve (12) member Review Committee is established. A member from each of the following departments of the County will be selected by the department director from those who participate in the Sick Leave Bank:

- | | |
|-----------------------|---------------------------------|
| Finance | Information Technology |
| Fire & Life Safety | Emergency Communications |
| Community Services | Planning & Development Services |
| Public Works | Library |
| Office of the Sheriff | |

In addition, one member from the combined participants of County Administration, Economic Development, the Office of the County Attorney, Real Estate Assessments, and Public Information; and one member from the combined participants of the Office of the Treasurer, Office of the

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Commissioner of the Revenue, and the Registrar; and one member from the combined participants of the Office of the Commonwealth's Attorney and the Clerk of the Circuit Court. The Human Resources Director shall serve as an ex-officio member of the Review Committee to provide confidential information and keep minutes of the meetings. Members of the Review Committee shall serve two-year terms and shall be eligible for re-appointment. Members of the committee shall elect a Chair and Vice-Chair annually.

The Committee shall review all requests for withdrawal of hours from the Bank, verify the validity of the requests, approve or deny requests, and the decision shall be communicated by the Human Resources Director directly to the employee. The employee requesting a sick leave bank grant shall not be permitted to attend any sick leave bank committee meetings. All meetings and votes shall be by a quorum of the Committee with members present. Any vote that results in a tie shall be deemed not approved and the request shall be denied. The ruling of the Committee is final and non-grievable.

c. The Human Resources Department shall review the decisions of the Review Committee to assure consistency with County leave policy. The Human Resources Department shall notify the Division of Fiscal Accounting Services of the Review Committee's decision and to effect sick leave payments and to account for Sick Leave Bank grants.

d. All requests for sick leave bank participation, requests for bank grants, and cancellation of participation shall be made on authorized forms available in Human Resources submitted in care of the Review Committee to Human Resources. Applicants may submit requests for any extension of leave before the expiration of the current leave grant.

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e. If the Review Committee finds that an applicant for Sick Leave Bank grants is eligible for disability retirement, or any other disability or loss of time benefits, the Review Committee may request that the applicant apply for such benefits. Failure to apply will disqualify the applicant for any consideration of Sick Leave Bank grants.

f. A request for a Sick Leave Bank grant must include a certificate signed by a physician confirming the cause of the illness or accident and certifying the existence of a disability which prevents the participating employee from performing assigned duties.

g. Fiscal Accounting Services shall maintain records of participating employee's contributions, withdrawals, and the status of the Bank.

h. Fiscal Accounting Services shall report the status of the Bank at any time upon the request of the Review Committee and provide information to the Committee with respect to any participating employee's contribution status or prior use of Bank grants.

i. Contribution of sick leave days by participating employees shall be in whole day accruals.

j. Sick leave grants will not be awarded for any period less than 5 workdays.

k. The use of Bank days will be whole days payable at the rate of 80% of an employee's normal gross daily wages.

l. Employees who receive a sick leave bank grant for any portion of the month will not accrue sick or vacation leave for that month.

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Additionally, credit for holidays is not earned while receiving a sick leave bank grant.

m. A shift employee who has been approved to receive a sick leave bank grant will be converted to a standard Monday through Friday workweek based on their full-time equivalency.

(9) Termination or Modification of the Sick Leave Bank.

The County reserves the right to discontinue or modify the Bank and to make such termination or modification unilaterally and without prior notice. However, all approved existing and pending disability withdrawals will be continued to the extent that sick leave days remain available. Should the Bank be terminated, all unused days will be distributed equally to the then current participating employees.

(10) Financing.

Participating employees support the Bank through their annual contribution of sick leave days that are provided to them at no cost by the County. The County provides without charge the necessary resources to administer the Sick Leave Bank program.

Section 6-5: Paid Time Off (PTO)

a. All employees in regular full-time positions who are covered by the VRS hybrid retirement plan and all employees in regular part-time positions who are hired on or after January 1, 2014, except Head Start employees whose work schedule is consistent with the school year (i.e. who are scheduled to work 1241.5 or 1528 hours per year), will participate in the paid time off (PTO) leave plan. This plan [combines pools](#)

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sick and annual leave into one leave type called PTO. [Additionally, all employees earning PTO on or after July 1, 2020, earn sick leave at a rate of three hours per month for each full calendar month of service.](#) Access to other leave types, such as funeral leave, civil leave and military leave remains the same.

b. Usage. PTO may be taken in quarter hour increments and may be used for any purpose; however, it must be approved in advance unless it is an emergency or unforeseen illness/injury. PTO may be used for planned time off or vacation days. Employees may use PTO to cover visits to a health care provider, personal illness, or illness of an immediate family member which requires the presence of the employee, or to supplement partial pay provided by short term disability. Employees must keep the supervisor informed of any absence for illness and the anticipated duration of the illness, and must, at the supervisor's discretion, present a physician's statement to verify the need for an absence due to illness. For personal illness, the physician's statement must include information about how the illness prevents the employee from performing the essential functions of their job. Any medical information provided to the supervisor must be kept in a confidential and secure location. In the case of personal illness, or unanticipated circumstances, the employee's supervisor must be notified no later than the beginning of the workday or as soon thereafter as is practical.

c. The amount of accrual, in hours per month, is shown in the chart below.

FTE	0-5 years of service	6-10 years of service	11-15 years of service	Over 15 years of service
.50	6	7	8	10
.60	7	8	10	12
.75	9	11	12	15
1.0	12	14	16	20

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d. Maximum hours allowed each June 30th and maximum hours paid at separation is shown in the chart below.

FTE	0-5 years of service	6-10 years of service	11-15 years of service	Over 15 years of service
.50	96	108	120	144
.60	115	130	144	173
.75	144	162	180	216
1.0	192	216	240	288

e. ~~Up to one year's accrual~~The maximum hours allowed on the chart above may be carried over to the next fiscal year. Any hours over ~~one year's accrual~~the maximum hours allowed are forfeited on June 30 of each year. An employee continues to accrue PTO each month.

f. All unused PTO up to the maximum accrual is paid out at separation of employment.

g. PTO is accrued while an employee is on short term disability.

~~h. VRS Plan 1 or 2 employees who decide to switch to the Hybrid Plan during the enrollment period will transfer their annual leave up to the maximum PTO accrual (based on their years of service) and forfeit the remainder of their annual leave and all of their sick leave.~~

hi. Probationary employees are credited with PTO at the rate of 50% of the accrual amount and are not compensated for PTO hours if separated from County service during the probationary period. Upon successful completion of the probationary period, the 50% PTO that was earned but not available for use during the probationary period is granted retroactive to the first full month of service and is available for use.

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ij. When an employee changes status from a regular part-time position to a regular full-time position, the balance of their annual leave and sick leave on the date of the status change will be converted to PTO up to the maximum allowed based on their full-time equivalent years of service. Any remaining annual or sick leave will be forfeited.

Section 6-6: Compensatory Leave

a. Compensatory time off ("Comp Time") shall be awarded in lieu of paid overtime for non-exempt employees whenever possible and the employee will receive Comp time in the amount of 1.5 times the hours worked over the Fair Labor Standards Act (FLSA) threshold. Comp time may be accumulated and must be taken before the end of the last pay cycle to be paid in the fiscal year in which it was earned, otherwise, comp time balances will be paid to those eligible for such payment. Additionally, employees must use accumulated Comp time before using vacation, sick and personal leave. Compensatory leave earned during emergency conditions leave closures is not subject to this provision.

b. Compensatory time off for employees exempt from the FLSA overtime provisions is not earned or accumulated. Reasonable amounts of compensatory time may be provided by the County Administrator or the department/division head, as appropriate, for exempt employees, if extended periods of overtime work are necessitated by the requirements of the position.

(1) Unlike non-exempt employees, the workweek of an exempt employee is not specifically defined as 40 hours per week. On the contrary, the general rule of thumb is that such employees work the number of hours required to "get the job done", and these need not be associated with any concept of a "normal" 40-hour work week. This is taken into account when compensation is determined for these positions.

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

(3) Compensatory time for exempt employees should be viewed in the same context and in the same spirit as the "get the job done" character of time worked. Both the employees and their supervisors are expected to utilize and administer an unstructured concept of compensatory time off in a fashion that is in keeping with generally accepted standards of employee performance and not in terms of hourly entitlement.

Section 6-7: Leave of Absence Without Pay

Leaves of absence without pay for personal reasons, such as lengthy illness beyond sick leave accrual, personal business, or travel must be requested in advance and in writing from the employee. Following is the County's policy and procedures concerning advance notice, entitlement to leave without pay and status of benefits. If an individual qualifies for Family and Medical Leave, the policy procedures require additional steps and it is therefore necessary to refer to Section 6-9 for specific information regarding this type of leave without pay status. Leave without pay that qualifies under Family and Medical Leave requires the approval of the Department Director and the Human Resources Director.

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

Department directors may approve leave of absence without pay for a period of up to twenty (20) workdays per fiscal year if conditions warrant. An employee is required to

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request in writing the reason(s) for leave without pay status. Leaves of absence in excess of twenty (20) workdays per fiscal year require the County Administrator's approval. Except as provided in other sections of this policy, leave without pay is granted only when all annual leave and PTO has been exhausted. Deductions for partial-day absences for exempt employees are permitted when leave was not used or has been exhausted. Leaves of absence for periods exceeding twelve (12) calendar months may not be granted.

Employees on leaves of absence without pay for 30 consecutive calendar days or less remain on active employment status and continue to accumulate benefits; however, any leave accrued may not be taken until the employee returns to full duty, i.e., a full scheduled day. Partial days in leave-without-pay status are included in the 30 consecutive calendar days threshold.

Employees on leave without pay in excess of 30 consecutive calendar days are placed on temporary non-pay, inactive status and the continuation of benefits will not change as long as the employee works at least one half or more of his/her regularly scheduled hours during the calendar month. Additionally, in situations other than those covered by the Family and Medical Leave Act, injury leave, or furlough, if the employee did not work at least one half or more of his/her regularly scheduled hours during the calendar month, the employee will be required to pay both the employer and employee share of the health insurance premium and any costs required to maintain life insurance.

Special provisions may be applied to Head Start teachers who are hired for less than a full program year and go into a leave without pay status during the summer months when school is not in session.

When leave without pay occurs for any part of the work day immediately preceding or following a holiday, no credit in pay is given for the holiday. Holidays that occur during such absences are likewise not credited to the employee for pay.

Section 6-8: Other Leave

a. Maternity Leave:

There are no special provisions for maternity leave. Available sick leave and short term disability (for eligible employees) is granted for maternity leave. When sick leave is exhausted, annual leave may be used. Medically complicated pregnancies are treated in the same fashion as is the case for other medical problems. Maternity leave qualifies under the provisions of the Family and Medical leave policy. Please see Section 6-9 for additional information.

b. Funeral Leave:

Funeral leave is defined as leave with pay granted to regular employees upon the death of an immediate family member. In the case of funeral leave, immediate family members also include relationships “in-law”. The purpose of such leave is to allow employees a period of adjustment and sufficient time to travel if necessary or to put family affairs in order when work would interfere with such activities.

Funeral leave may be granted at the discretion of the department director upon the request of the employee. Funeral leave shall not exceed three (3) workdays per incident. Leave commences upon notification and approval by the department director. Funeral leave is not charged to sick or annual leave. If more than three (3) days is required, the employee may use accrued sick or annual leave. If leave is desired for a death other than an immediate family member, the employee at the discretion of the supervisor may use annual leave or leave without pay. The County Administrator may approve administrative leave for individuals or groups of individuals when warranted in special circumstances as provided for in paragraph 6-6.

c. Administrative Leave.

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

d. Military Leave:

Employees entering active military service will have their job status protected in full compliance with current federal and state regulations. Employees who are members of the Uniformed Services as defined in the Uniformed Services Employment and Reemployment Act of 1994 (USERRA), are entitled to receive up to fifteen (15) paid workdays of military leave of absence each federal fiscal year (October 1 to September 30), for periods of active duty for training, or when called forth by the government pursuant to law. Weekend training (inactive duty for training), attendance at active duty military schools maintained by the armed forces of the United States, and additional training of various types, as well as annual training, fitness examinations for duty and funeral honors obligations, all qualify for paid leaves of absence up to the maximum of fifteen (15) workdays per federal fiscal year. During such leaves of absence, an eligible employee is entitled to continuing pay without losing accrued leave, vacation or sick, or other benefits available to the employee during the normal course of employment. When entitlement to a leave of absence is exhausted and weekly or monthly drills occur during normal working hours, the employee must arrange with the department director for any time lost to be charged to vacation leave or leave without pay. Military leave is considered service with the County for vesting and benefit accrual purposes. Upon reinstatement, the employee is entitled to all rights and benefits that he/she would have attained had they remained continuously employed. Deploying employees who are currently covered by the County's health insurance plan will be offered the opportunity to continue that coverage under COBRA for themselves and their dependents. Under these circumstances, the County Administrator may approve of the County continuing to pay the employer's share of the health insurance premium. Deploying employees are entitled to be paid for unused vacation leave up to the allowable maximums as defined

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in the tables in sections 6-3(b) or 6-3(c) as appropriate. Upon return from military leave, vacation and sick leave that accrued between the date of departure and the date of return will be reinstated. Additionally, employees returning from military leave are entitled to an eight-hour rest period before beginning work. If the employee's eight-hour rest period overlaps with the employee's scheduled work shift, he or she shall receive paid military leave to the extent of the overlap. Employees returning from military leave will be reinstated to their original position or a position of equivalent pay and benefits.

It is the intent of this policy that paid leaves of absence are to be made available to those employees in the Uniformed Services who are performing required duty. When an employee volunteers for duty beyond that which is actually required to be performed because of any legal obligation to the military, the employee has not been "ordered to duty" as contemplated by the law and the time away from work may not be charged as military leave.

For fire and rescue employees who work 24-hour shifts, or other employees who work other than 8 hour shifts, the definition of the "workday" for military leave purposes is 8 hours and the entitlement is to 120 hours of compensated military leave (for example: five (5) 24-hour shifts) each federal fiscal year.

e. Federal Deployment Leave.

Employees who are members of the Department of Health and Human Services (DHHS) National Disaster Medical System (NDMS), to include Disaster Medical Assistance Teams (DMAT) or Disaster Mortuary Operational Response Teams (DMORT), upon activation, are intermittent federal employees and are considered members of the "uniformed service" for the purposes of the Uniformed Services Employment and Reemployment Rights Act (USERRA). When activated, these employees shall receive up to fifteen (15) paid workdays of federal deployment leave in each federal fiscal year (October 1 to September 30) to participate in these activities. During such leaves of absence, the employee is entitled to continuing pay without losing

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accrued leave, vacation or sick, or other benefits available to the employee during the normal course of employment. Should deployments extend beyond the fifteen (15) paid workdays, the employee must arrange with the department director for any time lost to be charged to vacation leave or leave without pay. In the unlikely event a deployment results in leave without pay in excess of thirty (30) consecutive calendar days, the employee must make arrangements with the County for the continuation of benefits, which will be handled in the same manner as those who are covered by military leave. Upon return from NDMS activation, the employee shall be reinstated to his or her original position or to a position of equivalent pay and benefits.

For fire and rescue employees who work 24-hour shifts, or other employees who work other than 8 hour shifts, the definition of the “workday” for federal deployment leave is 8 hours and the entitlement is up to 120 hours of compensated federal deployment leave (for example: five (5) 24-hour shifts) each federal fiscal year.

Employees who are members of the Department of Homeland Security/Federal Emergency Management Agency’s Urban Search and Rescue Team (US&R), are not considered intermittent federal employees and are therefore not considered to be members of the “uniform service” for the purpose of USERRA. Employees activated, as part of the an US&R team will be paid in accordance with the Mutual Aid Agreement Memorandum of Understanding governing the employees US&R team membership and FEMA reimbursement policies in effect at the time of activation. Additionally, as is the County policy during disaster operations (section 6-8(i), all paid leave that occurs within the work week or work cycle (in the case of Fire and Life Safety and Sheriff employees) shall count as hours worked for the purpose of calculating overtime. Exempt employees shall receive straight time, on an hour for hour basis, for all hours worked in excess of their regularly scheduled number of hours per week.

f. Civil Leave.

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An employee's absence from work for jury duty, jury commission duty, or for attending court as a witness is defined as civil leave.

Before civil leave is granted, the employee must submit a copy of the official summons for jury duty, jury commission duty, or witness subpoena to the Department Director prior to the beginning date of such service. Any employee appearing in court either as a defendant or plaintiff in a case is not eligible for civil leave.

An employee granted civil leave is compensated at the regular rate of pay during court appearances. Any compensation for jury duty, jury commission duty, as well as for witness service may be retained by the employee.

Employees summoned by a court for the purpose of qualifying for jury duty are entitled to civil leave for the actual period of absence, whether or not they are selected to serve. If the employee's presence is required for less than a full workday, the employee is required to contact his or her supervisor concerning return to work. Any employee who fails to contact his or her supervisor risks the loss of pay for that day.

An employee taking civil leave is entitled to regular compensation for work missed because of such leave; however, hours paid as civil leave are not counted as hours worked when calculating overtime.

g. Injury Leave.

Any employee who sustains an illness or injury and is approved for workers' compensation receives injury leave for all days of absence as long as there is medical certification that the employee is unable to perform the assigned work or until it is determined that the employee is eligible for disability retirement, or is separated from the County service because of continued inability to perform the assigned work.

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While on injury leave, the employee may elect to use sick or vacation leave for the first seven (7) calendar days of absence. If all leave is exhausted, the employee will be put on leave-without-pay status for this time period. If the injury/illness is deemed compensable and the absence exceeds twenty-one (21) calendar days, the workers' compensation carrier will reimburse the employee at 66 2/3% of his or her average weekly gross wages for the first seven (7) days. Employees have the option to have sick or vacation leave previously charged to the employee's balance during the first seven (7) calendar days reinstated less any portion that exceeds the amount provided by the workers' compensation carrier. All workers' compensation checks, covering the first seven (7) calendar days, will be forwarded to the employee.

If the illness or injury results in an absence that exceeds seven (7) calendar days the employee will receive replacement income paid from the workers' compensation carrier at the rate of 66 2/3% of his or her average weekly gross wages at the time of the disability, subject to the minimums and maximums allowed by the Workers' Compensation Commission. In instances where the maximum compensation allowed by Workers' Compensation law is less than 66 2/3% of the employee's average weekly gross wages, the employee may elect to supplement this payment with sick or vacation leave up to the 66 2/3% level of the employee's bi-weekly salary. Additionally, in accordance with Sections 15.2-1511.01 of the Code of Virginia, Deputy Sheriffs may use any accrued vacation, sick, or compensatory leave to supplement the difference between their workers compensation payments and average biweekly salary, but may not exceed 100% of their pre-injury wages. This supplement will be treated as taxable wages and will cease if Workers' Compensation payments are terminated for any reason or, if the employee separates from County employment. (With the approval of medical authorities, the County may require the employee to return to light duty assignment.)

Employees may elect to use sick leave or leave without pay for follow-up medical appointments, and in either case are eligible to receive replacement income at 66 2/3% of their average weekly gross wages at the time of the disability for loss time attending

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these appointments. It will be the employee's responsibility to keep track of loss time associated with medical appointments and to report these hours to the Risk Manager in Fiscal Accounting Services.

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

Employees in injury leave status for 30 consecutive calendar days or less continue to accrue sick and vacation leave. Partial days in injury leave status are included in the 30 consecutive calendar days threshold. Employees in injury leave status exceeding 30 consecutive calendar days do not accrue sick or vacation leave unless the employee has worked at least one half or more of his/her regularly scheduled hours during the calendar month. While on injury leave, the County will continue to contribute its portion to maintain the employee's life insurance and health benefits coverage. In addition, for employees on injury leave status for six consecutive months the GED of the employee is adjusted for that portion of such status, which exceeds six months. Refer to AD94-13: Safety Program or AD08-53: Return to Work Program for additional information concerning the worker's compensation program.

h. Emergency Conditions Leave.

Should the County Administrator authorize the closing of County Offices because of an emergency, such as inclement weather conditions, regular full-time and regular part-time employees will not suffer a loss in compensation and will be paid their regularly scheduled hours for that day. Should emergency conditions necessitate the early closing or late opening of County Offices, regular full-time and regular part-time employees will be paid for their regularly scheduled hours regardless of the hours worked or missed during the period of emergency conditions leave. Cooperative Office

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Education Students and Work-as-Required employees will not be considered as having been scheduled to work during the period of authorized closing and are therefore not entitled to any compensation for these hours.

Non-exempt essential personnel, other than deputy sheriffs and uniform career firefighters, officers, animal control staff, and emergency communications staff, required to work outside their normally scheduled hours during periods of authorized emergency conditions leave will receive pay at their normal hourly rate for all such hours worked outside their normally scheduled hours, until total hours actually worked exceed the applicable over-time threshold. In addition, non-exempt essential personnel, other than deputy sheriffs and uniform career firefighters, officers, animal control staff, and emergency communications staff, will receive compensatory leave, on an hour for hour basis, for any hours of required work performed during the periods of authorized emergency conditions leave that fall within their normally scheduled work hours. This leave must be taken within ninety (90) days of being earned and may be taken prior to the use of sick or vacation leave. However, if this leave is not used within the ninety (90) day period, it will not be paid out. Any hours in which employees are not required to work during the period of emergency conditions leave will not count toward overtime eligibility.

Employees in any other prior approved leave status (i.e. vacation, sick, military etc.) will remain in that status.

Refer to AD94-11: Emergency/Inclement Weather Conditions for more information.

i. Disaster Operations.

When the County is in disaster operations mode the County Administrator may authorize the implementation of the disaster leave policy. This policy only applies to those employees involved in the preparation, response, and/or recovery directly related

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to the disaster during the period of time designated by the County Administrator. All paid leave that occurs within the work week or work cycle (in the case of Fire and Life Safety and Sheriff employees) in which the designation of disaster operations is implemented shall count as hours worked for the purpose of calculating over time. Exempt employees shall receive compensatory time on an hour for hour basis for all hours worked in excess of their regularly scheduled number of hours per week. These hours must be entered into the time-keeping system when earned and when taken. Additionally, employees must exhaust this compensatory time before using vacation, sick or personal leave. If it is not possible for the exempt employee to take the compensatory time off within ninety (90) days of being earned, he/she shall be paid straight time for the disaster hours earned. Non-exempt employees who normally receive compensatory leave, on an hour for hour basis for hours worked during periods of authorized emergency conditions leave referenced in section "h" above that fall within their normally scheduled work hours will not be eligible for this compensatory leave during disaster operations. Additionally, Beta employees may be activated to ALPHA status by the department director in accordance with Administrative Directive AD94-11, to assist with community service/support activities; however, these employees will not be tasked to perform any duties that would be considered unsafe or for which they do not have the ability/training to perform.

Refer to AD94-11: Emergency/Inclement Weather Conditions, for more information.

Section 6-9: Family and Medical Leave Policy

This policy implements the Family and Medical Leave Act of 1993, (the "Act"), as currently effective. This policy is intended to summarize the Act, and is not intended to change or alter any rights of employees under the Act. The use of the term "family leave" in this policy is intended to cover both family and medical leave under the Act.

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a. Eligibility. To be eligible for family leave, an employee must have been employed for at least one year and worked at least 1,250 hours during the previous twelve months as of the date leave commences. In the case of FTE .60 Head Start employees, the threshold shall be 800 hours worked during the previous twelve months. This policy applies equally to male and female employees; however, when both husband and wife work for the County, the full amount of family leave is limited to an aggregate of 12 weeks when the family leave is for the birth, adoption, or foster care of a child, or to care for a sick parent.

b. Entitlement. A covered employee is entitled to up to 12 workweeks of unpaid family leave during a twelve (12) month period. Eligible employees who are family members of covered service members with certain medical conditions are entitled to take up to twenty-six (26) workweeks of leave in a single twelve (12) month period. Such leave requires the approval of the Department Director and the Human Resources Director. Such leave will, upon request by the employee or designation by the County, be granted for the following reasons:

(1) The birth of the employee's child and care of the infant.

(2) The placement of a child with the employee for adoption or foster care.

(3) To care for a spouse, child, or parent with a serious health condition.

(4) A serious health condition which makes the employee unable to perform required job functions. A serious health condition is an illness, physical or mental, injury or impairment requiring inpatient care in a hospital, hospice or residential care facility or requires continuing medical treatment.

(5) A qualifying exigency arising out of the fact that the employee's spouse, son, or daughter, or parent is on active duty or called to active duty

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status in support of contingency operations as a member of the National Guard or Reserves.

(6) For care of the employee's spouse, son, daughter, or parent, or next of kin who is a covered service member with a serious illness or injury incurred in the line of duty on active duty.

For continuing medical conditions, the employee is entitled to the 12 workweeks of family leave, within a twelve (12) month period, in each year of employment. For birth, adoption or foster care, the family leave option expires one year after the birth or placement.

For part-time employees, family leave is computed on a pro-rated basis.

Family leave for continuing medical conditions may be taken intermittently, or on a reduced work schedule. Family leave for adoption, foster care, or birth of a child may not be taken intermittently or on a reduced schedule unless the County and the employee agree to such a schedule.

c. Definition of Terms.

(1) The terms son and daughter include a biological or adopted child or foster child, step-children, legal wards and a child of a person standing in loco parentis (for example, foster children). It includes not only children under 18, but older children who are "incapable of self-care because of mental or physical disability."

(2) The term "parent" means the biological, adoptive, step or foster parent or other person who stands in loco parentis to the employee.

(3) The term "spouse" means husband or wife.

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(4) Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

d. How Leave is Scheduled. Family leave for a birth or adoption may be scheduled for not more than 12 consecutive weeks. Other family leave may be taken by an employee intermittently (including family leave of less than one day) when medically necessary for themselves, a family member, or a covered service member with a serious injury or illness. The County may require employees taking intermittent family leave to transfer temporarily to other jobs with equivalent pay and benefits that are less disruptive to operations. When the need for leave is foreseeable, employees must give at least thirty (30) days' notice before taking family leave, or if thirty (30) days' notice is not possible, then as soon as practicable. When the need for the leave is unforeseeable, the employee must follow their departmental procedures for reporting absences, unless there are unusual circumstances. Employees must make a reasonable effort to minimize disruption of County operations.

e. Use of Accrued leave. The County requires employees first to use any available paid time-off (PTO), vacation, sick, personal, or other paid leave, when caring for family members, and requires the use of sick leave for personal medical leave. If there is any available compensatory time off (comp time), employees must first use this leave before the use of any PTO, vacation, sick, personal, or other paid leave is allowed. (For personal medical leave, the employee does not have to exhaust vacation leave before going into a leave-without-pay status.) This time counts toward the total 12 weeks of family leave entitlement. When other leave is exhausted, the balance of the 12-week period is charged as unpaid family leave.

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f. Proof of Illness. The County requires certification from a "health care provider" as defined in the Act, for family leave involving a serious health condition affecting either the employee or a family member. This certification must include the date the health condition began, the probable duration of the condition, and other appropriate medical facts. For family care, the certification must state that the family member is in need of care, and must also provide an estimate of the frequency and duration of the leave that will be required. Where the family leave is for the employee's own serious health condition, the certification must state that the employee is unable to perform the essential elements of his or her job, and the nature of any other restrictions. If the aforementioned certifications are not provided within 15 calendar days of the provisional designation of Family and Medical Leave, the Family and Medical Leave benefit will be delayed until such proof is provided. If the employee continues to fail to provide the required certifications, Family and Medical Leave will be denied. If the County deems a medical certification to be incomplete or insufficient, the Human Resources Director shall specify in writing what information is lacking and the employee will have seven (7) days to cure the deficiency.

g. Employer Challenge of Medical Certification. The County may require a second opinion when it is not satisfied with the certification. If the two health care providers disagree, the County may require the opinion of a third jointly approved health care provider who shall be the final authority on the question. These second and third opinions are at the County's expense. The County may also require the employee to obtain subsequent re-certification at intervals in accordance with FMLA.

h. Benefits While on Family Leave. Seniority and employment benefits, such as vacation or sick leave, will not accrue during approved family leave without pay in excess of thirty (30) consecutive calendar days unless the employee has worked at least one half of his/her regularly scheduled hours during the calendar month. Partial days in leave-without-pay status are included in the 30 consecutive

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calendar day's threshold). The County will continue to contribute its portion to maintain the employee's life insurance and health benefits coverage. A failure of the employee to pay his or her share of health benefits will result in loss of coverage. If the employee fails to return from family leave, the County may require the employee to repay the County's share of the premiums paid during the family leave period, unless that failure is attributable to the continuation of the medical condition or other conditions beyond the employee's control. Upon return from unpaid family leave, the employment and compensation dates shall be adjusted accordingly.

i. Return to Work. To the extent required by the Act, an employee will be returned to his or her original position or to a position with equivalent pay and benefits upon return from family leave. The County may require a fitness for return certification from an employee who has been on family leave for medically related reasons before the employee returns to work.

j. Record Keeping. Records pertaining to family leave are retained for three years.

Section 6-10: Transfer of Leave between the County and the School Division

In accordance with the Memorandum of Understanding executed between the York County School Division and the County of York, the following conditions apply to those who transfer between the two entities:

a. Employees who transfer between the County and the School Division are permitted to transfer a maximum of two (2) weeks of vacation and four (4) weeks of sick leave to the hiring entity. Sick and/or vacation leave may only

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be transferred in quarter hour increments and is subject to the payout policies currently in place with the entity from which the employee is departing.

- b. Use of transferred leave will be in accordance with the policy in affect for the hiring entity. There may be limitations on the use of vacation leave during the probationary period and in carry over provisions at the end of the fiscal year.
- c. Once the sick and/or vacation leave has been transferred to the hiring entity, the employee shall accrue subsequent leave based on their start date with the hiring entity.
- d. All other terms and conditions as it pertains to the use and pay out of leave will be done in accordance with the policies in affect for the hiring entity.

Section 6-11: Leave Accruals Paid at Separation

Employees are paid for accrued leave up to the allowed maximum at the time of retirement, resignation, termination or death.

- a. Sick Leave. Effective July 31, 2020, all eligible employees, with five (5) or more years of service, who separate from County service are paid in one sum for fifty (50) percent of their accrued sick leave balance provided, however, that the total amount paid for such sick leave does not exceed the amounts indicated below:

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Completed Years of Service	Amount
5	\$7,500
6	\$9,000
7	\$10,500
8	\$12,000
9	\$13,500
10	\$15,000
11	\$16,500
12	\$18,000
13	\$19,500
14	\$21,000
15 or more	\$22,500

(1) Those employees in service prior to July 1, 1981 receive 100% of the final rate of pay for all accumulated sick leave earned between the date of their employment and January 1, 1992 with the exception that those employees who earned sick leave on a 24-hour day basis receive 100% for the sick leave earned prior to July 1, 1981 and 50% for that earned between July 1, 1981 and January 1, 1992. For the purpose of this paragraph, the final rate of pay is defined as the base rate of pay in effect for the employee on December 31, 1991.

(2) Those employees in service prior to January 1, 1992 are entitled, in addition to any settlement of sick leave accrued prior to that date, to receive settlement of any sick leave balances accrued after January 1, 1992 pursuant to the applicable provisions of this policy and the total years of eligible County service.

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

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b. Vacation Leave. Employees, who leave County employment after six (6) or more months of service, or in the case of deputy sheriffs and employees assigned to Emergency Communications after (1) one or more years of service, are compensated for unused vacation leave up to the maximum hours allowed as defined by the table in Section 6-3(b), at their final base rate of pay.

c. Paid Time Off (PTO). Employees, who leave County employment after six (6) or more months of service, or in the case of employees assigned to Emergency Communications after one or more years of service, are compensated for unused PTO up to the maximum hours allowed as defined by the table in Section 6-5(d), at their final base rate of pay.

d. Fire and Rescue Employees. Fire and Rescue employees assigned to station duty who leave the County after one (1) or more years of service will be compensated for unused vacation leave not to exceed the maximums defined in the table in Section 6-3(c).

Chapter 7: Personnel Recruitment, Selection, and Orientation

Section 7-1: Identification of Vacancies

Department directors shall notify the Human Resources Director of vacant or soon to be vacant authorized positions in their department.

Vacancies are advertised in-house for employees only when in the opinion of the department director, a sufficient pool of employee applicants is anticipated. Should sufficient qualified in-house applicants not apply, the decision may be changed to publicly advertise the vacancy. Likewise, the department director may request the vacancy be directly advertised to the public when qualified in-house applicants are not known or anticipated.

Vacancies are announced to County employees and are normally posted for at least five (5) workdays on common area bulletin boards in a specified location for each department and division. Alternatively, if a department has an online bulletin board or department internal drive to which all employees have access, the vacancy may be posted there, once all department employees have been notified.

Section 7-2: Notification and Advertising

Vacancies for regular full-time and regular part-time employees are publicized by posting announcements or advertisements, and by other means deemed necessary to attract qualified candidates and assure compliance with the County's equal employment opportunity policy. Every reasonable effort is made to publicize vacancies so that all interested persons are informed and qualified people are attracted to compete for County employment. Publicity may include advertisements in local and national media,

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the newspapers and trade journals, radio broadcasts, correspondence and other contacts with secondary schools and colleges, internet job websites and boards, and mailings to specific outreach locations for posting.

Section 7-3: Application for Employment

All applicants for employment must complete an online application form and provide the required information to the Human Resources Office. Failure to do so shall eliminate the applicant from further consideration for the position. Such forms shall, as a minimum, contain information relative to training, experience, salary history, references, information required by law or policy, and other pertinent information. Application forms and applicant flow information are maintained for two calendar years.

Section 7-4: Selection

When appropriate, examinations may be used which may be written or oral or a combination thereof. Such tests must relate to the duties and responsibilities of the position for which the applicant is being considered. Performance tests may be required by the department director when appropriate. Testing may be done by the department with the knowledge and concurrence of the Human Resources Director.

The department director determines those applicants to be interviewed, conducts or causes the interviews to be conducted, and makes a selection from among the applicants referred and notifies the Human Resources Director of the recommendation for selection. Extraordinary recruitment or interviewing efforts such as travel, overnight visits and accommodations, require the approval of the County Administrator. The Human Resources Office issues a letter of offer to the selected individual to report on a date mutually agreed to by the department and the Human Resources Director.

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In accordance with 15.2-1509 of the Code of Virginia, the County shall take into consideration or give preference to an individual's status as an honorably discharged veteran of the armed forces of the United States in employment hiring policies and practices, provided that such veteran meets all of the knowledge, skills and eligibility requirements for the vacant position. For the purposes of this section, "veteran" means any person who has received an honorable discharge and has (i) provided more than 180 consecutive days of full-time, active duty service in the armed forces of the United States or reserve components thereof, including the National Guard, or (ii) has a service-connected disability rating fixed by the United States Veteran Affairs.

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

Section 7-5: Orientation for New Employees

New hires are provided a planned orientation program of information to help them learn about the County and what is expected of them as employees of York County. The program is designed to be a three-step process.

a. On the date of hire, employees are received in the Human Resources Office and provided all pertinent information concerning employment with the County and services to place them on the County's payroll, and the employees are given a "New Employee Orientation" package. A prescribed orientation checklist is used to facilitate the process and to ensure that all appropriate information is passed on to the new employee.

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b. The second step in the process consists of the supervisor's portion of the checklist which outlines discussion points to explain what is expected in the course of employment with the County.

c. The final step is the formal orientation session by the Human Resources Office which is usually conducted within thirty days of the employment date. This step provides the employee a period of time so that the employee will have some work experience upon which to ask questions during the formal session.

Section 7-6: Probationary Periods - New Hire

New employees, other than deputy sheriffs, dispatchers and uniformed fire and rescue employees, serve a probationary period of six (6) months. Deputy sheriffs, dispatchers and uniformed employees of the Department of Fire and Life Safety serve a probationary period of one (1) year (See Chapter 10 for rules governing employees who are promoted or transferred into new positions.) The probationary period is regarded as an integral part of the evaluation process and is used to observe closely the employee's work, for securing the most effective adjustment of a new employee to the assigned position, and for removing any employee whose performance is unsatisfactory. Employees are released from probationary status upon receiving a formal evaluation and recommendation from the department director, and are then considered to be regular (non-probationary) employees of the County. The probationary period may be extended upon approval of the County Administrator, following mutual agreement between the Department Director and employee, up to 90 calendar days in order for the employee to have additional time to perform the full range of responsibilities and demonstrate their ability to more fully and consistently meet outlined expectations for their position. Additionally, it may be extended on those occasions when a period of approved absence exceeds 30 calendar days, such as may occur when a member is called to military duty. In such cases, the probationary period is extended one day for each day of authorized absence.

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Before the end of the probationary period, department directors shall indicate on a prescribed form to the Human Resources Department:

- a. that they have discussed the employee's accomplishments, strengths, and weaknesses with the employee;
- b. whether the employee is performing satisfactory work;
- c. whether the employee should be retained in County service;
- d. whether the employee should be dismissed;

Probationary employees may be terminated from employment at any time during the probationary period at the discretion of the department director. The provisions of the County's grievance procedure are not available to probationary employees (See Chapter 13). Likewise if an employee is dissatisfied with the assigned position, the employee may resign from County service.

The successful completion of the probationary period should not be construed as creating a contract or as guaranteeing employment for any specific duration. (See Chapter 1 and General Policy Statement in front of Chapter 1 in this manual.)

Section 7-7: Physical Requirements

Applicants for employment, except seasonal or temporary employees, are given a physical examination only when the job specifications contain such a requirement. A physical examination may be requested only after a verbal offer of employment is made to the applicant. The medical report must be completed by a County appointed physician and be received and reviewed in conjunction with the essential requirements

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of work as described in the position description prior to the issuance of a written letter of offer.

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

All examinations for current employees are to be performed by a physician acceptable to the County or a County appointed physician. In any case, all physicians must be approved by the Human Resources Director prior to the examination taking place. All examinations will be paid for by the County. Medical information shall be kept in a separate and confidential medical file.

Operational volunteers and uniform career firefighters and officers within the Department of Fire and Life Safety shall be required to meet the physical requirements as established by the County and test negative for drugs and alcohol use. Entry and periodic health evaluations are performed upon hire and on a periodic basis, adjusted by age and job duties to determine fitness-for-duty. The evaluations are done by a County appointed physician at the County's expense.

Section 7-8: Equal Opportunity

The County of York's policy is to ensure equal employment opportunity to employees and applicants for employment, without regard to race, color, sex, pregnancy, childbirth or related medical conditions, religion, national origin, age, marital status, disability, sexual orientation, gender identity, or genetic information.

The goals of this policy are to:

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a. ensure equal opportunity in all personnel policies and procedures through identification and elimination of policy and procedural areas that unlawfully discriminate on the basis of race, color, sex, pregnancy, childbirth or related medical conditions, religion, national origin, age, marital status, disability, sexual orientation, gender identity, or genetic information.

b. use recruitment and advertising methods intended to maintain a diverse workforce.

c. encourage promotion of qualified individuals.

d. ensure compliance throughout the organization.

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

1. In recruiting and hiring applicants for employment, advertising shall be conducted in a nondiscriminatory manner. In addition, media may be utilized to target segments of the general population that are underrepresented in the workforce.

2. An on-going internal assessment process will be implemented to monitor and report hiring and promotional practices.

3. The County will continuously publicize its policy of equal employment opportunity to its workforce and to the public at large.

4. Training designed to assist employees and supervisors in complying with this policy will be provided.

All personnel actions, including but not limited to administration of compensation, benefits, training, tuition assistance, discipline, termination, layoff, return from layoff and

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social and recreational programs, shall be administered to further this policy. Personnel actions are subject to bona fide occupational job qualifications.

Section 7-9: Equal Employment Opportunity Plan

a. Commitment: The County of York is committed to the following:

- Ensuring equal employment opportunity to employees and applicants for employment, without regard to race, color, sex, pregnancy, childbirth or related medical conditions, religion, national origin, age, marital status, disability, sexual orientation, gender identity, or genetic information.
- Recruiting, hiring, promoting, and training persons in all job titles, without regard to race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, disability, sexual orientation, gender identity, or genetic information.
- Basing hiring and promotion decisions on the individual's qualifications for the position.
- Ensuring that all personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, discipline, termination, county sponsored training, education, tuition assistance, social and recreational programs, are administered, without regard to race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, disability, sexual orientation, gender identity, or genetic information.
- Complying with all State and Federal laws pertaining to equal employment opportunity in the workplace.

b. Communication of the plan:

1. *Internally*

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- The Equal Employment Opportunity Plan shall be included in the Personnel Policies and Procedures Manual, which is available to all employees via the County Intranet site, in the Human Resources Office, and in each department.
- The County's EEO policy statement shall be discussed in New Employee Orientation.
- Equal Employment Opportunity posters shall be located in the Human Resources Office and County-wide in the departments.
- Periodic training shall be provided to employees on equal employment opportunity and diversity.

2. *Externally*

- Applications for employment and all recruiting advertisements shall state that the County of York is an EEO employer.
- Equal Employment Opportunity posters shall be posted in the Human Resources Office and in other public areas of the County.
- All Requests for Proposals and Invitations for Bids for County procurement shall contain the following nondiscriminatory statement: The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, disability, sexual orientation, gender identity, status as a service disabled veteran, or any other basis prohibited by state or federal law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

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c. Employment Opportunity Strategies: The following actions shall be taken by the County to assist in achieving the County's commitment to equal employment opportunity.

1. Goals

- Use recruitment and advertising methods intended to maintain a diverse workforce.
- Encourage the promotion of qualified individuals.
- Ensure compliance throughout the organization.

2. Actions

(a) Recruitment

Human Resources shall:

- Advertise for recruitment and hiring in a nondiscriminatory manner. Additional efforts shall be implemented to target segments of the general population that are underrepresented in the workplace such as the use of publications and websites to advertise employment opportunities to protected class members.
- Work with Departments to identify and eliminate barriers to equal employment opportunity and identify methods by which to maintain a diverse applicant pool.
- Provide reasonable accommodation to applicants requesting assistance in the application process.
- Ensure equal access to job information, availability and opportunities.
- Regularly review job descriptions to ensure that they accurately reflect position duties and responsibilities.
- Screen and test applications and job applicants consistently in a fair and equitable manner using valid requirements of the job.

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- Use records of criminal convictions in making employment decisions only when they indicate, given the nature of the crime and the duties of the job, that employment of the individual in a particular job could affect job performance.

(b) Internal Assessment Process

- The Human Resources Department shall implement an on-going internal assessment process to monitor hiring and promotional practices.
- Staffing data from the internal assessment process shall be compared to the County's population as it represents members of protected classes. This data shall be compiled on a fiscal year basis.
- Salary ranges for each classified position shall be assigned based on the County's established pay system, without regard to the incumbent.
- Benefits and other terms of employment shall be offered to eligible employees based on their employment status without regard to race, color, religion, sex national origin, age, disability or genetic information.
- Tuition assistance shall be provided to eligible employees without regard to race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, disability, sexual orientation, gender identity, or genetic information.
- Training and educational programs and opportunities shall be available to all employees, appropriate to the employee's position, without regard to race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, disability, sexual orientation, gender identity, or genetic information.

(c) Publishing Equal Employment Opportunity Policy

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- The County shall continuously publicize its policy of equal employment opportunity to its workforce and to the public at large.
- The Equal Employment Opportunity Plan shall be included in the Personnel Policies and Procedures Manual, which is available to all employees via the County Intranet site, in the Human Resources Office, and in each department.
- Equal Employment Opportunity posters shall be located in the Human Resources Office, County-wide in the departments and public areas of the County.
- Applications for employment and all recruiting advertisements shall state that the County of York is an EEO employer.

(d) Training

- Training designed to assist employees and supervisors in complying with this policy shall be provided.
- Training opportunities shall be publicized through various methods to include the County intranet, flyers, and emails to employees and managers.
- Training shall be offered to employees involved in interviewing to develop skills necessary to interview, evaluate and document interviews in a nondiscriminatory manner.
- Training shall be offered to employees involved in selection, promotion, disciplinary and related processes to be aware of and eliminate bias in personnel actions.
- Training shall be provided by the Human Resources staff and Legal staff on HR/Legal issues as it pertains to all Title VII protected classes and EEO concerns. The Human Resources Department shall also sponsor periodic training on diversity.

Section 7-10: Employment Eligibility Verification

Pursuant to the Immigration Reform and Control Act of 1986, the County will hire only United States citizens and aliens lawfully authorized to work in the United States. The Act requires all new employees to complete prescribed forms and present documents that verify eligibility to work. Without such documentation, the applicant cannot be offered employment with the County.

Section 7-11: Employment Background Checks

a. York County believes that hiring qualified individuals to fill positions contributes to the overall strategic success of the County. Background checks serve as an important part of the selection process. The information is collected as a means of promoting a safe work environment for current and future employees. Background checks help obtain additional applicant related information that helps determine the applicant's overall employability, ensuring the protection of the current employees, property, and information of the organization, as well as the County's citizens..

Certain positions in the County require background checks and these offers of employment are contingent upon receipt of a result deemed satisfactory by the County. Background checks will be conducted on newly hired staff members and on employees who are promoted, as deemed necessary.

Failure on the part of the applicant, employee, or volunteer to authorize these checks, as required, will result in the withdrawal of the letter of offer, termination, or denial of participation in the volunteer program.

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b. Background checks for positions may include:

- Social Security - Validates the applicant's social security number, date of birth and former addresses.
- Prior Employment Verification - Confirms applicant's employment with the provided companies, including dates of employment, position(s) held and additional information available pertaining to salary/wages, performance rating, reason(s) for departure, and eligibility for rehire. This will be completed, as a minimum, on the past two employers or five years, whichever comes first.
- Personal and Professional References - Individuals listed as references by the applicant are contacted.
- Educational Verification - The applicant's claimed educational institution, including the years attended and the degree/diploma received is verified.

The following additional searches will be required if applicable to the position:

- Motor Vehicle - DMV generated report showing an individual's driving history. All employees and volunteers who will or may drive County vehicles will be subject to initial and periodic DMV records checks in accordance with County policy BP94-11: Vehicle Usage. When a DMV record check is required, the volunteer or applicant for the position must authorize in writing this background investigation using the County provided form.

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- Credit History - Verifies the applicant's credit history. This check will be completed for positions that involve management of York County's funds, fiscal responsibilities and/or handling of cash. When a credit history record check is required, the volunteer or applicant for the position must authorize in writing this background investigation using the County provided form. Ongoing post hire credit history screenings for these positions shall occur on a periodic basis.

- Criminal History - Volunteers and other designated positions in the County require a criminal history background check based on voluntary assignment, the type of position, business necessity, and applicable federal and state laws. When a criminal history record check is required, the volunteer or applicant for the position must authorize in writing this background investigation using the County provided form. This check normally includes:
 - Local Criminal Background Records / Information
 - National Criminal Background Records / Information
 - Records Check with all 50 States Sex Offender Registries
 - Full Address Trace
 - Social Security Verification

The County will inquire only about convictions and probation status, if any, and not about arrests unless required by applicable laws. Ongoing post hire criminal history screenings for these positions shall occur on a periodic basis.

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The following factors shall be considered for those volunteers and/or applicants with a criminal history in determining whether to accept their volunteer services and/or hire, transfer or promote an individual:

- The nature of the crime and its relationship to the position or voluntary assignment
- The time since the conviction
- The number of convictions
- Whether hiring, transferring, or promoting the applicant or placing the volunteer would pose an unreasonable risk to the County's ongoing operations.

If a decision not to hire or promote a candidate is made based on the results of a background check, the volunteer or applicant will be given the opportunity to review the criminal background check results and submit an explanation.

If any applicant or volunteer is found to have falsified any information regarding conviction history, he or she will not be considered for employment or voluntary assignment.

If an employee seeking a transfer or promotion to a position requiring a criminal history record check is found to have falsified any information, the employee may be dismissed.

c. After an employment offer is made, the chosen candidate will be required to complete the applicable consent form(s) and return them to the Department or the Human Resources Department, as appropriate, for processing. The chosen candidate is not to begin work prior to the hiring manager receiving approval from either the Department Director or Human Resources, as appropriate.

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The Department will order the background check upon receipt of the signed release form, and an employment screening service will normally conduct the check. A designated representative in the Department or in Human Resources will review all results and will notify the hiring manager regarding the results of the check.

In instances where unfavorable or incomplete information is obtained, the Department Director and the Human Resources Director will assess the potential risks and liabilities related to the job's requirements and determine whether the individual should be hired. If a decision not to hire or promote a candidate is made based on the results of a background check, there may also be certain additional Fair Credit Reporting Act (FCRA) requirements.

The Department Director, in concert with the Human Resources Director, will be responsible for handling such FCRA requirements, as necessary. York County will follow all applicable FCRA requirements throughout the background check process. Any questions regarding FCRA shall be directed to the Human Resources Director.

Background check information will be maintained in a secure location.

Chapter 8: Training and Development

Section 8-1: Training and Education Program – General Policy

a. Policy. The County encourages the development and utilization of training and education programs that enhance the employees' ability to perform their work more effectively and/or to qualify for promotion within the employee's career field. Additionally, the County encourages employee development to meet future workforce needs. Such programs shall be planned, coordinated, and conducted so as to maximize the effectiveness of training and education funds available within centralized funds and within departments. Where subject matter and available resources do not permit the use of in-service training, specialized training or education courses by outside resources may be approved. The policy set forth in this section refers to various education and training programs including: skill development, certificate, licensure, and degree programs.

All training and education courses must be for the purpose of meeting County needs for scientific, technical, professional, and management skills that shall:

(1) Be of necessary and direct value to the County.

(2) Be limited to knowledge and skills that cannot be acquired by on-the-job or other provided in-service training.

(3) Cover subject matter not sufficiently or recently encompassed in the employee's previous education and experience, or which the employee normally would not be expected to know prior to appointment.

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b. Rules for Approval for County Sponsorship. The following rules determine when requests for attending training, education courses or degree programs are approved for County sponsorship:

1. Job Required. The County will reimburse both full-time and part-time employees for training or education expenses when the subject matter is required by the employee's assigned position and the employee was not expected to have completed the training or education prior to appointment.

(a) Attendance in skill development programs (those leading to licensure, certification, or updating of current skills) may be authorized during working hours.

(b) Undergraduate or graduate education courses (or certification courses that lead to a degree) that fall into this category shall be approved for tuition and/or fee reimbursement when employees volunteer to attend classes on their own time and agree to the grade requirements for reimbursement contained in this chapter.

(c) EMT-Intermediate and EMT-Paramedic courses shall be approved for pre-payment when Fire and Life Safety employees agree to the requirements contained in the EMT-Intermediate and EMT-Paramedic Tuition Grant Agreement.

2. Job Related. The County may reimburse for expenses when the subject matter is job related and in the view of the County Administrator, Deputy County Administrator, or Department Director should lead to improved performance on the job. This type of training is available to all full-time regular employees. Part-time regular employees are eligible for this type of training on a pro-rated basis.

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(a) Attendance in skill development programs (those leading to licensure, certification, or updating of current skills) may be authorized during working hours.

(b) Undergraduate or graduate education courses (or certification courses that lead to a degree) that fall into this category shall be approved for tuition and/or fee reimbursement when employees volunteer to attend classes on their own time and agree to the grade requirements for reimbursement contained in this chapter.

(c) The course of study may also be considered if it is related to a logical promotional objective within the County.

(d) EMT-Intermediate and EMT-Paramedic courses shall be approved for pre-payment when Fire and Life Safety employees agree to the requirements contained in the EMT-Intermediate and EMT-Paramedic Tuition Grant Agreement.

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

c. Payments. All payments are contingent upon successful completion of the enrolled course or program. The enrolled employee must provide proof of satisfactory completion, in order to receive any payment. The County reserves the right to require, as a condition of approval for any training that the employee signs, a Training Payment Reimbursement Agreement. Such agreements will normally be used when the training payments and associated costs are expected to exceed \$1,000 or, in the opinion of the County, the training will improve the employee's marketability. These situations will be handled on a case-by-case basis and must be approved by Human Resources to

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ensure County-wide consistency. Reimbursement is requested through the Request for Check process

d. Repayment of Funds. Payments made by the County in advance as well as those reimbursed to the employee are subject to repayment by the employee.

1. All advance payments must be returned when the conditions for completion of the course are not met or the employee voluntarily separates from County employment prior to the completion of the training.

2. If an employee voluntarily separates from County employment within one year following the completion of a training or education program, payments and associated costs, whether or not made in advance, may be subject to repayment by the employee. The County will collect on a prorated basis.

a) The employee will return 100% of the payments if leaving County employment within six months following completion of the course.

b) The employee will return 50% of the payments if leaving County employment between seven months and one year following completion of the course.

e. Approval Authority. The County Administrator, or Deputy County Administrators, may approve training or education programs for Department Directors. Department Directors may approve training in accordance with this Chapter for assigned employees within the limits of approved employee development funds in the departmental budget.

A committee comprised of the Deputy County Administrators and the Director of Human Resources will review applications and determine funding awards for all degree programs. (See Section 8.3 for more details on this process). After being approved by

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the Department Director, the Human Resources Department will review the applications in order to ensure for compliance with this Section, prior to submission to the Training and Education Evaluation Committee (TEEC).

f. Departmental Education Funds. In addition to the centralized funds controlled by the TEEC for degree program (or certification courses that lead to a degree), each Department will retain a line item for employee training and education that falls outside of the scope of the TEEC. Use of these funds will be controlled through the use of a training application. After approval by the Department Director, the Human Resources Department will review these applications for compliance with this policy prior to the start of the training.

g. In-Service Training. Whenever possible, in-service training shall be provided by the County when the same or similar training is required of groups of employees. Central training funds, when authorized by the County Administrator or a Deputy County Administrator, may be approved, when appropriate, for general employee, supervisory, or management training. When possible, Department Directors are encouraged to pool their training resources to facilitate lower cost training in special areas of interest. The Human Resources Department is available to provide sources, and in conjunction with Central Purchasing, to contract for special in-service training programs.

h. Program Incompletion: If an employee resigns or is terminated from employment with the County prior to the completion of previously approved course work, they will not be eligible to receive reimbursement. Employees who do not fulfill their original education plans or agreement (such as consistently unacceptable grades, dropping or canceling classes without informing Human Resources or failure to attend class) may be dropped from the program at the discretion of the committee and will be required to reapply in order to receive additional funding. Participants may also be dropped from the program in cases where they remain in a leave without pay or other non-work status for thirty days or more. In accordance with section d, "Repayment of

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Funds,” employees may be held responsible for reimbursing the County for payments received.

i. Application Requirements: Training Applications are available on the intranet, as well as in the Human Resources Department. Each applicant is responsible for ensuring the application is sent through their chain of command for their approvals. Applications must be filled out completely prior to committee review or they will be subject to rejection. The responsibility for obtaining all required information (including signatures), meeting program requirements, and submitting the application on time is solely that of the applicant.

Section 8-2: Skill Development Program Policy

a. Program Administration. Educational assistance is primarily intended for the reimbursement of a program’s general fee or tuition expenditures; however, other costs will be reviewed upon request. (Application fees, travel costs, transcripts, or graduation fees are not reimbursable under the program.) Assistance will normally be made on a reimbursement basis upon successful completion of course work; however, requests for advance payments will also be considered.

b. Grade Requirements. A grade of “C” or better must be obtained in all undergraduate programs and other related course work. A grade of “B” or better must be obtained in all graduate courses to qualify for reimbursement. For skill development programs, employees must show evidence of satisfactory completion.

c. Application Process: Applicants to the program may apply for assistance in coursework that helps them to update specialized skills, obtain a certification, or obtain a licensure. Applications for skill development courses (including certifications or licensure) are made on prescribed forms (TA 9708 or TA 9708A) that are available in all departments and agencies of the County, or via the County’s intranet.

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d. Eligibility Criteria: In order to be eligible for assistance in a skill development program, an employee must meet the following minimum criteria:

1. The employee must have completed the equivalent of 6 months of full-time service (1040 hours) and have satisfactorily completed their probationary period by the time of the award.

2. First consideration will be given to employees in a regular full-time or regular part-time position. If there are remaining funds, consideration may be given to other categories of employees.

3. The employee's most recent performance evaluation of record must be satisfactory or better as of the date of the award and throughout participation in the program. An employee may be dropped from the program if he/she receives a less than satisfactory overall performance evaluation.

Section 8-3: Degree Program Policy

a. Program Administration. Educational assistance is primarily intended for the reimbursement of tuition expenditures; however, other costs will be reviewed upon request. (Application fees, travel costs, transcripts, or graduation fees are not reimbursable under the program.) Assistance will normally be made on a reimbursement basis upon successful completion of course work; however, requests for advance payments will also be considered.

1. Training & Education Evaluation Committee (TEEC). A committee comprised of the Deputy County Administrators and the Director of Human Resources will review applications and determine funding awards.

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2. Grade Requirements. A grade of “C” or better must be obtained in all undergraduate programs and other related course work. A grade of “B” or better must be obtained in all graduate courses to qualify for reimbursement.

3. Mid-Year Funding. If additional funds become available during the fiscal year, such funds may be offered to applicants whose funding requests were not previously granted or by competitive process.

b. Application Process: All applicants applying for assistance in obtaining an academic degree (or certification courses that lead to a degree) should use the Education Assistance Program Application (TA 516). Training applications must be submitted and approved by the Division Manager and Department Director before they are submitted to the Human Resources Department for consideration.

A competitive process will be held at least twice a year. Should additional funds become available; the TEEC will evaluate previously submitted, unfunded applications. The number of participants and the amounts awarded will be dependent on the funds budgeted in that particular year. Priority will be given to individuals previously accepted into the program. Acceptance in one year does not, however, guarantee continued funding in future years.

c. Eligibility Criteria: In order to be eligible for educational assistance in a degree program (or certification courses that lead to a degree), the employee must meet the following minimum criteria:

1. The employee must be in a regular full-time or regular part-time position, have satisfactorily completed their probationary period, and must have completed the equivalent of 1 year of full-time service (2080 hours) with the County by the time of the award.

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2. The employee must be enrolled and/or conditionally accepted as a degree-seeking student (associates, bachelors or masters) at an accredited institution, or enrolled in a certification course that leads to a degree.

3. The employee's most recent performance evaluation of record must be satisfactory or better as of the date of the award and throughout participation in the program. An employee may be dropped from the program if he/she receives a less than satisfactory overall performance evaluation.

d. Ranking Criteria: The following criteria will be used to rank all candidates after their eligibility for a degree program (or certification courses that lead to a degree) has been determined:

1. Consideration will be given to candidates who have already demonstrated substantial commitment to their educational goals by their record of school attendance and successful completion of preceding education programs, prior to application into this program.

2. Consideration will be given to employees who have demonstrated their commitment to the organization, either in their current positions or in other County related activities.

3. Consideration will be given to applicants who are seeking a degree which has been determined to be relevant and desirable in terms of future County needs.

e. Funding Requirements: Applications must be received in Human Resources no later than the posted application deadlines in order for employees to receive program funding. Funding of the degree program is based on monies available for each fiscal year.

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The County will make a contribution of up to 75% of each approved training course for each employee per fiscal year. The maximum amount of funding per employee per fiscal year will be \$4,000.

Section 8-4: Employee Training Plans

a. The strength of York County is directly related to the abilities and competencies of its employees. In today's environment, job descriptions, as well as the skills and knowledge necessary to perform these jobs, are changing. Therefore, the County must ensure that every employee is provided with the training and education necessary to perform his or her job in an outstanding manner.

b. The Employee Training Plan (ETP) is designed to achieve the following goals: identify employee training and education, enhance communication between supervisor and employee in terms of job performance expectations, plan programs around common training and education needs, and ensure the job description is current. These goals are attained by defining employee training and education requirements and publishing them with the job descriptions. The ETP contains both required and related training and education for each position. The items are directly tied to job performance, reflecting skills or qualifications an employee should already possess or should strive to obtain.

c. The ETP form is completed by the employee and/or first-line supervisor.

d. Employees are provided a copy of their ETP during orientation.

e. ETPs are an additional tool for supervisors in counseling and performance reviews.

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f. Each department will maintain documentation relating to the training and education each employee has completed. Required training and education will be closely monitored by the supervisor and employee to ensure it is completed within the timeframe indicated in the employee's development plan.

Section 8-5: Cooperative Education Programs (COE)

The County endorses the principles of cooperative education and participates in the hiring of high school students. Cooperative education is the capstone of a high school student's training program. These students are considered temporary part-time employees of the County and are subject to the County's personnel policies and procedures, and standards of conduct and discipline in the same manner as is the case for other County employees.

The hours of work shall not exceed twenty (20) hours per week when the student is in school. COE students do not receive holiday pay and may work the extra hours necessary to make up for the holiday up to the twenty (20) hour established maximum limit. During school breaks and the summer, COE students may work in excess of 20 hours per week, but no more than 40 hours per week, when appropriate, to meet the needs of the department, the student, and the County.

Chapter 9: Performance Management System

Section 9-1: Policy

The purpose of this policy is to help all employees reach their full potential, both as individuals and as assets to York County. Providing maximum involvement of employees in setting work goals and reviewing achievement will lead to increased commitment and job satisfaction at all levels of County employment.

To further this purpose, this policy is designed to establish and improve supervisor/employee communication. Communication is an essential part of the supervisor/employee relationship. The job to be done, the measures of success to be used, the tools and support needed, and how the employee is doing all need to be stated clearly and understood by both parties.

This policy is also designed to encourage every employee to review assigned job duties and work performance on a regular basis. These can then be discussed with the supervisor, and together any problems can be addressed. Regular self-assessment generates new insights into, and ideas about, one's job. It also requires the employee to compare personal goals with the stated goals of the County and the supervisor. This will improve the coordination of the activities of the work force.

Section 9-2: Applicability

This policy applies to all classified employees, but is not intended to confer any additional rights upon employees who have not completed their probationary period.

Section 9-3: Definitions

a. Appraisal Criteria. Appraisal criteria are the standards by which performance is judged in such areas as technical ability (job know-how), communications skills, problem-solving capability, productivity, teamwork, and managerial efficiency as may be applicable to the employee's job.

b. Goals and Objectives. Goals are the expression of where the supervisor and the employee expect the employee to be at some specific date in the future in terms of job accomplishment or level of performance. Goals should be reachable and should be defined in measurable terms so that employees can see where they are headed and how far they have progressed. Objectives are the milestones that mark progress toward reaching established goals. Goals and objectives may vary widely from one type of job to another. For example, a goal may simply be to meet the performance standards for a particular job in terms of production, dependability, and personal satisfaction. Such a goal might carry objectives such as following directions, being on time, and taking pride in the work accomplished. Another goal might be to become licensed or certified in a trade or profession by some date in the future. The associated objectives might include the successful completion of specific training/education programs on an established timetable.

Section 9-4: The Process

a. Regular Reviews. The purpose of regular reviews is to provide employees with regular and meaningful "feedback" from their supervisor. Employees should be aware of how well they are doing their job in the eyes of their supervisor and what, if anything, they need to do to improve their performance. The regular and careful review of goals, objectives, and appraisal criteria by the supervisor is necessary. Only "yard sticks" that are current and realistic will inform employees about the quality of their performance.

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b. Roles of the Supervisor and the Employee. The supervisor must carefully develop the appraisal criteria, establish an atmosphere for a productive discussion, and conduct the review in such a way as to be effective in motivating quality performance. The employee also plays an active role in the process. Employees must develop a clear understanding of the job and its requirements, honestly examine their performance and the performance of the supervisor, and discuss their perspective with the supervisor.

c. The Review Cycle. The review cycle has three major components:

(1) The initial conference takes place within 60 days of employment with the County.

(2) Interim reviews that are to occur at reasonable intervals between annual performance reviews. The number of interim reviews is up to each supervisor, department director but at least one is required between annual reviews.

(3) Annual performance reviews that are to be conducted for all employees according to the schedule set by each supervisor or department.

d. Documentation. Each interview and appraisal session should be properly documented by the supervisor. The forms associated with this policy (available in the Human Resources Office) may be used if desired. These forms may help the supervisor conduct the review. Whatever form is used, documentation sufficient to indicate compliance with this policy must be done. Documentation does four things:

(1) Structures the session in a uniform way to promote fairness and provide some general standards for conduct of the session.

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(2) Ensures that the supervisor develops a discussion outline and then covers all topics in the outline.

(3) Makes the session more meaningful by making the employee aware that the discussion is a documented one and not merely an informal chat.

(4) Provides support for the supervisors' own interview sessions with their supervisors where the proper conduct of employee reviews will be a key measure.

The retention of this documentation in any employee's central personnel file would not accomplish any of the above. Therefore, there is no requirement to send these documents to any central place. Supervisors should include notes in their personal files for future reference. This policy does not establish an "official" personnel file, and the personal nature of the reference file of interview/appraisal notes is in keeping with this. Each supervisor must provide to the employee the goals, objectives, and appraisal criteria developed during sessions, which will serve as the basis for future reviews of performance.

Section 9-5: The Initial Conference

a. Content. During the initial conference, the following should be developed, reviewed, and discussed with the employee:

(1) Specific goals and objectives for the job so that there is a mutual understanding of the results or performance that are expected during the next cycle period.

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(2) Specific ways of measuring performance (appraisal criteria) so that there is an understanding of how it will be determined that the employee is performing well or not.

(3) The training required to do the job and the source(s) from, and on what timetable, that training should be obtained.

(4) The dates of interim reviews so that the employee understands when these "checkpoints" will occur.

b. Documentation. The initial conference should be documented by the supervisor as described in Section 9-4(d).

Section 9-6: The Interim Review

a. Content. Interim reviews are mutual discussions led by the supervisor that relate the employee's performance to the goals, objectives, and appraisal criteria established at the initial conference or at the last annual review. Those areas in which the employee excelled should be reviewed as well as any shortcomings. Also included is a self-assessment by the employee with feedback from the supervisor. The employee should provide comments on the performance of the supervisor. In addition, the supervisor and the employee should review the existing training plan, assess the value of training obtained since the last review, and adjust the program for the future as needed. Finally, the interview should be concluded with a discussion of those actions, if any, that the employee should take to improve performance and a discussion of any changes to the previously established goals, objectives, and appraisal criteria.

b. Documentation. The interim review should be documented by the supervisor as described in Section 9-4(d).

Section 9-7: The Annual Review

a. Content. Using the most recently developed appraisal criteria the supervisor will review the employee's performance and ensure that there is a clear understanding by the employee of how the employee's performance measures up. Also included is a self-assessment by the employee with feedback from the supervisor. The employee should also provide comments on the performance of the supervisor. Appraisal criteria should be fully discussed and any necessary corrective action in the employee's performance earmarked for specific progress review during the upcoming cycle. Those criteria to be used during the next cycle should be established and explained. Next a review of the employee's progress toward the attainment of established goals and objectives is a key part of the annual review. In those cases where progress has not met expectations, changes in method, direction, or both should be defined and agreed upon. This review may suggest changes in the goals and objectives, rather than changes in employee performance. The supervisor should be alert to this possibility. When appropriate, additions, deletions, or revisions to the goals and objectives should be carefully worked out with the employee and documented for subsequent follow-up. If necessary, the most recent training and education program being undertaken by the employee should be adjusted to more closely meet the needs and abilities of the employee. Revisions to the employee training program should be tailored to changes in the employee's goals and objectives. The new or revised goals, objectives, and training program will become the basis for monitoring during the upcoming cycle.

b. Documentation. The annual review should be documented by the supervisor as described in Section 9-4(d). To ensure compliance with this policy, the Department Director should periodically review any documentation generated as part of a management system.

Section 9-8: Unsatisfactory Performance

If an employee is found at any time to be performing in an unsatisfactory manner, or is failing to meet established goals and objectives in a timely manner, the supervisor is expected to make appropriate use of disciplinary action.

Section 9-9: Summary

This system is designed to involve both the employee and the supervisor in an ongoing process to improve performance and employee development. The nature of the process requires that this policy be general in nature and be flexible enough to be adapted to widely varying situations. This policy is the blueprint. The common sense of front line supervisors will be the foundation upon which a sound performance management system will be built.

Chapter 10: Promotion, Demotion, Reclassification, and Transfer

Section 10-1: Promotion

A promotion is defined as the graduation to a job with a substantial increase in duties and responsibilities, which is a logical step upward in the same career field. Promotions are generally accompanied by an increase in compensation. Movement to a new position which is four or more grades above the previous position is considered to be a new hire, rather than a promotion (even if within a career field). See Section 3-4 for new hire procedures.

Section 10-2: Re-grading and Reclassification

Re-grading of a position in order to be more competitive with the labor market is not considered a promotion. When a re-grading is done because of market salary data which lowers the grade of a job, it is not treated as a demotion. A re-grading is simply a change in the grade to a particular classification. Each year, a position review classification is done for a portion of the County's jobs to ensure positions are paid and classified appropriately. When an employee's position is reclassified the duties have changed significantly. In the case of reclassifications, a promotional increase may be authorized by the County Administrator.

Please refer to AD99-36: Classification Review Procedures, for additional information concerning the reclassification review process.

Section 10-3: Temporary Assignments

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Individuals may receive temporary assignments in areas other than required by their current classification when it is directed by the County Administrator or department director. Those employees who are assigned to temporary positions of a grade higher than that in which the individual is currently classified receive additional compensation as provided for in the Compensation Plan.

Section 10-4: Transfers

A transfer to a position in a new career path or in the same salary grade does not result in a promotion.

Section 10-5: Probationary Periods

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

Section 10-6: Demotion

A voluntary or involuntary demotion is defined as the assignment to a position with a decrease in duties and responsibilities and is distinguished from a downward reclassification, which results from a formal review of duties and responsibilities and a recommendation that the position be classified at a lower pay grade.

Section 10-7: Reinstatement

An employee who has been separated because of a reduction in force or who has resigned in good standing is eligible for reinstatement. Approval of requests for reinstatement is reserved to the County Administrator upon receiving a recommendation from a department director.

The salary for employees reinstated is determined by the County Administrator in accordance with the provisions set forth in Chapter 3. Likewise, leave accruals for employees reinstated are determined by the County Administrator in accordance with the provisions set forth in Chapter 6.

For purposes of leave accruals paid at a subsequent separation for reinstated employees, only that time since the date of reinstatement will be used when calculating any payment(s). Any payment made will be in accordance with the provisions set forth in Chapter 6.

Waiting periods for benefits eligibility for reinstated employees will be the same as those of new employees, as set forth in AD 96-28, Health Insurance Program.

For purposes of the County's contribution toward the cost of health insurance premiums for those who retire from County service or its Agencies, reinstated employees will have had a break in service. Eligibility for this benefit will be in accordance with AD 96-28, Health Insurance Program, and AD 02-48, Retiree Healthcare Contribution.

If an individual is reinstated within one year of separation from the County, the employee's original employment date is amended to reflect the period of non-employment. The employment date for those reinstated after a one year separation is the date of the reinstatement.

Chapter 11: Disciplinary Policy

Section 11-1: Policy

It is the policy of the County of York to discourage behavior that violates rules, policy, procedures, acceptable standards of ethical conduct, regulations, and laws, or that result in unacceptable performance. Disciplinary action is designed to be in proportion to the seriousness of the violation. Supervisors are primarily responsible for beginning the disciplinary process as situations that warrant discipline occur. Only regular full-time, and regular part-time employees as defined in Section 2-1, who have completed the probationary period, may grieve disciplinary actions in accordance with the County's Grievance Procedure; probationary employees are not eligible to grieve such actions.

Section 11-2: Purpose

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

Section 11-3: Reasons for Disciplinary Measures

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

- Lying, cheating, and stealing in any of the forms these might take.

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- Violation of Section 14-9: Harassment.
- Violation of Health Insurance Portability and Accountability Act (HIPAA) compliance requirements.
- Misuse of the County's computer systems and/or equipment.
- Violation of the County's Network Policy.
- Clocking another employee in or out using their Kronos card.
- Disregard for work or safety rules.
- Failure to meet job standards.
- Unauthorized use of County purchasing card.
- Misuse of position with the County.
- Willful or negligent damage to County property.
- Placing property or persons at risk of injury.
- Weapons possession and/or physical violence.
- Refusal to comply with reasonable instructions from an authorized supervisor.
- Failure to follow County or Department procedures whether the same are established in writing or by standard practice.

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- The possession, use, distribution or sale, and/or reporting to work under the influence of alcohol or controlled substances.
- Gambling on County time or property.
- Falsification or improper use of County records.
- Commission of any act constituting a crime under Federal or State law or County ordinance: While on County time or property; or of such a nature as to indicate unfitness or unsuitability for continued employment in the particular position.

The preceding is intended only as a guide and disciplinary action is not limited to these offenses. The severity of the discipline will depend on the facts and circumstances of each particular instance.

Section 11-4: Use of Disciplinary Measures

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

Section 11-5: Available Disciplinary Measures

The following measures for discipline are established and, when appropriate, are documented on prescribed forms available in the Human Resources Office.

Department Directors must approve any disciplinary measure beyond a verbal warning, including dismissals.

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a. Verbal warnings or reprimands may be imposed by the immediate supervisor and are used in situations where the violation is considered to be minor and the warning or reprimand can be expected to resolve the problem or alert the employee of expected future conduct and the consequences of the recurrence of unacceptable behavior. Supervisors must inform employees when they are issued a verbal warning and must also notify the next level of supervision that this action has been taken. Verbal warnings are not documented for any official file but shall be noted in writing for future use by the supervisor in the event that further discipline is needed.

b. Written warnings or reprimands are used for more significant first violations or repeated minor infractions. Employees are advised that behavior must improve or further specified action will be taken.

c. Suspension for up to 10 days without pay may be used when a more serious violation occurs or previous warnings have not succeeded in bringing about the desired change in the employee's behavior. For suspensions without pay of five (5) days or longer, the employee shall be notified in writing of the reasons for the proposed suspension and shall be afforded an opportunity to schedule an administrative hearing with the department director prior to the proposed effective date. In order to comply with the Fair Labor Standards Act (FLSA), exempt employees may be subject to unpaid disciplinary suspensions in increments of one or more full days for infractions of workplace conduct rules. Disciplinary suspensions for infractions of safety rules of major significance may be assessed in increments of less than one or more full days. A "safety rule of major significance" is a rule relating to the prevention of serious danger in the workplace or to other employees.

d. Demotion or salary reduction may be used as alternatives to suspension or dismissal.

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e. Dismissal is used for the most serious violations or when other measures have failed. The department director, prior to dismissing an employee shall compile the complete disciplinary record and forward it to the Human Resources Director. Prior to any final decision concerning the dismissal of a non-probationary employee, the department director shall conduct an administrative termination hearing, if requested by the affected employee, to determine whether the charges leading to the recommendation for dismissal are founded. (See chapter 12 on Separation and Termination.)

In each instance of disciplinary action beyond a verbal warning or reprimand, a copy of the prescribed form must be sent to the Human Resources Director for inclusion in the employee's personnel record. To ensure consistency throughout the County, disciplinary actions must be reviewed by the Human Resources Director prior to approval by the Department Director. The Human Resources Director will keep the County Administrator informed of ongoing disciplinary actions.

Chapter 12: Separation and Termination

Section 12-1: Resignation

To resign in good standing most employees must give notice in writing to the department director at least fourteen (14) days prior to the effective date of the resignation; some employees, including department directors, must give 30 days. Failure to provide the required notice renders the employee ineligible for any final pays not required by law, including payment for sick leave accruals.

A resignation shall be effective when tendered. No written acceptance of a resignation shall be required as a condition precedent to its effectiveness. The notice period is for the benefit of the employer and should the Department Director decide that an effective separation, sooner than that proposed by the employee, is in the County's best interest, an earlier date may be established after consultation with the Human Resources Director. No compensation is due beyond the actual date set.

Generally, the specific number of days required for resignation are contained in the letter of offer provided to the employee upon initial hire or promotion. Department directors shall transmit all resignations to the Human Resources Office within 24 hours of receipt.

An employee not in an approved leave status who fails to report to work for two (2) consecutive workdays shall be separated from employment.

Section 12-2: Retirement

The County is a member of the Virginia Retirement System (VRS) and employees are entitled to retire pursuant to the rules established by VRS. The IRS prohibits retirees from returning to part time positions with the same employer unless there is a bona fide

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break in service. Therefore, retirees may return to the employment of the County in a part time capacity as long as the following conditions are met:

- 1) The retiree is off the payroll for a reasonable period of time (e.g. 30 days or more).
- 2) There is no pre-arranged employment commitment between the County and the retiree.
- 3) The duties are not the same or not all duties are the same as the retiree performed prior to retirement.
- 4) There is no open-ended time period for employment; for example the retiree might be reevaluated every six months to determine continued employment.

Section 12-3: Death

When an employee dies while in the service of the County, all compensation due is paid to the legal representative of the employee's estate or any other properly designated individual. Assistance and benefit counseling is provided to survivors of the employee by the Human Resources Director.

Section 12-4: Termination

An employee may be terminated as set forth elsewhere in this policy.

- a. If termination of a non-probationary employee is warranted, the department director shall provide the employee with (i) a written notice, or (ii) in situations when it is

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not possible to personally deliver a written notice to an employee, the notice may be given orally with the written notice sent to the employee's last known address, setting forth the following:

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

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

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

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

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

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

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

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

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

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

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

Section 12-5: Employee Separation Procedures

All pay and benefits accrue to the last day of employment with the County. Since benefit accruals occur on the last day of the month, the employee must be in an active status on the last day of the month in order to receive this accrual.

Section 12-6: Layoffs

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

Layoffs occur when in the opinion of the County Administrator proper management requires a reduction or change in the work force or the elimination of certain positions or programs.

Regular full-time and regular part-time employees to be laid off are notified in writing by the County Administrator and at a minimum are given the same notice as required when an employee resigns (see Section 12-1 regarding resignations).

Section 12-7: Clearing Debt and Equipment Accounts

Employees who separate from County service must clear all debts to the County and account for and turn in all County equipment in their possession or for which they are responsible, including keys, uniforms, tools, equipment, credit cards, identification cards, documents, etc. to the department director.

Failure to clear all debts and turn in County equipment may result in the initiation of collection procedures to recover these losses.

Section 12-8: Separation Pay

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

Section 12-9: Post-Separation Benefits

The County offers employees and their families, in accordance with federal law, the opportunity for a temporary extension of health coverage (called "continuation coverage") at group rates in certain instances when employment is terminated (for reasons other than gross misconduct) and coverage under the plan would otherwise end.

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In addition, employees are notified of their right to proceeds on deposit in their Virginia Retirement System (VRS) account, any options available to them to dispose of funds accumulated in a deferred compensation account, options to convert VRS life insurance, and other information concerning benefit programs in which the employee has participated.

Section 12-10: Severance Pay

Severance pay may be approved by the County Administrator for probationary or non-probationary separations that do not involve misconduct. When approved, the amount of severance pay shall not be less than 1/26th or more than 1/12th of the terminating employee's annual salary rate.

Chapter 13: Grievance Policy and Procedures

Section 13-1: Purpose

To establish an effective process for the fair, expeditious, and orderly adjustment of grievances before they become major issues of discontent and disputes.

Section 13-2: Policy

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

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

Section 13-3: Objective of Procedure

The grievance procedure is intended to provide an immediate and fair method for resolving problems that may arise during the course of an employee's service with the County. The grievance procedure is designed to assure the employee of the fairness of the process by providing for a right of appeal in the event that an employee believes that fair treatment has been denied. When a supervisor makes a decision that the employee thinks is wrong and the employee declines to accept the decision, this procedure gives the employee the right to have the complaint reviewed by higher authority.

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

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

Section 13-4: Coverage

The grievance procedure is available to all regular full-time and regular part-time County employees, except probationary employees, constitutional officers, the County Administrator, the County Attorney, and employees otherwise covered by applicable grievance procedures of State or local agencies. The procedure is not available to

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temporary, project and seasonal employees. The procedure is available to regular full-time and regular part-time employees of constitutional offices of the County when the constitutional officer has requested that their employees be covered and the Board of Supervisors has approved such request. Law enforcement officers as defined in Section 9.1-500 of the Code of Virginia, and to the extent that they are covered by these policies, have the option of using this procedure or the law enforcement officer's procedure set out in Chapter 5 of Title 9.1 of the Code of Virginia.

Section 13-5: Definition of Grievance

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

(1) disciplinary actions, including those that involve dismissal, demotion or suspension, provided that dismissals shall be grievable whenever resulting from formal discipline or unsatisfactory job performance;

(2) concerns regarding the meaning, interpretation or application of personnel policies, procedures, rules and regulations;

(3) acts of retaliation for using the grievance procedure or for participation in the grievance of another County employee;

(4) complaints of discrimination on the basis of race, color, , religion political affiliation, age, disability, national origin, or sex, pregnancy, childbirth or related medical conditions, sexual orientation, gender identity, or genetic information;

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(5) Acts of retaliation because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, or has sought any change in law before the Congress of the United States or the General Assembly.

(6) Acts of retaliation because an employee has reported an incident of fraud, abuse, or gross mismanagement. In accordance with the Code of Virginia, Section 15.2-1507(a)(1), an increase in the penalty that is the subject of the grievance at any level of the grievance shall give rise to a rebuttable presumption that the increase was an act of retaliation.

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

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

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

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

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

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

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

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

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

In any grievance brought under the exception contained in (6) above, the action shall be upheld upon a showing by the County that: (a) there was a valid reason for the action, and (b) the employee was notified of such reason in writing prior to the effective date of the action.

Section 13-6: Grievability

Decisions regarding whether or not a matter is grievable, including questions of access to the procedure, shall be made by the County Administrator at the request of the department or the grievant. The request for a determination of grievability is made by completing Grievance Form D and forwarding it within two (2) working days of receipt of the request for a determination of grievability to the County Administrator. The decision on grievability shall be made within ten (10) calendar days of the request. A copy of the ruling shall be sent to the grievant. A request for a determination of grievability shall be made only contemporaneously with or subsequent to the presentation of a written grievance but prior to the panel hearing. Decisions concerning grievability may be appealed by the grievant to the Circuit Court of York County for a hearing de novo on the issue of grievability. Proceedings for review of the decision shall be instituted by filing a notice of appeal on Grievance Form D with the County Administrator within ten

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(10) calendar days from the date of the grievant's receipt of the decision, and giving a copy thereof to all other parties. Within ten (10) calendar days thereafter, the County Administrator or his designee shall transmit to the Clerk of the Circuit Court a copy of the decision, a copy of the notice of appeal, and the exhibits. A list of the evidence furnished to the court shall also be furnished to the grievant. The failure of the County Administrator to transmit the record within the time allowed shall not prejudice the rights of the grievant. The court, on motion of the grievant, may issue a writ of certiorari requiring the County Administrator to transmit the record on or before a certain date. The court may affirm the decision of the County Administrator or may reverse or modify the decision. The decision of the court is final and not appealable.

The issue of grievability may be raised at any step of the procedure subsequent to the submission of a written grievance and prior to the panel hearing, but once raised the issue shall be resolved before further processing of the grievance. The issue of grievability must be resolved prior to the panel hearing or it shall be deemed to have been waived.

Section 13-7: Procedural Steps

Step I: Supervisory Level. An employee who has an employment-related complaint or problem discusses it directly with his or her immediate supervisor. The grievance need not be placed in written form at this step; however, the employee must inform the supervisor that the discussion is the initial step in the grievance process or the communication with the supervisor will not be deemed to constitute the initiation of a grievance. The supervisor must notify the next level of supervision that a grievance has been initiated. The grievance shall be reported within twenty (20) calendar days from the time that the employee first becomes aware of the condition or work activity giving rise to the grievance. The supervisor shall render a response to the aggrieved employee within five (5) workdays of the complaint. Please refer to Section 13-9 (c) for the definition of a "workday". This first step is intended to provide for an informal, initial

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processing of employee complaints by the immediate supervisor through a non-written, discussion format.

Step II: Department Director Level. If a satisfactory resolution of the problem is not reached through Step I, the employee may file a written grievance, identifying the nature of the complaint and the expected remedy, on Grievance Form A. The written grievance is presented to the department director and a copy is given to the immediate supervisor within five (5) workdays of the supervisor's response to Step I. A meeting to review the grievance shall be held among the grievant, the immediate supervisor and the department director within five (5) workdays of receipt of the grievance, unless this time limit is extended by mutual agreement for a period not to exceed two (2) workdays. The department director shall provide a written reply to the grievant within five (5) workdays after the second step meeting. Concurrently, a copy of the grievance and reply, together with a copy of all related materials, shall be forwarded by the department director to the County Administrator. For purposes of this policy, "department director" shall mean the director of the employee's department; in the case of employees of constitutional offices, it shall mean the constitutional officer; in the case of employees of the Department of Social Services, it shall mean the director of that department.

Step III: County Administrator Level. If a satisfactory resolution of the problem is not reached at the second step, the employee may submit the written grievance on Grievance Form B to the County Administrator; provided, however, that an employee of a constitutional office covered by this procedure may, in the employee's discretion, proceed immediately to Step IV. Submission of the written grievance to the third step shall occur within five (5) workdays of the second step reply. The County Administrator and the immediate supervisor shall meet with the employee within five (5) workdays or indicate that an extension is necessary. Such extension shall not exceed three (3) additional workdays except by mutual agreement of the County Administrator and the grievant. The department director or other intermediate supervisor may attend this meeting if requested by the grievant, the immediate supervisor, or the County

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Administrator. A written reply by the County Administrator shall be provided to the grievant within five (5) workdays of this meeting.

Step IV: Panel Level. If the response of the County Administrator does not resolve the grievance, the employee may proceed with the grievance by requesting a panel hearing. This request shall be made in writing to the County Administrator on Grievance Form C within five (5) workdays of the grievant's receipt of a response from Step III, or Step II if applicable. The County Administrator shall provide the panel with copies of the grievance record prior to the hearing. The County Administrator shall provide the grievant with a list of the documents furnished to the panel. The grievant and/or the grievant's attorney, at least ten (10) days prior to the scheduled panel hearing, shall be allowed access to and copies of all relevant files intended to be used in the grievance proceeding. (See General Provisions of this Chapter for the grievant's right to be represented by legal counsel.) Documents, exhibits, and lists of witnesses shall be exchanged between the parties in advance of any panel hearing.

Section 13-8: Panel Procedures

The panel is charged with the responsibility of interpreting the application of appropriate government policies and procedures in the case. It does not have the prerogative to formulate or to alter existing policies or procedures.

The panel selects its chair and it sets the time for the hearing which shall be held within ten (10) workdays or as soon as practicable following receipt of Grievance Form C requesting a panel hearing.

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The conduct of the panel hearing is as follows:

a. The panel determines the propriety of attendance at the hearing of persons not having a direct interest in the hearing, and, at the request of either party, the hearing shall be private.

b. The panel may at the beginning of the hearing ask for statements clarifying the issues involved.

c. Exhibits, when offered, may be received in evidence by the panel, and when so received, are marked and made part of the record.

d. The grievant and supervisor, or their representative, then present their claim and proofs and witnesses who submit to questions or other examination. The panel may, at its discretion, vary this procedure but must afford full and equal opportunity to all parties and witnesses for presentation of any material or relevant proofs.

e. The parties may offer evidence and shall produce such additional evidence as the panel may deem necessary to an understanding and determination of the dispute. The panel is the judge of relevancy and materiality of the evidence offered. The panel has the authority to determine the admissibility of evidence, without regard to the burden of proof. All evidence shall be presented in the presence of the panel and the parties, except by mutual consent of the parties.

f. The panel chair shall specifically inquire of all parties whether they have any further proofs to offer or witnesses to be heard. Upon receiving negative replies, the chairman shall declare the hearing closed.

g. The hearings may be reopened by the panel on its own motion or upon application of a party for good cause shown at any time before a decision is made.

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h. The majority decision of the panel is final and binding in all its determinations, and shall be consistent with existing policies, procedures, and law. No panel member shall be allowed to abstain from voting.

i. Any relief granted by the panel shall not be final if the County Administrator, or his designee, determines that the relief granted is not consistent with a written policy of the County. In the event that the County Administrator has had a direct personal involvement with the event or events giving rise to the grievance, the question of consistency of the relief granted by the panel with a written policy of the County shall be made by the Commonwealth's Attorney.

j. Either party may petition the circuit court for an order requiring the implementation of the decision of the panel.

The decision shall be filed in writing by the panel chairman with the County Administrator not later than fifteen (15) working days after completion of the hearing. The decision shall be prepared in the format shown on Grievance Form C. Copies of the decision shall be transmitted to the employee and to the employee's supervisor by the County Administrator within five (5) days after the County Administrator receives it.

Section 13-9: General Provisions

a. Step II is not observed by office or department directors; an aggrieved office or department director proceeds from Step I to Step III.

b. A grievance shared by a group of employees begins at Step II, using Step I time limits.

c. References to "workdays" are to the days during which the administrative offices of the County are customarily open, from Monday through and including Fridays,

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not including holidays observed by the County. All time periods listed in this procedure may be extended by mutual agreement of the grievant and the County Administrator, or by others as specifically provided elsewhere in this procedure. The County Administrator may require a clear written explanation of the basis for just cause extensions or exceptions. The County Administrator, shall determine compliance issues. Compliance determinations made by the County Administrator shall be subject to judicial review upon the filing of a petition with the circuit court seeking such review within thirty (30) days of the compliance determination.

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

e. All stages of the grievance beyond the first step shall be prepared in writing on forms supplied by the Human Resources Office.

f. With the exception of Step III, the only persons who may normally be present at Step I or II meetings are the grievant, the supervisor hearing the matter, and appropriate witnesses for each side. The grievant shall bear the cost, if any, of calling the grievant's witnesses. Witnesses shall be present only while actually providing testimony. At Step III, the grievant, at his option, may have present a representative of choice. If the grievant is represented by legal counsel, the County Administrator may also be represented by counsel.

g. Once an employee reduces the grievance to writing, the specific relief expected to be obtained through use of this procedure must be stated on the appropriate form.

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h. The determination that an employee is not covered by this grievance procedure or that a complaint is not grievable shall not be construed to restrict any employee's right to seek or management's right to provide customary administrative review of complaints outside the scope or coverage of the grievance procedure. The provisions of this procedure through Step III should be used, whenever possible, as a guide for resolving such problems.

Section 13-10: Panel; Members; Term; Compensation

The panel shall be composed of three (3) regular members and one (1) alternate member, each of whom is appointed by the Board of Supervisors for a three (3) year term. The alternate member is called upon to serve as a member of the grievance panel only in the event of absence or disqualification of a regular panel member. The terms of the panel members are staggered with one member being appointed each year except for the initial appointments which are for terms of one, two and three years respectively. Members are eligible to serve more than one term.

Such panel shall not be composed of any person having direct involvement with the grievance being heard by the panel, or with the complaint or dispute giving rise to the grievance. Managers who are in a direct line of supervision of a grievant 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 such an attorney shall serve as a panel member.

Should a regular panel member be disqualified because of inclusion within a restricted category as outlined above, the alternate panel member shall serve in the place of the disqualified member.

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In making appointments to the panel, consideration is given to the appointment of persons who are either familiar with or practitioners of employee-management relations. The Board of Supervisors makes an effort to appoint to the panel one member from each of the following areas of endeavor:

- a. management of private business;
- b. employee ranks of private business; and
- c. individual with knowledge of and experience in mediation and conciliation of employee disputes.

Panel members are compensated at a rate of \$25 per meeting and their routine and incidental expenses are reimbursed from monies made available by the Board of Supervisors.

Section 13-11: Americans with Disabilities Act

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

- a. The County's Director of Public Works, is hereby designated as the County's Americans with Disabilities Act Coordinator (ADA Coordinator). The office address is 105 Service Drive, Yorktown, Virginia 23692 and the telephone number is (757) 890-3750. The ADA Coordinator shall be responsible for coordinating the County's efforts to comply with 28 C.F.R. Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services.

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

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

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

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

f. The County Administrator shall promptly investigate any written complaint, and, if unable to resolve the complaint to the complainant's satisfaction, shall schedule a meeting with the complainant within fifteen (15) days of receiving the complaint, at which meeting the complainant shall be accorded the opportunity to present evidence as to the nature of the complaint. A record of such meeting shall be maintained, and the County Administrator shall provide the complainant with a written response to the complaint within seven (7) days of the meeting. This response shall be final, but shall not impair the complainant's right to pursue other remedies, State or Federal.

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Please refer to AD95-26: Americans with Disabilities Act Employment Accommodations Procedures for additional information.

Chapter 14: Miscellaneous

Section 14-1: Regular Work Schedules

Regardless of the general work schedules authorized below, the core hours for administrative offices of the County to be opened for public business are 8:15 a.m. to 5:00 p.m., Mondays through Fridays, including periods of lunch.

The normal work schedule for regular full-time employees is forty (40) hours per week, eight (8) hours per day, Mondays through Fridays. The workday begins at 8:15 a.m. and ends at 5:00 p.m., interrupted by a forty-five (45) minute lunch period for office administrative workers. Regular field and operations employees and support personnel also work forty (40) hours per week; eight (8) hours per day; however, the beginning of the working day for such employees may vary from season to season as established by the department director and a thirty (30) minute lunch period is provided because such workers are generally expected to eat lunch at the work site. The 52-week work year normally consists of 2080 hours.

Employees of the Fire and Rescue Service, with the exception of staff assigned to Fire Administration, generally work twenty-four (24) hours per work shift on a schedule established by the Director of Fire and Life Safety. The work year normally consists of approximately 2912 hours. Field Deputies assigned to the Office of the Sheriff, including officers assigned to field duties, work a 28-day work cycle (normally 2080 hours per year).

Section 14-2: Alternative Work Schedules

Alternative work schedules may include any daily or weekly work schedule or arrangement that is approved by the department director, with notification to the County

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Administrator, and may include telecommuting from home or other approved work site, job sharing, flex-time, compressed work week, and/or other scheduling designed to accommodate extended hours of operation, and to support work/life balance.

Implementation of an alternative work schedule must be documented and coordinated with the Human Resources Director and must ensure adequate staffing during the County's core operating hours. Department directors authorizing alternative work schedules and arrangements shall do so in accordance with the Fair Labor Standards Act.

Section 14-3: Time and Attendance Records

Regular attendance reports and recordation of hours worked for non-exempt employees are prepared by each department and agency of the County and are furnished to the Department of Finance through the automated time and attendance system. Only attendance reports are required for exempt employees.

Section 14-4: Emergency Closing of County Facilities

Working hours and schedules may be adjusted by the County Administrator in response to inclement weather or other emergency conditions. The policy is implemented upon direction of the County Administrator and individuals are notified through media or telephone "calling trees" of the change in hours or schedules.

Employees essential to operations during inclement weather or emergencies may be required to report to work as normally scheduled. Such employees are generally notified by the department director in advance of any announcement to report to work as scheduled and receive normal pay. Others, in the interest of public safety, receive paid emergency conditions leave. Please see Section 6-8(h) for information regarding emergency conditions leave and AD94-11: Emergency/Inclement Weather Conditions, for more information.

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Employees are normally notified of delayed openings in one of two ways – a specific time for County offices to be open (i.e., 10:15 am) or by the number of hours. When delayed openings are referred to by number of hours (i.e., 2 hours late), the time employees must report to work is based on the time administrative offices of the County must be open for public business, which is 8:15 am, and not the individual employees' schedules.

Section 14-5: Holidays

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

New Year's Day	First day of January
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	Nineteenth day of June
Independence Day	Fourth day of July
Labor Day	First Monday in September
Yorktown Day	Nineteenth day of October
Veteran's Day	Eleventh day of November
Thanksgiving	Fourth Thursday in November
Day After Thanksgiving	Fourth Friday in November
Christmas Eve	Twenty-Fourth day of December
Christmas Day	Twenty-fifth day of December
New Year's Eve	Thirty-First day of December

If a holiday falls on a Saturday, the preceding Friday is observed; if a holiday falls on a Sunday, the following Monday is observed. If any part of a two-day holiday falls on a

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weekend day the observance of these holidays will be scheduled in such a way to represent a four-day weekend (i.e. Friday through Monday). Non-exempt shift personnel assigned to Fire and Life Safety, the Sheriff's Office and Dispatchers observe New Year's Day on January 1st, Independence Day on July 4th, Yorktown Day on October 19th, Veterans Day on November 11th, Christmas Eve on December 24th, Christmas Day on December 25th and New Year's Eve on December 31st regardless of when these holidays are observed by other employees. Such personnel will not receive holiday pay on the dates the seven holidays mentioned above are observed by other County employees.

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

Section 14-6: Uniforms and Personal Equipment

The County provides uniforms for uniformed employees and certain field and maintenance employees. All clothing and equipment issued by the County shall be inventoried by the issuing department and remains the property of the County. Non-serviceable clothing and equipment is replaced on a one-for-one basis when the particular item is returned to the County's inventory.

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

At the time of separation and prior to final payment, all records, assets, and other items of County property in the employee's custody shall be transferred to the employee's department director and certification to this effect shall be signed by the employee.

Section 14-7: Bond

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

Section 14-8: Use of Alcohol and Controlled Substances

a. All Employees.

It is the policy of the County to maintain a work place that is free from the effects of drug and alcohol abuse. The County is gravely concerned when its employees violate laws, create situations that cause potential safety hazards to themselves or to their fellow employees, or are parties to an act or situation that is detrimental to the image of the County in the eyes of the public it serves. Therefore, the possession, use (unless prescribed by a physician or when specifically required within the scope of the assigned duties of emergency medical employees), reporting to work under the influence of, gift, distribution or sale of amphetamines, barbiturates, hallucinogens, opioids, or any other substance defined and listed as a controlled substance in the "The Drug Control Act" (Chapter 34 of Title 54.1 of the Code of Virginia, 1950, as amended) by an employee while on County property or in the course of County employment is prohibited and is cause for dismissal. The simple possession of such substances or drug paraphernalia while on County property or in the course of County employment is also prohibited and is cause for dismissal. The term "drug paraphernalia" shall include without limitation those items described in Code of Virginia section 18.2-265.1, except that it is not necessary to such definition that the employee have been charged with any offense.

Additionally, being in possession of or drinking alcoholic beverages on the job, or reporting for work in an intoxicated condition or under the influence of alcohol, are causes for dismissal. For purposes of this policy, "on the job" or "work" refers to normal

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working hours, including lunch periods, periods between office hours and night meetings of boards and agencies attended by the employee, and in addition includes after hours activities and functions during which an employee is serving in an official capacity as a representative of the County.

Any employee who is observed by a supervisor exhibiting behaviors or symptoms indicative of the use of alcohol or controlled substances, or is in the possession of alcohol or controlled substances or paraphernalia, shall be required to submit to testing for both alcohol and controlled substances. Please see AD96-29: Procedures for Reasonable Suspicion of Alcohol or Drug Use for additional guidance in these situations.

Employees who test positive, provide an adulterated or substituted specimen, or refuse to submit to such testing for alcohol or controlled substances shall be subject to disciplinary action up to and including dismissal.

Employees taking medication, whether or not prescribed by a physician, which may affect their performance at work must report this fact to their supervisor.

For purposes of this Policy, the term "controlled substance" means any drug, narcotic, or other substance the use or possession of which is prohibited or controlled by federal or state law or regulation. With respect to drugs, narcotics, and other substances the use or possession of which are not prohibited but are merely controlled by law, the term "controlled substance" shall mean any such drug, narcotic, or other substance which has been used or possessed in violation of such law or regulation. The County Administrator shall designate those controlled substances for which testing will be conducted, but at a minimum employees shall be tested for amphetamines (including methamphetamines), cocaine, THC (including but not being limited to marijuana and other cannabinoids), opioids, to include semi-synthetic opioids (oxycodone, oxymorphone, hydrocodone, and hydromorphone), phencyclidine (PCP), or any derivative thereof. All references in this Policy to testing for controlled

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substances shall mean testing for those substances identified in the preceding sentence and for any other drug or substance designated by the County Administrator.

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

For purposes of this Policy, an employee will be deemed "under the influence of" alcohol if a test conducted pursuant to this Policy reveals that the employee's blood alcohol concentration (BAC), expressed in terms of grams of alcohol per 210 liters of breath, is 0.08 or higher, or regardless of the BAC level in the event that the employee becomes impaired in their ability to perform as a result of alcohol use. Employees discovered to have a BAC level of 0.08 or higher may, if not dismissed, be subjected to the requirements of this Policy for return to duty testing and follow up testing, and the requirement for counseling through the Employee Assistance Program (EAP). Absent of any observable evidence of impairment, a BAC level of less than 0.08 shall be considered a negative test for alcohol.

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

b. Commercial Drivers.

In order to comply with the federal Omnibus Transportation Employees Testing Act of 1991 ("the Act") and maintain a safe workplace free from illegal drug use and the

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misuse of alcohol, it shall be a condition of employment for those employees of the County who are required, in connection with their employment, to operate a vehicle requiring a commercial driver's license ("covered employees"), to submit to periodic breath analysis or urinalysis to test for the use of alcohol or other drugs and controlled substances as set out in this Policy. Hereafter, in this policy, the term "employee" shall mean "covered employee". The County Administrator shall promulgate standard operating procedures to effect the implementation of this Policy consistent with the Act. Please refer to AD95-25: Alcohol and Substance Abuse Testing of Commercial Drivers for these procedures.

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

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

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preceding sentence and for any other drug or substance designated by the County Administrator.

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

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

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

For purposes of this Policy, an employee will be deemed "under the influence of" a controlled substance if a urinalysis or other test conducted pursuant to this Policy reveals the presence of any controlled substance. An employee will not be deemed

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under the influence of a controlled substance if the controlled substance is contained in a medication for which the employee has been given a prescription by a physician or other person licensed to prescribe drugs or medications, and the employee has taken the medication in accordance with the dosage set out in the prescription.

Periodic Testing. In order to ensure full compliance with this Policy, all covered employees shall be required to submit to periodic testing for the presence of alcohol or controlled substances, by means of breath analysis tests or urinalysis, whenever requested to do so by the County. The refusal by any covered employee to submit to such testing, when requested by a supervisor, is prohibited, and any such refusal shall be treated for all purposes under this policy as a positive test for controlled substances, and a BAC test level of .02 or higher, as the case may be. As a result, such refusal may be cause for dismissal. The County, or its agents, will administer such tests routinely or periodically at the following times or upon the occurrence of the following events:

(1) Pre-employment Testing or Transfer within the County to a Safety Sensitive Position: Prior to the first time that any new employee performs any job functions, or prior to the time that any current employee first performs any safety sensitive functions as a result of a transfer into a position requiring the performance of safety sensitive functions, the employee will be tested for controlled substances.

As part of the job application process, an applicant for a position requiring a commercial driver's license and the performance of safety sensitive functions will be required to execute appropriate releases and consents allowing the County to obtain from the applicant's previous employers any records pertaining to the applicant's use of alcohol or controlled substances within the previous two years, including records of test results showing a BAC level of 0.04 or greater, or showing the presence of any controlled substance, or indicating that the applicant has refused to be tested.

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

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

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

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

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

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a negative controlled substance screening result is reported, and the employee evidences no impairment as a result of alcohol and/or controlled substance use.

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

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

Referral to Counseling. Before any covered employee who violates any prohibitions set out in this Policy is allowed to return to employment with the County the employee shall be evaluated by a substance abuse professional (SAP) to determine what assistance, if any, is needed to assist the employee in resolving problems associated with abuse of alcohol or controlled substances.

The County Administrator or designee shall assist the employee in locating a suitable substance abuse professional, and shall advise the employee of any resources available to resolve such issues. It shall be the responsibility of the employee to pay for any costs associated with the evaluation, or any recommended counseling or treatment. It shall be a condition for continued employment that the employee shall successfully comply with all recommendations for counseling or treatment recommended by the

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substance abuse professional. Any such counseling or treatment program shall include follow-up testing as provided above.

Employees who have violated the drug and alcohol policies cannot again perform any safety-sensitive duties until and unless they complete the SAP evaluation, referral, and education/treatment process. For purposes of this Policy, a verified positive drug test result, an alcohol test with a result indicating an alcohol concentration of 0.04 or greater, a refusal to test (including by adulterating or substituting a urine specimen), or any other violation of the prohibition on the use of alcohol or drugs under this or other County policies constitutes a drug and alcohol regulation violation.

Nothing in this section shall obligate the County to offer continued employment to any covered employee who violates any of the prohibitions of this Policy.

Testing Procedures, Record Retention, and Confidentiality. The County Administrator shall promulgate procedures to ensure that all testing, record keeping and retention, and confidentiality of records, shall comply with the Act and the regulations of the Federal Department of Transportation promulgated there under as they may be amended from time to time.

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

Though this policy pertains to employees who must possess a Commercial Driver's License in order to perform their job duties, it neither adds to nor detracts from Section

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14-8(a) of the Personnel Policies and Procedures Manual which addresses the use of alcohol and controlled substances regardless of Commercial Driver's License status.

Section 14-9: Harassment

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

b. Sexual Harassment: Sexual harassment is an infringement of an employee's right to work in an environment free from sexual pressure of any kind. The determining factor as to whether or not an action or remark is offensive is if the recipient deems it to be so and if a reasonable person in similar circumstances would find it offensive.

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

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

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

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

(2) Department directors are also to brief all supervisors on the problems of sexual harassment and their duty to take timely corrective action when they believe that such problems exist. Prior to the initiation of an investigation and the imposition of remedial/disciplinary actions, the Department Director shall notify the Human Resources Director that a complaint has been received. The Human Resources Director will assist with the investigation of violations of this policy and handling any follow up necessary to ensure compliance.

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

(4) Impeding an investigation or otherwise covering up a violation is prohibited conduct.

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

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

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

(1) Employees may report a violation or bring a complaint in person, by phone, or in writing.

(2) Employees may complain to their immediate supervisor, or in the event the immediate supervisor is the source of the complaint, to the next supervisor in the organizational chain of command. If preferred, employees may go outside the chain of command and complain to the Human Resources Director or any department director.

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

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

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

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

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

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

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

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

(1) If any employee who has made a complaint or has participated in an investigation believes they are being retaliated against for doing so, they should report it to their immediate supervisor, or in the event the immediate supervisor is the source of the complaint, to the next supervisor in the organizational chain of command. If preferred, employees may go outside the chain of command and complain to the Human Resources Director or any department director.

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

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

i. Questions: As questions arise the Human Resources Director is available to discuss concerns of employees.

Section 14-10: Smoking Prohibition

Smoking is not allowed in County offices and buildings, with the exception of the Circuit Courthouse. The first and second floors of the Circuit Courthouse come under the auspices of the Judge of the Circuit Court who establishes the smoking policy in those areas.

Persons less than eighteen years of age are strictly prohibited from using or possessing tobacco products, including but not limited to cigarettes and cigars, while at work or on County premises.

Please refer to BP94-12: Smoking Prohibition in County Buildings and Offices for additional information.

Section 14-11: Political Activity

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

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

No person may simultaneously be a classified employee and serve as a member of the York County Board of Supervisors; however, classified employees may be a candidate for election to the York County Board of Supervisors.

Section 14-12: Gifts and Gratuities

Employees should refer to the Virginia Conflict of Interest Act which governs the acceptance of gifts, gratuities or loans of any kind from organizations, business concerns or individuals with whom they have official relationships in the business of County government.

In accordance with the State and Local Government Conflict of Interests Act, Chapter 31, § 2.2-3103, no employee of York County shall solicit or accept money or other things of value for services performed within the scope of his/her official duties, except the compensation, expenses, or other remuneration paid by York County.

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It is acceptable for a department or division to accept a modest perishable gift such as a floral arrangement, baked goods, candy, or similar edible items to be shared by all staff.

Section 14-13: Outside Employment

A position with York County is considered to be the employee's primary occupation. Employees may not engage in other employment which presents a conflict of interest with their County position and/or which interferes with and detracts from the efficient and effective performance of their duties with the County.

Employees who desire to accept a position in addition to their County position shall submit a written report to their supervisor, department director detailing, at a minimum, the number of hours of work, type of work and the schedule of work. The department director's written permission must be obtained prior to commencing additional employment. A copy of such permission is provided to the Human Resources Director for inclusion in the employee's records.

An employee whose request for additional employment has been denied by the department director may appeal the decision by requesting a review and recommendation from the County Administrator. The County Administrator, upon consideration of the facts, makes a final determination.

Section 14-14: Employment of Immediate Family Members

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

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the same department is subject to review and prior approval of the County Administrator.

Immediate family members are defined as: spouse, parent, guardian, brother, sister, son, daughter, aunt, uncle, grandparent, grandchild, or any of these as a relationship in-law or as a step relation, and any other individual residing within the same household.

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

Section 14-15: Employment References Inquiries

Inquiries regarding employment reference checks, whether written or telephonic, are referred to the Human Resources Director for response. It is the policy of the County to release only such information, which is in the public domain, i.e., classification title, salary, and dates of employment. Reasons for termination and references as to character and performance are not to be released unless: (1) The employee or former employee has provided written authorization for such information; (2) The information is requested in response to a legal subpoena, or court order; (3) The employee was separated due to gross misconduct. Referring inquiries to the Human Resources Director assures proper application of policy in these matters.

Section 14-16: Open Door Policy

The County Open Door Policy allows the opportunity to use the organizational "chain of command" whenever an employee desires to raise job related concerns to higher levels of supervision. The issue must first be discussed with the immediate supervisor. If the issue cannot be resolved, the employee has the right to discuss the concern with the next level of supervision. Until a resolution can be found, the employee may continue up the organizational chain, talking eventually with the superintendent or division chief,

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department director, and finally the County Administrator. No adverse effect on the employee shall result from the use of this prerogative.

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

Any employee may contact the Human Resources Office to seek information or discuss work related problems. To do so, the employee should call the Human Resources Office and schedule an appointment.

Section 14-17: Confidential Information

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

Section 14-18: Travel and Expense Reimbursement Policy

Travel funds are provided for employees who travel on official County business. The County Administrator, or in some cases, Deputy County Administrators, approves such travel for department directors and/or division chiefs. Department directors and/or division chiefs are delegated the authority to approve travel for assigned employees. While specific determinations will be made by the applicable approving authority, expenditures to be paid for by the County shall be in connection with travel or official business to an area where the employee incurs costs that he or she would not normally

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incur had the travel or business not taken place. Other business related expenses may be reimbursed with the approval of Department Directors, Deputy County Administrators, or County Administrator, as appropriate. Should any portion of travel expenses be paid directly to the employee by a professional organization and not as reimbursement for expenses incurred by the employee, the employee shall inform their supervisor and have the payment forwarded to the County. When considering travel, employees shall consider the cost effectiveness of the required travel, balanced with the business need, protecting the public trust, and responsible use of public funds.

Travel advances or reimbursement for expenses, when appropriate, are made using the Request for Check process. Requests for reimbursement for such expenses should normally be made within five workdays after completion of the travel. No additional travel advances shall be issued until the employee has cleared outstanding advances from previous travel. Requests that include reimbursement only for intermittent mileage must be made monthly, no later than the 5th work day of the month for the previous month's mileage. Mileage reimbursement that is not requested within the deadline set by Fiscal Accounting Services for fiscal year end work will not be paid.

Eligible Travel Expenses: The following expenses shall be allowed and must include a receipt or other appropriate documentation in accordance with this policy.

- **Travel Cost:** The mode of transportation must be the one that represents the most economic combination of time, distance, and cost whether it be by County vehicle, private vehicle, or commercial carrier. The fare of commercial air transportation should not exceed the lowest available standard economy fare except when an economy fare is not available. If possible, a County vehicle shall be used for all work-related travel. However, if it is not possible, reimbursement shall be provided based on the distance between the employee's workplace and the location of the travel destination, or the distance between the employee's home and the location of destination, whichever is less. In the case where the employee leaves from and returns to the workplace, all mileage will be

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reimbursed. At no time will an employee be paid mileage reimbursement for their daily commute to and from work. Mileage reimbursement for use of a personal vehicle when the County vehicle is not available is based on the IRS reimbursement rate. Evidence that a County vehicle is not available for travel must be provided by the Department of Public Works for full personal vehicle mileage reimbursement. Employees electing to use their personal vehicles as a matter of convenience will be reimbursed for mileage at one half (1/2) of the IRS reimbursement rate. Additionally, if an employee uses their personal vehicle to conduct County business, the employee's insurance carrier would have primary coverage in the event a claim is made. The County's insurance policy would follow as secondary coverage.

- Lodging: Lodging rates shall be charged or reimbursed by the County at the single occupancy rate plus applicable taxes. Employees should inquire as to the availability of a "government rate" and choose the lowest rate available. Costs incurred for a spouse's stay, additional nights for personal use, and/or other amenities shall be the responsibility of the employee.
- Meals: Employees will be reimbursed using the per diem rate. Per diem allows for an employee to purchase food and drink without keeping receipts. The daily meal allowance/reimbursement will be based on the following schedule.

<u>Depart Before</u>	<u>Return After</u>	<u>Reimburse For</u>
7:00 a.m.	9:00 a.m.	Breakfast
12:00 p.m.	2:00 p.m.	Lunch
5:00 p.m.	7:00 p.m.	Dinner

The County Administrator may establish per diem rates for meals reimbursement in an amount reasonably related to those established by the Commonwealth of Virginia for reimbursement of state employees. Per diem rates will not apply to any meals included as a part of any other fees (e.g. Registration or Conference).

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Per Diem that is paid for travel not including an overnight stay will be taxed to the employee in accordance with AD14-71: Taxable Fringe Benefits. Please refer to AD05-51: Per Diem Rates for Meal Reimbursements for more information.

- Registration
- Parking Fees
- Tolls
- Car Rental
- Telephone: Employees may be reimbursed for the reasonable cost of one personal telephone call on each day of travel.
- Taxi Service
- Other business related costs

The employee certifies to the accuracy of these expenses and copies of the appropriate documentation shall accompany the Request for Check.

Disallowed expenses include the following:

- Alcoholic beverages
- Lost or stolen articles
- Damage to personal vehicles, clothing, or other items

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- Expenses related to personal negligence of the traveler such as fines, towing, traffic or parking tickets, etc.
- Personal entertainment such as movies, health clubs, night clubs, etc.
- Expenses for children, spouses, and companions while traveling
- Non-business related telephone calls
- Other expenses not authorized within this policy

Any such charges incurred will be the responsibility of the traveler to pay. The above list is not all-inclusive. Travelers should use prudent judgment and remember that all travel expense accounts are open to the public and must be able to sustain the test of public review.

Non-Travel Business Meal Expense: All non-travel meals must be approved in advance by the Department Director, Deputy County Administrator, or County Administrator. The meal must be conducted in a setting considered appropriate for business, be business related, of reasonable cost, and necessary to complete the business. The employee must show that the expenses are business rather than socially motivated. The situation where County employees simply discuss work during a meal does not qualify for this type of reimbursement. Additionally, costs associated with meals during training events conducted at County facilities and costs associated with evening meals for employees who are required to attend after hours meetings of the Board of Supervisors and/or other Board and Commission meetings shall not be eligible for reimbursement.

Section 14-19: Membership in Professional Organizations

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

Section 14-20: Special Provisions for Employees of the Department of Fire and Life Safety and the Office of the Sheriff

a. Smoking. Those employees of the Department of Fire and Life Safety hired after February 15, 1990 and who are covered by the Virginia Heart and Lung Act (The Act) shall, upon employment, cease and desist from smoking or using any tobacco products, including but not limited to cigarettes, cigars, pipes, chewing tobacco or snuff at any time, on or off-duty, and shall refrain from so doing during their entire tenure of employment with the County. Those employees who occupy similar classifications and who are covered by the Virginia Heart and Lung Act, including volunteers or auxiliary employees, and who were hired prior to February 15, 1990 shall not smoke or use any tobacco products, as stated above, during the periods they are at work. Those employees subject to the Act who are employed in the Office of the Sheriff are subject to this policy effective January 17, 1992. Those hired after January 17, 1992, shall not use tobacco products on or off duty, and those hired before such date shall refrain during periods they are at work.

b. EMT-Paramedic and EMT Intermediate Certifications. Each released and practicing advanced life support provider assigned to the Department of Fire and Life Safety, shall maintain their ALS certification (EMT – Paramedic or EMT – Intermediate in the Commonwealth of Virginia unless authorized, in advance by the Fire Chief, to relinquish the certification or allow it to lapse. Failure to maintain Virginia Advanced Life

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Support certification and Department Operational Medical Director authorization to practice, without the approval of the Fire Chief, shall be cause for discharge from County employment.

c. EMT- Basic Certification. Each firefighter and officer must have, at a minimum, Emergency Medical Technician - Basic (EMT – B) certification or obtain such certification during the first 12 months of employment. Failure to maintain EMT – B certification and local Operational Medical Director authorization to practice shall be cause for discharge from County employment.

Section 14-21: Residency Requirement

Department Directors, Deputy County Administrators, the Fire Chief, and any other employees at the department director pay level or above are required to maintain residency in the County as a condition of employment. The details and the timing of the requirement will be stipulated in the offer of employment letter. Exceptions may be considered for those in pay grades below the Deputy County Administrator level based on hardship and/or extenuating circumstances.

Section 14-22: Personal Appearance

A neat professional appearance is a requirement of employment and it is expected that all employees will exercise good judgment and dress appropriately for their jobs.

Section 14-23: United Way Campaigns

As a corporate citizen, the County recognizes the local annual United Way campaigns and the United Way managed campaign called the Combined Public Service Campaign (CPSC). The County allows employees to be solicited and participate on a voluntary

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basis. By including the CPSC campaign, employees may make contributions to agencies whether or not they are a member of the United Way agencies. Payroll deductions are authorized for the purpose of fulfilling a pledge. No other charitable contribution may be paid through payroll deductions, unless authorized by the County Administrator.

Section 14-24: Solicitations

The solicitation of County employees on County property for fund raising activities may be allowed with the approval of the County Administrator. However, such activities may not detract from the employee's work performance nor be disruptive to the workplace.

It is the responsibility of department heads and other managers/supervisors to monitor work performance and use appropriate discretion in allowing employees to use work time for non-profit fund raising activities. If these efforts are taking employees away from their jobs for extended periods of time and impacting negatively on work performance, it is the supervisor's responsibility to refocus efforts on work performance.

Under no circumstances shall an employee be required or obligated to contribute to any solicitation request.

Section 14-25: Employee Discounts/Offers

Periodically, local businesses and organizations offer employees discounts towards their products and/or services. The product and service information is provided strictly for the convenience of County employees. The County does not endorse or recommend the products, services and or providers and provides no warranty either expressed or implied regarding the quality of any product service or provider. Further,

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York County assumes no liability for any damages or costs of any type arising out of or in any way connected with an employee's use of the product, services, and/or providers.

Section 14-26: Special Licensing Requirements

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

Section 14-27: Weapons Possession

Other than the Sheriff, Sheriff's deputies and officers, Animal Control Officers, and any other County employee whose official job description requires that a weapon be carried, no County employee shall carry about his or her person any weapon during work hours or while on County property, unless the carrying of such weapon is approved in writing by the County Administrator. In addition, other than the aforementioned positions, no employee shall store any weapons on County property, except for lawfully possessed firearms and ammunition kept in a locked private motor vehicle, unless such storage is approved in writing, by the County Administrator.

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

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Please refer to AD97-31: Workplace Violence Prevention, for additional information pertaining to providing a safe work environment for all County Employee.