Employee Handbook

January 2020

County of Henry
Public Service Authority

COUNTY OF HENRY/
PUBLIC SERVICE AUTHORITY

PERSONNEL POLICIES

Adopted January 21, 2020
Public Service Authority Board of Directors

Adopted January 28, 2020
Henry County Board of Supervisors

County of Henry/Public Service Authority

Code of Ethics

As a basic condition of employment, all employees have an obligation to conduct their official duties in a manner that serves the public interest, upholds the public trust and protects the County/PSA's resources. All employees have the responsibility to:

1. Perform their duties to the very best of their abilities, and in a manner that is efficient, cost-effective, and meets the needs of the public.

2. Demonstrate integrity, honesty, and ethical behavior in the conduct of all County/PSA business including but not limited to environmental compliance and reporting thereof.

3. Ensure that their personal interests do not come into conflict with their official duties, resulting in a real conflict of interest or the appearance of a conflict of interest when dealing with vendors, customers, citizens and the public doing business with the County/PSA including but not limited to bribes and inside trading.

4. Ensure that all County/PSA resources, including County/PSA funds, equipment, vehicles, and other property, are used in strict compliance with county policies and solely for the benefit of the County/PSA.

5. Conduct all dealings with the public, County/PSA employees, and other organizations in a manner that presents a courteous, professional, and service-oriented image of Henry County government.

6. Treat the public and other County/PSA employees fairly and equitably, without regard to race, color, religion, sex, national origin, age, genetic information, disability, veteran status, or any other characteristic protected by law to the impartial conduct of the County/PSA business.

7. Ensure that they do not accept any gift, favor or thing of value, which may tend to influence the discharge of their duties, or grant any improper favor, service or thing of value in the discharge of their duties.

8. Ensure that information concerning the property, government or affairs of the County/PSA is held confidential, disclosed only with proper legal authorization, and never to advance the financial or other special interest of themselves or others.

Managers and supervisors set an example for other employees and have a responsibility to ensure that their activities and decisions pertaining to community services, personnel actions, and the management of public funds are consistent with County/PSA policies and practices.

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CHAPTER 1 - GENERAL PROVISIONS

Section 1.1 Adoption of Personnel Policies

These Personnel Policies supersede all previous Personnel Policies and, having been originally adopted by the Henry County Board of Supervisors and the Henry County Public Service Authority Board of Directors and approved by the County Administrator/General Manager, apply to all County/PSA employees except those specifically excepted.

Section 1.2 Purpose and Scope of Personnel Policies

The purpose of this handbook is to set forth the personnel policies of the County of Henry/Public Service Authority in order:

1. to provide common terms and definitions for human resources administration,
2. to provide equitable conditions of employment for employees of the County/PSA; to establish and maintain uniform standards of human resources and payroll administration and
3. to aid managers and supervisors in dealing with their personnel in a fair and responsible manner.

This manual contains the primary employment policies and procedures that provide guidance to effectively manage human resources within the County/PSA. While no set of written policies can include every possible situation, these policies, when used as a whole, provide overall guidance for reasonable, consistent decision-making. The policies are intended to provide effective guidance and sufficient flexibility to allow independent judgment for making consistent, equitable decisions while ensuring accountability to the public. No member of the County/PSA administration, other than the County Administrator/General Manager, has the authority to modify any of the terms or provisions of these Personnel Policies.

The governing body of Henry County is the Board of Supervisors, which appoints the County Administrator to serve as the chief executive officer. He is responsible to the Board of Supervisors for the proper administration of all County affairs and, therefore, is responsible for personnel administration.

The governing body of the Henry County Public Service Authority (PSA) is the Board of Directors, which appoints the General Manager to serve as the chief administrative officer. They are responsible to the Board of Directors for the proper administration of all PSA affairs and, therefore, is responsible for personnel administration.

The Treasurer, Commissioner of Revenue, and Commonwealth Attorney are constitutional officers elected by the citizens of the County. Each of those officers has elected to have their employees follow the policies set forth in this Personnel Manual. The Registrar has also elected to have employees covered by these policies.

Section 1.3 Coverage

This manual shall apply to all employees of the County/PSA under the jurisdiction of the County Administrator/General Manager and to the employees of the County Treasurer's Office, Commissioner of Revenue's Office, Commonwealth Attorney's Office, Registrar, and the Martinsville-Henry County Communications Center.

When this document refers to the County Administrator/General Manager as the deciding authority, it shall also be understood to refer to the Treasurer, Commissioner of Revenue, Commonwealth Attorney, Registrar or Director of the Martinsville-Henry County Communications Center for actions relating to employees under their supervision.

These policies shall not apply to the County Board of Supervisors and the PSA Board of Directors.

Section 1.4 Policy Maintenance

Employment policies and procedures are issued and maintained by the Director of Human Resources. The policies, procedures, benefits and other programs contained in this manual, except the at-will policy, may be modified, amended, or canceled by the County and/or PSA at any time in accordance with the County/PSA policy, federal or state laws, or appropriate human resources practices, with or without notice.

Section 1.5 Ethics

The County and PSA expect employees to hold themselves and their co-workers to the highest ethical standards. Employees are expected to act and make decisions based on public service principles and organizational values to achieve positive results.

Public service principles include, and are not limited to:

1. Build trust through honesty and transparency
2. Seek no personal gain
3. Treat everyone fairly
4. Build the community through good stewardship

Keep in mind that how results are achieved is as important as the results themselves. If you use good judgment and follow high ethical principles, you will make the right decisions. However, if you are not sure if an action is ethical or proper, you should discuss the matter openly with your supervisor. If necessary, you may seek advice and guidance from many other sources including department managers, the Director of Human Resources, the County Attorney or the County Administrator/General Manager. Please carefully review the Code of Ethics outlined in the front of this manual.

Section 1.6 Employment Relationship

The County and the PSA believe that all employees, regardless of role, position, status or salary, make a critical contribution in achieving the County and/or PSA's mission. The County and the PSA are committed to providing a safe, non-discriminatory and alcohol and a drug-free workplace where employees can work in supportive relationships and interact responsibly with colleagues and citizens. Managers and employees are partners in ensuring that the citizens of Henry County receive appropriate services.

Section 1.7 Employment at Will

You became an employee of the County or PSA voluntarily and your employment is at will. "At will" means that you are free to resign at any time, with or without cause. Likewise, "at-will" means that the County and/or PSA may terminate your employment at any time, with or without cause or advance notice, as long as we do not violate any applicable federal or state law.

Virginia is an "employment at will" state and employees of the County/PSA do not have a contract of employment. Neither the policies in this manual or any other document constitutes an expressed or implied employment contract or any right to continued employment. These policies are not intended to and do not imply or create a vesting or a contract entitling County/PSA employees to any specific benefits or policies from the County/PSA. The contents of this manual and County/PSA's policies and procedures have been developed at the discretion of management and, except for the policy of employment at will, maybe amended or canceled at any time, at the sole discretion of the County/PSA. The grievance procedure and disciplinary provisions contained herein are to promote orderly and uniform administration of personnel policies and do not confer any contractual or property rights.

Section 1.8 Equal Employment Opportunity Policy

The County/PSA provides equal employment opportunities to all employees and applicants for employment and prohibits discrimination and harassment of any type without regard to race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other characteristic protected by federal, state or local laws.

This policy applies to all aspects of recruitment, employment, promotion, transfer, training, working conditions, wages and salary administration, employee benefits and application of policies.

The County/PSA expressly prohibits any form of unlawful employee harassment or discrimination based on any of the characteristics mentioned above. Improper interference with the ability of other employees to perform their expected job duties is not tolerated. Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the Director of Human

Resources. The County/PSA will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. If an employee feels they have been subjected to any such retaliation, they should bring it to the attention of the Director of Human Resources.

Retaliation means adverse conduct taken because an individual reported an actual or perceived violation of this policy, opposed practices prohibited by this policy or participated in the reporting and investigation process. “Adverse conduct” includes but is not limited to:

1. shunning and avoiding an individual who reports harassment, discrimination or retaliation;
2. express or implied threats or intimidation intended to prevent an individual from reporting harassment, discrimination or retaliation; or
3. denying employment benefits because an applicant or employee reported harassment, discrimination or retaliation or participated in the reporting and investigation process.

Complaints of discrimination should be filed according to the procedures described in the Harassment and Complaint Procedure.

Section 1.9 Americans with Disabilities Act (ADA)

The County/PSA is committed to complying fully with the Americans with Disabilities Act (ADA) and its amendments ensuring equal opportunity in employment for qualified persons with disabilities. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. When asked, we will make employment applications available in the alternative, accessible formats and provide assistance in completing the applications if necessary.

Section 1.10 Harassment and Complaint Procedure

Sexual and other unlawful harassment is a violation of Title VII of the Civil Rights Act of 1964 (Title VII), as amended, as well as many state laws. Harassment based on a characteristic protected by law, such as race, color, ancestry, national origin, gender, sex, sexual orientation, gender identity, marital status, religion, age, disability, veteran status, or other characteristic protected by state or federal law, is prohibited.

It is the County/PSA’s policy to provide a work environment free of sexual and other harassment. To that end, harassment of employees by management, supervisors, co-workers, or non-employees who are in the workplace is absolutely prohibited. Further, any retaliation against an individual who has complained about sexual or other harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated. The County/PSA will take all steps necessary to prevent and eliminate unlawful harassment.

Definition of Unlawful Harassment. "Unlawful harassment" is conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of substantially and unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment opportunities because of the individual's membership in a protected class.

Unlawful harassment includes, but is not limited to, epithets; slurs; jokes; pranks; innuendo; comments; written or graphic material; stereotyping; or other threatening, hostile, or intimidating acts based on race, color, ancestry, national origin, gender, sex, sexual orientation, marital status, religion, age, disability, veteran status, or other characteristic protected by state or federal law.

Definition of Sexual Harassment. While all forms of harassment are prohibited, special attention should be paid to sexual harassment. "Sexual harassment" is generally defined under both state and federal law as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of any individual's employment or as a basis for employment decisions; *or*
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Other sexually oriented conduct, whether intended or not, that is unwelcome and has the effect of creating a work environment that is hostile, offensive, intimidating, or humiliating to workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct that, if unwelcome, may constitute sexual harassment depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwanted sexual advances, whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comments about an individual's body, comments about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, or cartoons;
- Unwelcome leering, whistling, brushing up against the body, sexual gestures, or suggestive or insulting comments;
- Inquiries into one's sexual experiences; *and*
- Discussion of one's sexual activities.

Complaint Procedure. Any employee who believes they have been subject to or witnessed illegal discrimination, including sexual or other forms of unlawful harassment, is requested and encouraged to make a complaint. You may complain directly to your

immediate supervisor or department manager, the Director of Human Resources, the County Administrator/General Manager or any other member of management with whom you feel comfortable bringing such a complaint. Similarly, if you observe acts of discrimination toward or harassment of another employee, you are requested and encouraged to report this to one of the individuals listed above. Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment should promptly advise the Director of Human Resources or County Administrator/General Manager who will handle the matter in a timely and confidential manner.

No reprisal, retaliation, or other adverse action will be taken against an employee for making a complaint or report of discrimination or harassment or for assisting in the investigation of any such complaint or report. Any suspected retaliation or intimidation should be reported immediately to one of the persons identified above.

All complaints will be investigated promptly and, to the extent possible, with regard to confidentiality. All employees have a duty to cooperate in the County/PSA's investigation of alleged harassment. Failure to cooperate or deliberately providing false information during an investigation will be grounds for disciplinary action, up to and including termination. If the investigation confirms conduct contrary to this policy has occurred, the County/PSA will take immediate, appropriate, corrective action, including discipline, up to and including immediate termination.

Section 1.11 Anti-Fraternization

The County of Henry/PSA strongly discourages employees from dating or entering into romantic relationships with a co-worker. These relationships have the potential to cause serious problems in the workplace. They may cause morale problems, lead to claims of favoritism, discrimination, and sexual harassment, and affect the work routine and workload of co-workers.

Employees that choose to date or have social relationships with co-workers are expected to maintain their professionalism. Their level of productivity cannot be affected and public displays of affection are not acceptable while on duty, on County/PSA property, or attending County/PSA functions of any description. They should also review a copy of the County/PSA's Sexual Harassment Policy.

Manager/subordinate relationships, adulterous relationships or any relationship constituting a crime in the Commonwealth of Virginia will not be permitted and will result in disciplinary action up to and including termination of one or both parties involved.

Section 1.12 Drug-Free Workplace Policy

The County/PSA is committed to maintaining a drug-free workplace. The unlawful manufacture, distribution, dispensation, possession, or use of alcohol or a controlled substance in the workplace is specifically prohibited. Details on the implementation of this policy are included in Section 7.2 of these policies, and drug-alcohol testing guidelines are

included in Section 7.3.

Violation of this policy is a serious offense and will be subject to disciplinary action up to and including termination of employment.

Section 1.13 Workplace Violence and Safety Policy

The County/PSA has a zero-tolerance for workplace violence. The County/PSA does not condone and will not tolerate aggressive, violent or physically intimidating behavior, including verbal or non-verbal threats or related actions. Weapons of any kind (including firearms for which employees have concealed weapon permits) are prohibited on County/PSA property controlled by the County Board of Supervisors or in the possession of employees.

Managers, supervisors, employees, customers, and visitors are encouraged to report all such conduct.

No employee will be subject to reprisal or retaliation for reporting such conduct**.** All employees and supervisors have a duty to cooperate in the County/PSA's investigation of the alleged violation of this policy. Failure to cooperate or deliberately providing false information during an investigation will be grounds for disciplinary action, up to and including termination.

Any individual who retaliates against an employee because the employee made a report is subject to immediate and appropriate disciplinary action, up to and including termination.

Any individual who engages in this type of conduct may be subject to individual civil and criminal penalties.

Section 1.14 Whistleblower Policy

The Board of Supervisors/Directors encourages its employees to disclose improper governmental action. Employees may report it to their supervisors, Board of Supervisors/Directors or appropriate governmental agency.

No adverse personnel action will be taken against a County/PSA employee in retaliation for any lawful disclosure of information on a matter of public concern to a public body, which information the employee, in good faith, believes evidence: (1) a violation of any law, (2) mismanagement, (3) gross waste or misappropriation of public funds, (4) a substantial and specific danger to public health and safety or (5) an abuse of authority, collectively referred to as "alleged wrongful conduct". Alleged wrongful conduct does NOT include personnel actions involving employee grievances and related complaints.

No supervisor, department/division manager or any other employee with authority to make or materially influence significant personnel decisions shall take or recommend any adverse personnel action against an employee in retaliation for disclosing alleged wrongful

conduct to a public body. Any employee found to have violated this policy shall be disciplined up to and including termination. This policy applies only to employees acting in good faith.

CHAPTER 2 - EMPLOYMENT

Section 2.1 Pre-Employment Recruitment and Application Procedures

The Human Resources Department develops and maintains effective recruitment procedures that attract candidates who possess the education, skills, and abilities to meet the current and future needs of the County/PSA. When a position is to be filled from outside of the department, the department manager will notify the Director of Human Resources of the need to advertise the position and seek qualified applicants for employment. No person will be hired or promoted into a position unless that position is a funded vacant position as approved by the County Administrator/General Manager.

Vacant positions may be filled by recruitment from inside and/or outside sources as determined appropriate in coordination with the selecting department manager or designee. Vacancies may also be advertised with the local Virginia Employment Commission, newspapers, electronic media, other government agencies, journals or other appropriate sources. All posted position vacancies can be viewed online at any time at www.henrycountyva.gov/Jobs.

When a vacancy occurs or the Board approves a new position, normally, vacancies shall be advertised concurrently internally and externally and posted for a minimum of ten (10) days. Applications will be accepted only for posted positions. However, high turnover positions may remain continuously under recruitment in order to maintain pools of qualified candidates and to quickly fill such positions as vacancies occur. The County/PSA supports cross-training and promotion from within when appropriate and internal applications will be considered first. If no internal application is selected to fill the position, outside applicants will be considered. Positions are posted on the bulletin board located on the first floor and second floor of the County Administration Building. Managers at each other work site are responsible for posting notices of vacancy at their facility.

In the interest of public welfare and safety, before an employment offer can be extended, an applicant must be able to perform the essential functions of the job with or without reasonable accommodations. Medical examinations may be required depending on the duties of the position. The application process may also include examinations such as personal reference checks, criminal history, child abuse registry, alcohol and drug testing, skill testing, written examinations, personal interviews, and other testing as determined appropriate and lawful. If other testing is determined to be appropriate, in such case, all applicants for that position will be administered the same test uniformly.

Some positions require the operation of a County/PSA owned motor vehicle as a function of the job. Applicants may be required to provide a copy of their valid driver's license and Division of Motor Vehicles driving record, and where necessary, a copy of the applicant's Commercial Driver's License. Employees must report any restrictions, limitations, or loss of their driving privileges to their supervisor.

Applicants will be required to grant permission to County/PSA personnel to conduct background investigations and state criminal history checks not to violate any federal or state equal opportunity law or regulation. All applicants for County/PSA employment will be informed of the County/PSA's Drug-Free Work Place Policy Section 7.2 and will be required to undergo a drug screen upon offer of employment and prior to final appointment. Due to the length of time required to complete certain background investigations, a conditional offer of employment may be extended, subject to the successful completion of the investigation.

The County/PSA does not discriminate unlawfully against persons who have been convicted of criminal offenses. A prior conviction does not automatically exclude an applicant from employment with the County/PSA. The nature and the offense of a past conviction are weighed and considered in relation to the duties of the vacant position.

Department/division managers will review applicants for vacant positions in their department and will make recommendations for employment to the Director of Human Resources. The Director of Human Resources will review the department/division manager's decision and check references on the selected applicant. The Director of Human Resources will then present the information to the County Administrator/General Manager for final approval.

Section 2.2 Hiring of Relatives

The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

Relatives of persons currently employed by the County/PSA may be hired only if they will not be working directly for or supervising a relative; they will not occupy a position in the same line of authority within the organization or work in the same department as another relative. This policy applies to any relative, higher or lower in the organization, who has the authority to review employment decisions. County/PSA employees cannot be transferred into such a reporting relationship.

In cases where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment.
For the purposes of this policy, a relative is defined as spouse, child, parent, sibling, grandparent, grandchild, corresponding in-law, step relation or any member of the employee's household.

All requests to hire a relative of a current County/PSA employee must be submitted to the County Administrator/General Manager with documentation to support this request documenting that merit selection procedures were followed. Final approval must be given by the County Administrator/General Manager prior to all relative hires.

Section 2.3 Immigration Law Compliance

The Henry County/PSA is committed to employing only people who are United States citizens or who are aliens legally authorized to work in the United States. We do not illegally discriminate because of a person's citizenship or national origin.

Because we comply with the Immigration Reform and Control Act, every new employee is required, within three (3) days of beginning work, to complete the Employment Eligibility Verification Form I-9 and show documents that prove identity and employment eligibility to work in the United States.

Section 2.4 Employment of Virginia Retirement System (VRS) Annuitants

Any individual receiving a VRS annuity retirement may not be employed in any full-time position unless they agree to suspend the VRS benefit payments for the duration of the employment with the County/PSA.

Section 2.5 Employment Age Requirements

Persons under the age of 16 shall not be employed in full-time or part-time positions. The employment of persons under the age of 18 shall conform to Virginia labor laws governing the employment of minors. Sworn Public Safety employees holding full-time positions must be at least 21 years of age.

Section 2.6 Introductory Period

The introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The County/PSA uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or the County/PSA may end the employment relationship at will at any time during or after the introductory period, with or without cause or advance notice.

All new employees work on an introductory basis for the first 6 months after their date of hire. Employees who are promoted or transferred within the County/PSA must complete a second introductory period of the same length with each reassignment to a new position. Any significant absence will automatically extend an introductory period by the length of the absence.

With the approval of the County Administrator/General Manager, the appropriate department/division manager may extend the introductory period by an additional period not to exceed six (6) months or not more than twelve (12) months from the initial date of hire. If the introductory period is extended, the employee will be evaluated at the end of nine (9) months and twelve (12) months. At the conclusion of twelve (12) months, the employee will either be terminated or have their status changed to regular, part-time, or temporary.

A performance evaluation will be conducted at the end of the six months (and maybe done earlier if deemed appropriate by the supervisor). Upon satisfactory completion of the initial introductory period, full-time employees enter the “regular” employment classification. Receiving satisfactory completion of the introductory period and being granted regular employment status does not constitute a guarantee of continued employment.

At the conclusion of the introductory period, the employee’s rights and privileges shall be calculated from the original date of hire. Benefit eligibility and employment status are not changed during the second introductory period resulting from a promotion or transfer within the County/PSA.

Section 2.7 Types of Employment

The word "position" as used below is defined as a position included in the Classification and Pay Plan adopted by the Board of Supervisors/Directors.

Regular Employee - A person hired to fill a full-time position working thirty-five (35) or more hours on the County/PSA staff who has successfully completed the introductory period. Regular employees are eligible to receive County/PSA benefits.

Introductory Employee - A person employed less than six months in a full-time position, or one who is employed less than 12 months in an extended introductory period. These employees are eligible for benefits but not paid vacation or sick leave benefits until they have successfully past their introductory orientation.

Part-Time Employee - A person whose normal workweek is less than 30 hours per week. Part-time employees are not eligible for benefits. (Note: Part-time employees hired before November 1, 2010, who were approved for part-time benefits are grandfathered to receive vacation and sick leave proportionate to the amount of time worked).

Temporary Employee - A person hired to fill a position for a specified length of time, which is less than one year; the position may be either full-time or part-time. Temporary employees are designated as hourly and are paid for hours actually worked. These positions are not included in the County/PSA’s pay plan and are paid an hourly rate as appropriate. Employees in temporary positions are not eligible for any benefits.

Intern - A student hired to accomplish specific work assignments for a limited period of time, usually 3 - 6 months.

Appointees of Board of Supervisors/Directors - The County Administrator/General Manager and County/PSA Attorneys are directly appointed by and serve at the pleasure of the Board of Supervisors/Directors. The employment relationship between these two positions and the Board of Supervisors/Directors is detailed in the Code of Virginia.

CHAPTER 3 - EMPLOYEE COMPENSATION

Section 3.1 Compensation

The mission of the employees of the County/PSA is to deliver services to County residents, workers and visitors in an efficient, effective and equitable manner and to build a stronger community. The goal of the County/PSA's compensation program is to attract, reward and retain employees that are fully able to deliver services at acceptable levels.

County/PSA employees are covered by a Classification and Pay Plan adopted by the Board of Supervisors/Directors. Each person hired to fill a position included in the Plan will be assigned to the salary step and grade defined in the adopted schematic list of classes and assignment to salary grade. Rates of pay established are gross and total compensation for full-time service.

The County/PSA reserves the right to make changes in the classification system and to adjust compensation both of an individual employee if the duties have increased or decreased to the extent that a different classification is required, as well as of classes, groups, or all employees due to periodic market-place or wage and salary surveys. The County/PSA also reserves the right to make minor changes in job descriptions or titles without affecting the position classification.

County/PSA employees may be eligible for annual merit increases based upon outstanding and meritorious service as evidenced by their performance evaluation. All merit increases and/or across-the-board cost of living increases are subject to the Board of Supervisors'/Directors' approval of funding in the Annual Fiscal Budget.

Section 3.2 Overtime Compensation

The County/PSA's overtime policies comply with those established under the Fair Labor Standards Act or (FLSA). The Fair Labor Standards Act does not limit the number of hours that an employee may work. It simply requires that overtime pay must be paid at a rate of not less than one and one-half times a non-exempt employee's regular rate of pay for each hour worked in a workweek in excess of the forty (40) per week.

Each job classification is given the status of either "exempt" or "non-exempt" according to the FLSA. The job classification status is used to determine eligibility for overtime compensation when more than forty (40) hours are worked in a week. To be considered exempt from overtime compensation, an employee's job duties must fit into a specific category as determined by the Fair Labor Standards Act. Job titles do not determine exempt status. In order for an exemption to apply, an employee's specific job duties and salary must meet all the requirements of the regulations. Those employees whose job duties do not fall into these categories are classified as non-exempt and are eligible for overtime compensation for hours worked beyond the threshold established by the FLSA. The County Administrator/General Manager shall determine the status of each employment position through established FLSA guidelines.

In order to meet the business needs of the County/PSA, an employee may be required to work beyond the daily or weekly work schedule, or to return to work after leaving the work site for the day. The policy of the County/ PSA, in compliance with the FLSA, is that all non-exempt employees receive compensation at the rate of one and one-half times the regular hourly rate for hours worked in excess of forty (40) hours per workweek.

Department managers will arrange and control the work schedules in their department so that, to the extent possible, the required work will be accomplished without overtime. No overtime is to be worked except as authorized by the department manager or designee. Department managers with the exception of emergency situations must approve all overtime.

The County/PSA realizes that holidays are generally outside the control of the employee. Therefore, the County/PSA provides a more generous benefit than is required by law and will treat holidays as regular hours worked when computing the forty (40) hour workweek; the employee will receive compensation at the rate of one and one-half times the regular hourly rate for hours worked in excess of forty (40) hours.

Additional details on the County/PSA's procedures for compliance with the Fair Labor Standards Act are available from the Director of Human Resources.

Section 3.3 On-Call Compensation

The nature of the County/PSA business requires that certain employees be scheduled to perform stand-by or on-call work during off duty hours, weekends and holidays. The purpose of the on-call duty is to have personnel available to promptly respond to water line breaks and other emergencies. Normally, employees are assigned the additional duty of "on-call" status on a weekly basis. It is the policy of the County/PSA to provide compensation to these employees in addition to their regular pay rates. This compensation will be as follows:

A. Each employee scheduled to serve "on-call" will receive 8 hours pay at their current hourly rate for each calendar week of "on-call" duty. Should an employee be required to serve "on-call" duty for less than one calendar week, they will receive one hour pay at their current hourly rate for every 24 hours of "on-call" duty.

B. For each call answered by an employee during off duty hours, weekends and holidays, the employee will receive compensation for a minimum of 1.5 hours work at their current hourly rate of compensation. Should another call be received during the minimum call period which requires a response, the employee will be compensated for total hours worked at 1.5 times their current hourly compensation, but in no case will they be paid less than 1.5 hours work.

On occasion, the County/PSA will have emergencies that require employees to work extremely long hours. In such instances, the following compensation rules will apply:

A. A non-exempt employee responding to a call or emergency during the hours from 12:00 midnight until 7:00 a.m. will be compensated at 1.5 times their hourly compensation for each hour or portion thereof worked during this period.

B. If an employee is required to work continuously for a period of longer than 12 hours, they will be given up to 5 hours rest at regular pay.

C. On-call personnel who work three or more hours after 11:00 p.m. will be given up to 5 hours rest at regular pay.

D. Employees must actually take rest time in order to receive compensation.

All compensation paid pursuant to this section requires the concurrence of the department/division manager and County Administrator/General Manager.

Section 3.4 Salary Payment and Payroll Deductions

It is the County/PSA's policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that employees are paid properly for all time worked and that no improper deductions are made, each employee must complete appropriate records regarding time worked and leave taken.

County/PSA employees are paid twice each month on the 15th or the last working day before the 15th and the last working day of the month. With the exception of overtime and leave time, no wages are held behind. Overtime will be paid on the following pay period. All payrolls will be processed by Direct Deposit.

Deductions from an employee's payroll will be made for state and federal withholding taxes, FICA taxes, and the employee's share of the cost of medical and life insurance coverage. No deduction will be made prior to the notification of the employee.

Also, the employee may elect to have the following items deducted from their payroll: contributions to the United Way, contributions to a deferred compensation program approved by the Board of Supervisors/Directors, and premiums for optional voluntary insurance products approved by the County Administrator/General Manager.

Section 3.5 Errors in Pay

The County/PSA makes every effort to ensure pay accuracy. Each employee shall review their direct deposit statement when received to make sure that the pay is correct. Occasionally, inadvertent mistakes may happen. In the event that a mistake does occur, employees are encouraged to notify their supervisor and/or Finance so that prompt corrections can be made.

In addition, as outlined above in Section 3.2, it is the County/PSA policy to comply with the

salary basis requirements of the FSLA. Therefore, all County/PSA department managers are prohibited from making any improper deductions from the salaries of exempt employees. We want employees to be aware of this policy and to understand that the County/PSA does not allow deductions that violate the FLSA.

If an employee believes that an improper deduction has been made to their salary, they should immediately report this to their direct supervisor or to the Director of Human Resources.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for such improper deduction.

CHAPTER 4 - EMPLOYEE BENEFITS

The County/PSA offers a variety of benefits, which combined with an employee's direct salary, establishes a total compensation package that helps to attract, reward and retain employees that are fully able to deliver services at acceptable levels. In addition to the benefits outlined within this chapter, paid time-off benefits are outlined in Chapter 5, "Attendance, Holidays and Leave Policies." Conditions or circumstances may require that the County/PSA make changes, additions or deletions in its benefits program as appropriate. This chapter and benefits policies do not guarantee current or future benefits unless required by federal and/or state law.

Section 4.1 Insurance Coverage

Health/Dental/Vision

The County/PSA makes available to its regular and introductory employees a variety of health-related benefits. Employees who enroll in these programs will receive information that explains the programs in detail, the benefits provided and the monthly premiums, if applicable. The County/PSA reserves the right to negotiate policies for such coverage for its employees annually. The County/PSA and the employee will share the cost of this coverage. The amount that the County/PSA will contribute will be determined annually as a part of the budget approval process. If the employee desires to carry this coverage on their family, they may do so at their own expense. Details on the current policies are available from the Director of Human Resources. Unless otherwise permitted, employees have an opportunity to add or drop coverage only once a year during open enrollment unless a valid family status change occurs as described below under the Section 125 Benefit Plan.

Employees may be eligible for retiree health insurance and continue coverage under the County/PSA health insurance plan if they meet certain eligibility requirements as outlined below:

1. Participated in the County/PSA's health insurance plan for three (3) full years prior to retirement, and
2. Be eligible for regular or disability retirement under the rules and regulations of the Virginia Retirement System (VRS) and
3. Have 15 years of employment with Henry County/PSA or have at least 15 years of VRS creditable service.
4. Once a retiree turns 65 or becomes eligible for Medicare due to disability, they must come off the County/PSA's health insurance plan.
5. Once a spouse of a retiree turns age 65, they must come off the plan even if the retiree is not age 65.
6. Once a retiree becomes age 65, but their spouse is not age 65 yet, the retiree must come off the plan and the spouse can be offered COBRA continuation.
7. The retiree and/or spouse is responsible for the cost of health insurance.

Section 125 Benefit Plan

The County/PSA has established a Section 125 Benefit Plan that allows employees to save taxes on the money employees pay toward certain group sponsored benefit insurance premiums. Employees' insurance premiums are automatically deducted from their salaries before taxes are taken out unless the employee waives their pre-tax status and desires not to receive this benefit. Taxable income is reduced by the amount contributed, so employees pay less in taxes and have more take-home pay.

The IRS requires that an employee experience a valid "family status change" in order to adjust the amount of their pre-tax amount. Valid family status changes, as defined by the IRS, include:

1. Marriage, divorce or legal separation
2. Death of spouse or dependent
3. Birth, adoption or change in legal custody for dependent children
4. Employment or termination of employment of the spouse
5. Employee or spouse changes from full-time to part-time
6. Dependent loses eligibility or becomes eligible
7. A significant change in the cost or coverage attributable to a spouse's employment
8. An employee or spouse takes an unpaid leave of absence.

If an employee wishes to make a change to health, dental or vision coverage, they must complete and sign appropriate paperwork within 30 days of one of the valid family status changes listed above.

Employees also have an opportunity to add or drop coverage once a year during open enrollment.

COBRA - Benefits Continuation

The Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) requires most employers who sponsor group health plans to offer covered employees and their families the opportunity to extend their health coverage in the event of loss of coverage. Under COBRA, the employee or beneficiary pays the full cost of coverage at the County/PSA's group rates plus an administration fee. To be eligible to continue coverage, certain circumstances called "qualifying events" must occur.

Qualifying Events - Coverage may be continued for the employee, spouse and dependent child(ren) up to 18 months due to the employee's:

- Reduction of Hours (strike, layoff, leave of absence, full-time to part-time)
- Voluntary Termination of Employment
- Involuntary Termination (for any reason other than gross misconduct)
- Employees called to active military service may continue employer-provided health coverage for up to 24 months.

Qualifying Events (Spouse and/or Child(ren) - Coverage may be continued up to 36 months as a result of:

- Death of covered employee
- Divorce or legal separation
- Loss of "dependent child" status under the plan
- An employee entitled to Medicare

Qualified beneficiaries, including the employee's covered spouse or dependent child(ren), have the right to elect to continue coverage under the same terms and conditions in effect immediately before the qualifying event. If the plan or benefits are subsequently modified for all active plan members, they will be modified for the qualified beneficiaries as well. Special rules for disabled individuals may extend the maximum periods of coverage. In no event will coverage continue beyond 36 months from the date of the original qualifying event.

Under the law, a qualified beneficiary must notify the health plan administrator when a dependent becomes ineligible for coverage for any reason (e.g., divorce, legal separation, aging out, marriage, etc.) Employees should contact the Human Resources Department for more information about the benefits and eligibility criteria under COBRA.

Basic Group Life Insurance

All regular and introductory employees are eligible for the County/PSA's basic group life insurance plan. The life insurance plan is administered by the Virginia Retirement System (VRS). Coverage for death due to natural causes is two times the annual base salary, rounded up to the nearest thousand dollars. The accidental death benefit is four times the annual salary. The County/PSA, as a benefit to its employees, currently pays the entire cost for the basic group life insurance plan**.** Details on this coverage are available from the Director of Human Resources or Finance Department.

Optional Group Life Insurance

All full-time employees are eligible to purchase optional group term life insurance for themselves, their spouse and their children. The employee is responsible for 100% of the cost of the optional life insurance. Employees may purchase coverage in amounts of 1, 2, 3, or 4 times their annual salary. The amount of coverage available to spouses and children depends on the amount of coverage selected by the employee.

Long-Term Disability (Plan 1 & 2 Employees)

The County/PSA makes available to its regular and introductory employees group coverage for long-term disability insurance. The County/PSA pays for the Core Plan and employees have the option to purchase additional coverage through the Buy-up Plan. Details on this coverage are available from the Director of Human Resources.

Short-Term/Long-Term Disability (Hybrid Employees)

The County/PSA makes available to its regular and introductory employees group coverage for short-term and long-term disability insurance. The cost of this insurance is paid by the County/PSA.

Social Security

Employees are required to participate in the Social Security program (FICA/Medicare). The County/PSA withholds a percentage of each pay period for this purpose. The County/PSA shares equally in the cost of this program. Employees are responsible for making sure that their social security number and full name are correct. If an employee's name changes due to marriage, divorce or any other reason, the Human Resources Department and the Social Security Administration Office should be contacted so that records can be updated.

Worker's Compensation

The County/PSA will pay the cost of Worker's Compensation coverage for all employees. The Worker's Compensation Act provides benefits in the event of job-related injuries, illnesses, or death. Please see Section 5.5 for information on Worker's Compensation Leave. Further details on compensable accidents and benefits are available in the office of the Safety Manager.

Unemployment Compensation

An employee who is laid off or terminated may apply for unemployment compensation at the local office of the Virginia Employment Commission. The Commission will determine the employee's eligibility, which depends upon such factors as length of employment, the reason for separation and salary earned.

Section 4.2 Retirement

All regular and introductory employees are enrolled in the retirement program of the Virginia Retirement System based on the date of hire and are entitled to all retirement benefits afforded by that system under its terms and conditions. VRS is a State retirement system and all rules and regulations regarding contributions and retirement benefits are made by the State legislature. The County/PSA, as a member employer, must comply with all regulations as set forth by the legislature.

Plan 1 – Employees hired before July 1, 2010, and vested before January 1, 2013, and have not taken a refund.

Plan 2 – Employees hired from July 1, 2010, to December 31, 2013, and have not taken a refund. Additionally, employees are covered under Plan 2 if they were hired prior to July 1, 2010, but were not vested before January 1, 2013. Employees with enhanced hazardous duty benefits who were hired on or after July 1, 2010, are in Plan 2, even if their hire date is

after December 31, 2013.

Hybrid – Employees hired on or after January 1, 2014.

Details concerning the Virginia Retirement System and all VRS plans are covered in the Handbook for VRS Members, available from the Director of Human Resources, and available online at www.varetire.org.

Section 4.3 Deferred Compensation

The Deferred Compensation Plan is an individual income investment plan authorized by Section 457 of the Internal Revenue Code, which can be used as a supplement to retirement plans and Social Security. This plan allows employees to set aside a specific percentage of taxable earnings, before taxes, in an investment of the employee's choice. The County/PSA currently allocates resources to coordinate the Deferred Compensation Plan. Details on this coverage are available from the Director of Human Resources.

Section 4.4 Employee Assistance Program

The County/PSA is concerned about the overall health and well being of its employees. Recognizing that medical and personal problems occur occasionally, which affect the employee's job performance, attendance, and attitude, the County/PSA offers to its employees the opportunity to participate in the Employee Assistance Program.

The Employee Assistance Program (EAP) provides counseling and/or referral to help the employee experiencing problems with mental illness, emotional disturbances, alcoholism, drug abuse, marital or family distress, financial difficulties, legal or other personal issues. Because the employee's job performance may be affected by marital or family problems, the services of EAP are also available to the immediate family members of regular County/PSA employees. The County/PSA strongly encourages its employees to take advantage of these services to assist them in coping with difficult circumstances.

EAP services are provided locally at a site outside the workplace. Any regular employee who is experiencing difficulty may participate in the program by calling and identifying themselves as a County/PSA employee. Strict confidentiality of all information of a personal nature will be observed by EAP, and the County/PSA will not be notified when an employee or family member contacts EAP directly.

If a supervisor recognizes that an employee may be experiencing difficulty, they may suggest to the employee that they participate in EAP before the problem begins to affect their job performance. In this way, declines in job performance may be averted by participation in EAP.

Each employee is ultimately responsible for maintaining acceptable job performance and should make the decision to seek assistance when a personal problem threatens or begins to affect their work. However, if an employee's job performance does begin to decline as a

result of medical or personal problems, the supervisor may make the decision to refer the employee to EAP. In such a case, it is the employee's responsibility to accept help to restore their job performance. If the employee is offered the opportunity to participate in EAP as an alternative to disciplinary action, it is the employee's responsibility to accept assistance. (Please see Section 7.4 concerning County/PSA referrals of employees to EAP.)

Section 4.5 Uniform and Safety Apparel

The County Administrator/General Manager may require that certain employees wear uniforms and the Safety Manual specifies what safety apparel employees must wear. In such instances, the County/PSA will pay the cost of uniform rentals or safety apparel acquisitions. In instances where the County Administrator/ General Manager does not require uniforms or safety apparel, the employee may elect to have the cost of such items payroll deducted. The County Administrator/General Manager establishes an annual allotment to be spent for safety shoes per employee where they are required. Should an employee select shoes that exceed this allotment, the additional costs will be payroll deducted.

Section 4.6 Other Benefits

Voluntary Supplemental Benefits

At the County/PSA's discretion, other supplemental benefits such as additional short-term disability coverage, cancer insurance, etc. may be available to employees. Supplemental benefits are offered through a third party and are not a part of the County/PSA's standard benefits program. However, the County/PSA offers the convenience of pre-tax and after-tax payroll deductions, as appropriate, for these supplemental programs.

Virginia State Credit Union/ValleyStar Credit Union

Credit Unions are non-profit financial agencies that support the financial needs of individuals. All County/PSA employees and their immediate family members are eligible to become members of the Virginia Credit Union and local credit unions. The credit unions, among other services, provide low-interest loans to members. Share accounts are also available and employees may arrange to have money deducted automatically from their paychecks for deposit in their Credit Union account.

YMCA Membership

County/PSA employees may join the local YMCA and have their dues paid through payroll deductions. Employees currently do not have to pay an initiation fee and they receive a 9% discount in the membership fee.

CHAPTER 5 - PAID TIME OFF AND LEAVE POLICIES

Section 5.1 Normal Work Hours

The offices in the County/PSA Administration Building will be open from 8:00 a.m. through 5:00 p.m., Monday through Friday. Employees will generally work forty hours per week. Constitutional Offices have varying work hours and workweeks.

Employees in the Public Safety Operations Division follow a 28-day workperiod as permitted by the Federal Fair Labor Standards Act (FLSA).

Section 5.2 Holidays

Definition - Holiday leave is authorized absence from work without loss of pay in recognition of certain holidays, as listed below. On occasion, the Board of Supervisors/Directors may grant additional leave in conjunction with a holiday.

Eligibility - All regular and introductory employees will be paid at their normal rate of pay for all holidays authorized herein. Employees in the following departments are not eligible for holidays due to the schedule required to perform those jobs: PSA Treatment Division, County Refuse Department, Public Safety's Operations Division, and the Communications Center. Those employees receive additional hours of vacation accrual annually in lieu of holidays. See Section 5.3 for exact accrual tables.

Schedule of Authorized Holidays

1. New Year's Day
2. Martin Luther King, Jr. Day (third Monday in January)
3. George Washington Day (third Monday in February)
4. Memorial Day (last Monday in May)
5. Juneteenth (June 19)
6. Independence Day
7. Labor Day (first Monday in September)
8. Columbus Day (second Monday in October)
9. Election Day (Tuesday following first Monday in November)
10. Veteran's Day
11. Thanksgiving Day (fourth Thursday in November)
12. Day after Thanksgiving
13. Christmas Day
14. Any additional time appointed by the Commonwealth of Virginia, Henry County Board of Supervisors, Public Service Authority Board of Directors.

Holidays Which Fall on a Weekend - When one of the above holidays occurs on a Saturday, the preceding Friday shall be observed as the holiday. If the holiday falls on Sunday, the following Monday will be observed as the holiday.

Work Required on a Holiday - Non-exempt employees who are required to perform emergency work on a holiday will be paid at a rate of one and one-half times their hourly rate for all hours in excess of 40 hours (excludes employees in the PSA Treatment Division, County Refuse Department, Public Safety's Operations Division, and the Communications Center).

If an exempt employee is required to work on a holiday under one of the following conditions, that employee will be credited with an equal number of hours of holiday leave so that they may take the holiday off at a future date. In each case, the department/division manager must certify that the hours worked fall into one of the following categories.

1. Emergency Situation - Employees who are on-call and who are requested to respond to an emergency situation on a holiday.

2. County/PSA-Scheduled Event - Employees who work at a County/PSA sponsored function scheduled on a holiday (not including any routine activities; limited to unique events related to the observance of the holiday.)

When a holiday falls within a vacation or paid sick leave period, it will be counted as a holiday and not against vacation and/or sick leave credits. However, if the employee is on an unpaid leave of absence and has exhausted all accrued leave, they will not receive holiday pay for any holiday hours in that workweek.

Section 5.3 Vacation

Definition - Vacation leave is authorized absence from work for vacation or other personal reasons without loss of pay.

Eligibility - All regular employees are eligible for the provisions of vacation leave as described herein. Part-time employees are not eligible for accrued vacation leave unless hired before November 1, 2010, and grandfathered. Introductory employees are not eligible to take vacation leave; however, at the completion of the introductory period, their leave credits are calculated from the beginning date of employment. Although a temporary employee does not accrue vacation, if their status should change to a regular employee, their leave credits will be calculated from the beginning date of employment, up to six months, proportionate to the amount of time worked.

Rate of Accumulation - Vacation leave credits are accrued at the following rates*:*

County/ PSA Regular Employees

Years of Service	Rate of Accrual
0 through 5	12 days per year
5 through 10	15 days per year
10 through 15	18 days per year
15 + years	20 days per year

Maximum accumulation/carryover – 30 days (240 hours)

Public Safety Operations Division, PSA Treatment & Communications Center Employees

Years of Service	Rate of Accrual
0 through 5	25 days per year
5 through 10	28 days per year
10 through 15	31 days per year
15 + years	33 days per year

Maximum accumulation/carryover – 43 days (344 hours)

Refuse Department Employees

Years of Service	Rate of Accrual
0 through 5	22 days per year
5 through 10	25 days per year
10 through 15	28 days per year
15 + years	30 days per year

Maximum accumulation/carryover – 40 days (320 hours)

Refuse Department employees observe Thanksgiving Day, Christmas Day and New Year's Day as paid holidays.

On December 31st of each year, the Finance's Payroll Department will calculate leave balances. If on December 31st of any calendar year an employee has accumulated more than the maximum number of vacation days as noted above, they shall become eligible for compensation in lieu of vacation time. The compensation will be computed at the rate of 25% of the employee's hourly wage rate on December 31st multiplied by the number of hours in excess of the maximum allowable days. Such payment will be made the following January.

Leave Procedures - Earned vacation leave may normally be taken when desired by the employee, but it is also subject to job requirements. The employee must complete a Request for Leave form showing the dates of their planned absence and submit it as far in advance as possible to the department/division manager for approval. No vacation leave may be taken before it is earned. When a holiday falls within a vacation period, it will be counted as a holiday and not against vacation leave credits. However, if the employee is on vacation and becomes sick, they cannot change their vacation hours to sick hours. Vacation, if approved by the department/division manager, can be taken in half-hour to full-day increments; however, all Finance Personnel are required to take a minimum of one week of consecutive vacation each calendar year.

Disposition Upon Termination - Upon termination of employment, an employee shall be entitled to compensation for 100% of their earned vacation leave. The compensation will be computed based on the employee's hourly wage rate at termination multiplied by the number of accrued vacation hours. If an employee leaves during or at the conclusion of the introductory period, no vacation leave has been earned and therefore no payment will be made.

Section 5.4 Sick Leave

Definition - Sick leave is absence from work without loss of pay that is granted to an employee who is unable to work because of illness or injury or for a medical appointment. It is not a privilege that an employee may use at their discretion but is allowed only for the following reasons:

a. Illness or physical incapacity of the employee.

b. Illness or physical incapacity of the employee's son or daughter, spouse, parents, grandparents, or another relative who lives in the employee's household.

c. Medical or dental appointments that must be scheduled during working hours.

d. Appointments for counseling/treatment through the Employee Assistance Program. These appointments will normally be scheduled outside working hours but may be scheduled during the workday when authorized by the Director of Human Resources (Section 7.4(E).

Any absences after the 5th consecutive day without a request for FMLA leave from the employee will trigger FMLA procedures from the Director of Human Resources.

Eligibility - All regular employees are eligible for the provisions of sick leave as described herein. Part-time employees are not eligible for accrued sick leave. Introductory employees are not eligible to take sick leave; however, at the completion of the introductory period, their sick leave credits are calculated from the beginning date of employment. Although a temporary employee does not accrue sick leave, if their status should change to a regular employee, their leave credits will be calculated from the beginning date of employment, up to six months, proportionate to the amount of time worked.

Rate of Accumulation - Each eligible employee shall accrue sick leave at the rate of one day for each completed calendar month of employment. The employee must work the entire calendar month to receive the one-day accrual. The maximum number of days that Plan 1 and Plan 2 employees can accumulate is 90. The maximum number of days that Hybrid employees can accumulate is 45. If on December 31 of any calendar year an employee has accumulated more than the maximum allowed days of sick leave, they shall become eligible for compensation in lieu of sick leave. The compensation will be computed at the rate of 25% of the employee's hourly wage rate on December 31 times the number of hours in excess of the maximum allowed days. Such payment will be made the following January.
Leave Procedures: To receive paid sick leave, an employee, unless prevented by serious illness or injury, must notify their supervisor or department/division manager within two hours of their scheduled time to begin work unless it is an emergency situation. In the case of a medical

appointment, the employee shall notify their supervisor as far in advance as possible. No sick leave may be taken before it is earned. Obvious and flagrant misuse of sick leave may constitute grounds for dismissal.

Sick Leave Bank: The County/PSA has established a sick leave bank to provide regular full-time employees with access to additional sick leave days beyond those personally accumulated in the event of extended illness because of incapacitation or disability of the employee or an immediate family member for whom the employee is the primary caregiver. Participation in the sick leave bank is voluntary. Immediate family, for purposes of the sick leave bank, is defined as spouse, parent, or child of the employee. Employees may obtain a copy of the Sick Leave Bank policy from the Director of Human Resources.

Disposition upon Termination: Upon termination of employment, an employee shall be entitled to compensation for 25% of their earned sick leave. The compensation will be computed at the rate of 25% of the number of sick leave hours accumulated to that date times the employee's hourly wage rate at termination. If an employee leaves during or at the conclusion of the introductory period, no sick leave has been earned and therefore no payment will be made.

Section 5.5 Worker's Compensation Leave

Definition - An employee incapacitated by injury or illness as defined by the Worker's Compensation Act is entitled to the benefits provided by that Act. Worker's Compensation Leave with pay shall be provided in such instances as set forth in this section. Leave under Worker's Compensation shall run concurrently with FMLA leave.

Eligibility - All employees are covered under the provisions of the Worker's Compensation Act, including part-time and temporary employees.

Financial Provisions - For not longer than 30 calendar days of necessary absence, the County/PSA will pay the employee the difference between compensation received under the Worker's Compensation Act and the full salary otherwise payable so that total payments will not exceed the normal salary for the period. Such payments by the County/PSA will not be charged against the employee's sick leave, compensatory leave, or vacation credits.

If the absence continues beyond the above limits (30 calendar days), the employee may use accumulated sick and vacation leave to continue receiving the difference between compensation paid under the Worker's Compensation Act and full salary otherwise payable. Charges against balances of the earned leave will be made in the same proportion to full days as the earned leave payments are to full pay.

While on Worker's Compensation Leave, the employee's insurance and retirement benefits will continue the same as if they were working. However, no additional sick leave or vacation leave credits will accrue for the time of the employee's absence on Worker's Compensation Leave.

Section 5.6 Family and Medical Leave

The County/PSA will comply with the Family and Medical Leave Act (FMLA), as amended. Under FMLA, the County/PSA will grant up to 12 weeks of job-protected leave during a 12-month period to eligible employees (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness). **Any absences after the 5th consecutive day without a request for FMLA leave from the employee will trigger FMLA procedures from the Director of Human Resources.**

Although FMLA leave is unpaid, during any FMLA leave, **employees are required to use all available leave time, including sick and vacation leave, concurrently with FMLA leave.** The use of paid time off during an FMLA leave of absence shall not extend the length of an employee's FMLA leave.

- To qualify for FMLA leave, an employee must meet all of the following conditions:
- Have been employed by the County/PSA for at least 12 months (need not be consecutive);
- Have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave; and
- Work at a location where 50 or more employees are employed by the County/PSA within 75 miles of that office or worksite.

Type of Leave Covered

FMLA covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. To qualify as FMLA leave, the leave must be for one of the following reasons:

- The birth of a child and in order to care for that child;
- The placement of a child for adoption or foster care and to care for the newly placed child;
- To care for a spouse, child or parent with a serious health condition;
- The employee's own serious health condition that makes the employee unable to perform their job;
- For qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active military duty, or has been notified of an impending call or order to active duty, as a member of the National Guard or Reserves in support of a contingency operation. Leave under this provision is available to help the family member manage the military family member's affairs while they are on active duty. Examples of a qualified exigency include: attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, attending post-

deployment reintegration briefings, and any additional activities not included in the other categories but agreed to by the employee and the County/PSA. Proof of the qualifying family member's call-up or active military service must be provided.

- In addition, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a member of the Armed Forces (including the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness, is entitled to up to 26 weeks of unpaid leave during a single 12-month period to care for the service member.

Spouses employed by the County/PSA are jointly entitled to a combined total of up to 12 weeks of FMLA leave for the birth and care of the newborn child, for placement of a child for adoption or foster care, and to care for a parent who has a serious health condition. Spouses employed by the County/PSA are jointly entitled to a combined total of up to 26 weeks of FMLA leave if leave is to care for a covered service member with a serious injury or illness. Leave for the birth of and care for a child or placement for adoption or foster care must conclude within 12 months of the birth or placement.

Under some circumstances, employees may take leave intermittently, which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule:

- If leave is used for birth and care or placement for adoption or foster care, the use of intermittent leave is subject to the approval of the Director of Human Resources and the County Administrator/General Manager.

- Leave associated with FMLA may be taken intermittently when medically necessary to care for a family member with a serious health condition, to care for the employee's own serious health condition, or to care for a covered service member with a serious injury or illness.

- Intermittent leave may also be taken for a qualifying exigency arising out of the active duty status or call to active duty of a covered military member.

- When intermittent leave is needed for planned medical treatment for an employee's own serious health condition or for a covered family member with a serious health condition, the employee must try to schedule treatment so as not to unduly disrupt the County/PSA's operations. The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave when the leave is planned based on a scheduled medical treatment.

Notice and Certification

In the case of illness, a certification from the attending physician or other health care provider will be required. Leave under this policy should be requested thirty (30) days in advance. Where leave is not foreseeable, or in cases where thirty (30) days advance notice is not possible, the employee must provide notice as soon as practical. Employees may also be required to provide:

- second or third medical opinions (at the employer's expense) and periodic re-certification;
- periodic reports during FMLA leave regarding the employee's status and intent to return to work; and
- A fitness-for-duty certification to show that an employee who took FMLA for their own serious health condition is able to resume working.
- Notification to their department/division manager and the Director of Human Resources of the intent to return to work, two weeks prior to the anticipated date of return, or of any medically necessary changes in the date of return.

Maintenance of Health Care Benefits and Job Protection

During FMLA leave, the County/PSA will maintain benefits provided to an employee, subject to the following provisions. If paid time off is applied during a period of FMLA leave, the County/PSA will deduct the employee portion of the benefit premiums as payroll deductions, as usual. If FMLA leave is unpaid, the employee must make arrangements with the Payroll Department to pay the employee portion of the premiums. If an employee does not pay their share of premiums during unpaid leave, coverage may lapse. If an employee does not return to work after FMLA leave, the County/PSA may require the employee to reimburse the County/PSA for the portion of the employee's benefit premiums paid by the County during the FMLA leave. An employee on leave without pay is not eligible for benefit accruals for vacation and sick leave, or holiday pay.

If the employee has not returned to active employment at the end of six months, health care coverage will terminate and the employee will be offered health care coverage through COBRA; the employee will be responsible for the full cost of the health care premium.

Upon return from FMLA leave within the 12 or 26-work week period, an employee is entitled to be restored to the same position that was held before the start of the FMLA leave, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. The County/PSA will consider an employee who is medically released to return to work but fails to either report to work or call in with a satisfactory explanation as having given a voluntary resignation.

How the Leave Year is Calculated

Except in the case of leave to care for a covered service member with a serious injury or illness, the County/PSA uses a "rolling" 12-month period measured forward from the date an employee uses FMLA leave to calculate the employee's eligibility for FMLA leave. For purposes of military caregiver leave, the eligibility period starts on the date an employee first takes leave to care for a covered service member with a serious injury or illness and ends 12 months after that date. If an eligible employee does not take all of their 26 workweeks of leave entitlement to care for the covered service member during this "single 12-month period, the remaining part of the leave is forfeited.

The employee's total FMLA leave entitlement is limited to a combined total of 26 weeks for all qualifying reasons under FMLA and military leave during a single 12-month period. For example, an employee may take 16 weeks of FMLA leave to care for a covered service member and 10 weeks of FMLA leave to care for a newborn child. However, the employee may not take more than 12 weeks of FMLA leave to care for the newborn child during the single 12-month period, even if the employee takes fewer than 14 weeks of FMLA leave to care for a covered service member.

Section 5.7 Bereavement Leave

Definition - Bereavement leave is authorized absence from work for up to three (3) days (to a total of 24 hours depending upon regular work schedule) granted to an employee in the event of a death in their immediate family (including the death of a daughter or son through miscarriage). For this purpose, "immediate family" is defined as spouse, son, daughter, current son/daughter-in-law, grandchild, father, mother, brother, sister, current father/mother-in-law, stepfather, stepmother, grandparent of employee and spouse, and any relative living in the employee's household.

Eligibility - All regular and introductory employees are eligible for bereavement leave.

Leave Procedures - An employee must contact their department/division manager to request bereavement leave as far in advance as possible and specify the length of time requested. The department/division manager may approve such a leave request, subject to final review and approval by the County Administrator/General Manager.

Financial Provisions - The employee will be paid at their regular rate of pay for up to a maximum of three (3) days without charge against other leave credits.

Section 5.8 Civil Duty Leave

Definition - Civil duty leave is authorized absence from work when an employee has been called to serve on jury duty or is subpoenaed to appear in court as a witness. This type of leave is not available to any party in a civil case or a defendant in a criminal case. Either the County/PSA or the employee may request an excuse from jury duty if, in the County/PSA's judgment, the employee's absence would create serious operational difficulties.

Eligibility - All introductory, regular and temporary employees are eligible for civil duty leave.

Leave Procedures - An employee must present the jury duty or witness summons to their department/division manager as far in advance as possible. The department/division manager may approve such a leave request, subject to final review and approval by the County Administrator/General Manager.

Financial Provisions - The employee will be paid by the County/PSA the difference between any compensation they are paid for jury or witness duty and their regular salary, for up to a maximum of two weeks. An employee is expected to report for work whenever the court schedule permits in a lengthy case. If an employee is required to serve as a witness or on a jury for longer than two

weeks, they may use vacation leave or request unpaid civil duty leave of absence for the duration. Any absence not covered by civil duty or vacation leave will be treated as leave without pay as described in Section 5.10, Leave Without Pay.

Section 5.9 Military Leave

Henry County/PSA administers its military leave policy in accordance with applicable law, including the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and the Code of Virginia.

Henry County/PSA will grant military leave to employees who require leave in order to perform service in the uniformed services, including service as a member of the organized reserve forces of any of the Armed Services of the United States, National Guard, or Naval Militia.

1. Employees shall notify their supervisor immediately when they learn of an upcoming need for military leave and shall provide a copy of the official military orders as soon as possible.

2. In accordance with state law, there shall be no loss of regular pay during military leaves of absence, except that paid leaves of absence for federally funded military duty, to include training duty, shall not exceed fifteen (15) workdays per federal fiscal year (October 1 – September 30) and except that no officers or employees shall receive paid leave for more than fifteen (15) workdays per federally funded tour of active military duty.

3. Henry County/PSA will also pay former members of the armed forces or members of the organized reserve forces of any of the armed services of the United States, National Guard, or naval militia when they are called forth by the Governor pursuant to Virginia law.

4. For the purposes of paid military leave, 15 “workdays” equal 120 hours per year. Weekends are included to the extent that they are part of an employee’s regularly scheduled work time. Whenever possible, employees should try to schedule their military leave at those times that have the least impact on the departments’ service delivery needs.

5. All other periods of military leave are unpaid. For unpaid periods of military leave, employees may – but are not required to – use any accrued vacation leave.

6. During military leave without pay, the same provisions governing unpaid leave under Section 5.10 (Leave Without Pay) shall apply. While on military leave, an employee is entitled to continued health benefits coverage under the Henry County/PSA’s health insurance plan for the employee and their dependents for up to 24 months while in the military. The employee should make arrangements with the Director of Human Resources to continue applicable benefits before going out on leave. Continuation of benefits requiring payment of premiums must be initiated by the employee.

7. Employees returning from reserve duty may take an eight (8) hour rest period between their return home and reporting to work. Where such employee returns from federally funded military duty and the eight-hour rest period required by USERRA overlaps such

employee's scheduled work shift, the employee shall receive paid military leave to the extent of such overlap, not to exceed eight (8) hours per occurrence.

An employee whose absence does not exceed five (5) years, returns or applies for reemployment in a timely manner after conclusion of service and is released from service under honorable conditions is eligible for reemployment rights and employment benefits as described under the "Uniformed Services Employment and Reemployment Rights Act of 1994" (USERRA). If an employee is eligible to be reemployed, they will be restored to the job and benefits that they would have attained if they had not been absent due to military service or, in some cases, a comparable job.

Henry County/PSA is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the Henry County/PSA policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised their rights under applicable law or this policy. If any employee believes that they have been subjected to discrimination in violation of this policy, the employee should immediately contact their supervisor or the Director of Human Resources.

Section 5.10 Leave Without Pay

Definition - Leave without pay is authorized absence from work during which the employee receives no compensation. It will not be granted until all other applicable leave balances are exhausted without the consent of the County Administrator/General Manager. It will not be granted for the purposes of vacation.

Eligibility - A regular employee may request leave without pay; however, such leave is not automatically granted. The County Administrator/General Manager based on a number of factors, including anticipated workload and staffing requirements during the proposed period of absence will evaluate each request.

Leave Procedures – Leave without pay may be granted by the County Administrator/General Manager at the request of the employee, or it may be imposed by them during a temporary reduction in workload or requirements or as a disciplinary suspension (see Section 7.7). Any leave without pay exceeding two (2) months shall be approved in advance by the Board of Supervisors/Directors. An employee returning from leave without pay during or at the end of the period for which it was granted may return to the same position, if it is available, or to a similar available position for which the employee is qualified. However, the County/PSA cannot guarantee reinstatement in all cases. If they fail to return at the conclusion of the period for which the leave was granted, they shall be treated as having resigned from County/PSA employment.

Financial Provisions - The employee will receive no pay during such leave. Also, no sick leave or vacation leave credits will accrue during the absence. If the employee wishes to pay the County/PSA share of the costs to continue other fringe benefits (such as group insurance coverage) during the absence, they may do so if allowed by the individual insurance carriers;

otherwise, no such fringe benefits will be provided by the County/PSA during that time. When the employee returns from leave without pay, the County/PSA according to the terms, conditions, and limitations of the applicable plans will again provide benefits.

Section 5.11 Administrative Leave

Definition - Administrative leave is approved absence from work during work hours authorized by a supervisor, with the concurrence of the Director of Human Resources, in circumstances in which the best interest of the County/PSA may require that the employee be temporarily relieved of duty. Such situations may include, but are not limited to, the initial appointment for an employee referred to the Employee Assistance Program by the County/PSA (Section 7.4(C); or a waiting period involved with the implementation of the drug-free workplace policy or drug/alcohol screens (Sections 7.2 and 7.3).

Eligibility - Any County/PSA employee may be placed on temporary administrative leave.

Financial Provisions - An employee placed on temporary administrative leave will be compensated at their normal rate of pay.

CHAPTER 6 - EMPLOYEE DEVELOPMENT AND AWARDS

Section 6.1 Educational Assistance

The County/PSA encourages employees to improve job-related skills and to pursue educational opportunities for advancement. Subject to the availability of funds, the County/PSA will pay the cost of tuition and books at approved institutions (such as Patrick Henry Community College and The New College). The maximum amount of educational assistance offered to any employee in one fiscal year will be determined annually during the budget preparation. This policy is subject to the following regulations:

1. All regular County/PSA employees under the County Administrator/General Manager are eligible for this benefit. However, funding should be provided for in the department budget.

2. If the employee leaves County/PSA employment within 12 months of completion of the course, they must repay or have deducted from their salary the amount that the County/PSA contributed to the course.

3. The employee must submit a request for educational assistance prior to enrollment in the course. The request must be endorsed by the department/division manager and submitted to the Director of Human Resources for approval. The Director of Human Resources will determine whether the proposed course meets the criteria of job-related.

4. Educational assistance is offered to regular full-time employees who attain a grade of “C” or better for undergraduate courses and a grade of “B” or better for graduate-level courses. Employees must submit documentation of the grade achieved within 30 days of receipt of grade to the Director of Human Resources.

5. The maximum educational assistance available to any employee in one fiscal year will be determined annually during the budget preparation process.

6. Courses should be scheduled outside the employee's normal work hours. Employees who take a course during their normal work hours must receive prior approval from their department/division manager and the Director of Human Resources.

Contact the Director of Human Resources for additional information on educational assistance.

Section 6.2 Length-of-Service Awards

In order to build employee morale, to give recognition and show appreciation for long-term faithful service, and to strengthen employees' feelings of being part of the County/PSA government, the County/PSA adopted this awards program for all full-time regular employees of the County/PSA.

Service awards shall be presented in recognition of employment in five-year increments. Monetary

awards will be based on ten dollars ($10.00) per year of service, as follows:

Years of Service	Monetary Award
5	$50 and County/PSA Pin
10	$100
15	$150
20	$200
25	$250
30	$300
35	$350
40	$400
45	$450

The Director of Human Resources will compile each December, a list of employees who have reached a five-year increment. A dinner will be held in the first quarter of the next year to honor employees who have reached one of the above increments. The employees will receive their monetary awards at that time.

Section 6.3 Employee Advisory Committee

The Employee Advisory Committee fosters teamwork and improves communication between employees in all County/PSA Departments. The committee's mission is to improve morale among employees and to improve the image of our County government. A detailed policy and list of current members may be obtained from the Director of Human Resources.

CHAPTER 7 - PERFORMANCE AND DISCIPLINE

Section 7.1 Performance Evaluation

In order to give both employees and supervisors an opportunity to discuss job performance and areas of mutual concern, performance evaluations may be completed on all employees periodically. The goal of such evaluations is to encourage increased employee effectiveness and to foster communication and improved coordination between employees and their supervisors.

Performance evaluations should be completed at the following times:

1. At the conclusion of the six-month introductory period (and earlier in the introductory period if deemed appropriate by the supervisor.)

2. If the introductory period is extended, the performance evaluation should be completed at the end of nine months and twelve (12) months (if applicable).

As part of the evaluation process, each employee may be given an opportunity to complete a Self-Evaluation. The Director of Human Resources provides these forms. If this self-evaluation is used, the forms should be completed and returned to the department/division manager prior to completion of the evaluation.

A meeting will be held by the supervisor with each employee to personally discuss the evaluation. The employee will sign the forms indicating they have reviewed it. If the employee disagrees with any statement thereon, they may submit a written statement within ten (10) days to be attached to the review form.

The rating achieved on the performance evaluation shall determine the employee's eligibility for a merit increase if funded in the upcoming fiscal year. Employees can receive a rating from 1 to 5 on each performance area. A minimum average score of 3 is necessary to qualify for a one-step merit increase. The County Administrator/General Manager shall make the final determination of the award of all merit increases.

An employee whose performance has not been satisfactory at the time of the evaluation will be evaluated again in three months. If their performance continues to be unsatisfactory, they will again be re-evaluated in three months. Unsatisfactory job performance is grounds for dismissal or demotion to a position consistent with abilities (if such an opening exists.)

A copy of all performance evaluations will be forwarded to the County Administrator/General Manager for review and to the Director of Human Resources for filing in the employee's personnel record. Performance evaluations are confidential and made available only to the employee evaluated, their supervisor and/or department/division manager, County Administrator/General Manager and Director of Human Resources.

Section 7.2 Implementation of Drug-Free Workplace Policy

The County/PSA is committed to the safety and well-being of its employees and the public and, therefore, to the maintenance of a work environment which is free from drug and alcohol use and the unlawful possession of controlled substances on County/PSA property.

A. Definitions - With regard to the County/PSA's drug-free workplace policy, the following definitions shall apply:

1. Alcohol - Any product defined in Section 4-2 of the Code of Virginia, as amended.

2. Controlled Substance - A substance defined in Schedules I through VI of the Drug Control Act of 1970 (Section 54.1-3400 of the Code of Virginia, as amended) or in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. Section 812) or marijuana.

3. Conviction - A finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

4. Criminal Drug Statute - A criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance.

5. Drug - Any substance with the potential to produce the effects of intoxication and/or behavioral change which may adversely affect a person's ability to safely and efficiently perform their job.

B. Employee Responsibilities: As a condition of continued employment, employees are expected to comply with the County/PSA's drug-free workplace policy and report to work in appropriate mental and physical condition to do their jobs without impairment by the effects of drugs or alcohol. Specifically, an employee must:

1. Neither is under the influence of, nor have their ability to perform their job impaired by alcohol or any other drugs, whether legal or illegal, while on active duty or on call, while on County or PSA property or while off County or PSA property in an official capacity, or at any time while operating a County or PSA vehicle.

2. Not use alcohol while on duty or report to work with the odor of alcohol on their breath.

3. Not consume, use, possess, sell, buy, distribute, or offer to sell, to buy, or to distribute, or to manufacture any illegal drugs or alcohol or any substance that purports to be an illegal substance, any time during the scheduled workday, while on County or PSA property, while off County or PSA property in an official capacity, or at any time while operating a County or PSA vehicle.

4. Submit to a drug or alcohol-screening test when requested to do so by their supervisor,

as provided in the Drug/Alcohol Testing Guidelines contained in Section 7.3 of these policies.

5. Provide within twenty-four (24) hours of request a current valid prescription for any controlled substance or drug found to be in the employee's possession or identified in a positive drug screening analysis.

6. Report to their supervisor within five (5) calendar days of any arrest or conviction for violations of a criminal drug statute.

7. Report to their supervisor any knowledge of an employee that they observe possessing, distributing, or under the influence of drugs and/or alcohol.

C. Penalties for Violations - Violations of the County/PSA's drug-free workplace policy are serious offenses and will result in disciplinary action, up to and including termination of employment. Specific penalties related to the above employee responsibilities are as follows:

1. An employee found to be under the influence of or impaired by alcohol or drugs (Section 7.2(B)1 and 2) will be subject to disciplinary action as contained in Section 7.7 of these policies. At the County/PSA's option, an employee may be referred to the Employee Assistance Program as described in Section 7.2(D). However, depending upon the circumstances surrounding the violation, the County/PSA reserves the right to impose full disciplinary action, including termination, even on a first offense.

2. Illegal possession, use, consumption, sale, purchase, distribution, or manufacture of drugs (Section 7.2(B)3) shall result in dismissal from employment. Upon the first report of such an incident, the employee shall be placed on administrative leave with pay, pending confirmation of the charges. At its discretion, the County/PSA may search, at any time, without employee consent, all areas and property in which the County or PSA maintains either joint control with the employee or full control, including desks, containers, files, and all County or PSA vehicles.

3. Failure of an employee to submit to a drug or alcohol screening test (Section 7.2(B)4) shall be considered insubordination and shall subject the employee to immediate disciplinary action, up to and including possible termination from employment. An employee who refuses to take a drug or alcohol screening test shall be immediately placed on administrative leave with pay, pending disciplinary action.

4. Failure to provide the prescription requested under Section 7.2(B)5 shall give rise to a presumption that the employee did not legally possess or use the controlled substance or drug. The use of medication prescribed for the employee or over the counter medication used according to directions is not a violation of the drug-free workplace policy. However, the employee is responsible to inform their supervisor if the medication could interfere with the safe and effective performance of their duties, such as the operation of a County or PSA vehicle or equipment. If the supervisor feels that the employee cannot safely perform their duties, the employee may be placed on sick

leave unless the employee's physician submits a statement that the employee's job performance will not be adversely affected by such medication. Violation of the requirement to inform the supervisor or provide the prescription upon the supervisor's request may subject the employee to disciplinary action.

5. The requirement to report a conviction for violation of drug statutes (Section 7.2(B)6) is a federal law. Within ten (10) days of learning of an employee's criminal conviction for illicit drug activity, the County/PSA will notify the Federal Highway Administration**.** Within thirty (30) days of learning of an employee's criminal conviction, the County/PSA will take appropriate disciplinary action, up to and possibly including dismissal from employment.

D. Referral to Employee Assistance Program (EAP) - As part of its commitment to its employees, the County/PSA has established an Employee Assistance Program as described in Section 3.6 of these policies. A primary objective of EAP is to support satisfactory job performance by providing confidential and professional assistance to employees with personal problems. The County/PSA encourages employees who experience problems related to drug or alcohol use to participate in the EAP. Conscientious and voluntary efforts by an employee to seek help will not jeopardize their job; however, participation in EAP does not relieve any employee from overall compliance with the County/PSA's drug-free workplace policy or other performance standards.

Employees who are subject to discipline for violation of Section 7.2(B) 1 or 2 may, at the County/PSA's option, be offered participation in the EAP as an alternative to disciplinary measures. Such employees will not be permitted to participate in EAP more than once in order to preserve County/PSA employment. Procedures for County/PSA referral of an employee to EAP are listed in Section 7.4 of these policies.

Disciplinary action based on a violation of the drug-free workplace policy is not automatically suspended by an employee's participation in EAP and may be imposed when warranted.

When referred by the County/PSA to EAP, the employee's case will be evaluated by an EAP counselor who will recommend a course of inpatient and/or outpatient counseling and treatment. The employee must agree to participate in and successfully complete such recommended treatment program as a condition of continued employment. The EAP will coordinate the treatment plan with the Director of Human Resources. Eligible employees who successfully complete an EAP program for drug or alcohol abuse will be required to sign a statement agreeing to continue any recommended aftercare program and to submit to random drug/alcohol tests for one year thereafter.

Section 7.3 Drug/Alcohol Testing Guidelines

In order to ensure that the provisions of the drug-free workplace policy are followed, the County/PSA will require that applicants for employment and employees in certain circumstances undergo drug and/or alcohol screening. The purpose of this section is to establish guidelines and procedures for such screening and to delineate consequences for positive tests.

The following paragraphs also identify regulations applicable only to applicants/employees who are required to obtain a Commercial Driver's License (CDL). Those sections are consistent with the regulations of the Department of Transportation and the Federal Highway Administration.

A. Persons To Be Tested

1. Pre-Employment - All applicants for employment with the County/PSA and the Martinsville-Henry County Joint Dispatch Center will be required to undergo a drug screen upon an offer of employment and prior to the final appointment.

2. Post-Accident - Any County/PSA employee involved in an accident in a County or PSA-owned vehicle, or operating their personal vehicle on work-related activity, will be required to undergo a drug and alcohol screening. An employee who sustains an on the job injury may be required to submit to a drug and/or alcohol screen if there is a reasonable cause to believe that the employee may be under the influence of drugs or alcohol at the time of injury. The testing determination will be made by the supervisor in conjunction with the Henry County/PSA Safety Manager.

3. Employees with a CDL will be required to undergo saliva, breath, and urine testing if they are involved in an accident as defined below while driving on-duty. All employees who are on-duty in the vehicle and others whose performance could have contributed to the accident will also be required to have saliva, breath, and urine tests. Post-accident testing will be conducted:

   a. if an accident results in a fatality, or in injuries requiring medical attention at a medical facility;

   b. if one or more vehicles incur disabling damage that requires towing from the site;

   c. if the employee receives a citation under state or local law for a moving traffic violation arising from the accident. If no citation is given, the employee may still be tested if they could have contributed to the accident.

4. Reasonable Suspicion - A County/PSA employee will be required to undergo a drug or alcohol screen if there is a reasonable cause to believe that the employee is under the influence of drugs or alcohol during work hours. Circumstances that constitute a basis for reasonable cause may include, but are not limited to, the following:

   a. A pattern of abnormal or erratic behavior (including but not limited to hyperactivity, unexplained mood or personality changes, paranoia, hallucinations);

   b. The information which is provided by an individual who, in the judgment of the supervisor, is a reliable and credible source;

   c. Direct observation of drug or alcohol use;

d. Presence of the physical symptoms of drug or alcohol use (including but not limited to glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes, the onset of unusual perspiration or shakes, unusual drowsiness or sluggishness);

e. Disregard or violations of established safety, security or other operating procedures;

f. Excessive time away from the workplace, excessive absenteeism or tardiness pattern;

g. Possession of alcohol or illegal drugs; or the presence of alcohol, alcohol containers, illegal drugs, or drug paraphernalia in one's personal effects, motor vehicles, or tools, or in an area subject to the employee's control, such as desks, files, and lockers;

h. Unexplained inability to think or reason at the employee's normal levels; or

i. Fighting or assaults.

5. Follow-Up - A County/PSA employee who has completed a treatment program for alcohol or substance abuse through the County/PSA Employee Assistance Program may be required to undergo a drug or alcohol screen at any time for one year after completion of treatment.

6. Random Testing - Employees with a CDL will be subject to random, unannounced alcohol and drug testing. Random testing will be conducted using the following guidelines:

   a. Random testing will be conducted quarterly at a minimum testing rate of 10 percent of the average number of CDL employees for alcohol and a minimum of 50 percent for controlled substances.

   b. A random selection process will be used to select drivers to be tested for the use of alcohol and controlled substances.

   c. Drug and alcohol tests must be conducted immediately upon notification of being selected at any time while the driver is at work.

7. Return-to-Duty Testing - Employees who have a CDL and have been relieved of duty for violation of any portion of the drug-free workplace policy, including those who have tested positive on a drug or alcohol test, and who are under the discipline policy are allowed to return to work, must undergo a drug or alcohol test prior to being released for duty; that test result must be negative.

B. Refusal To Submit To Test

1. Applicants who refuse to submit to a drug screen or who fail such a test, excluding certified medical situations, will not be offered employment nor will they be considered for employment for at least one year from the date of the test.

2. Failure by any employee to submit to a screen when requested to do so under paragraphs 7.3(A)2, 3, 4, 5 and 6 of this section will constitute insubordination and shall subject the employee to immediate disciplinary action, up to and including possible termination from employment. An employee who refuses to take a drug or alcohol screening test shall be immediately placed on administrative leave with pay, pending disciplinary action. Refusal to submit to test will be treated as a positive test result.

C. Laboratory Testing Procedures - All drug and alcohol screens required by this section shall be conducted at a laboratory selected by the County/PSA. For employees with CDL's, saliva and/or breath testing for alcohol and analytical urine drug testing may be conducted when circumstances warrant or as required by Federal regulations. A blood test will be used to screen for the presence of alcohol, and a urinalysis will be used to detect the presence of the following drug groups: amphetamines, barbiturates, cannabinoid (marijuana), cocaine, opiates (morphine, codeine), phencyclidine, benzodiazepines (Librium and valium), and methaqualone (Quaalude). Every reasonable effort will be made to obtain the most accurate drug test results.

Testing procedures will include a two-tiered testing program to ensure maximum accuracy in the test results and a system of specimen collection that ensures as much privacy as possible while maintaining chain-of-custody documentation to ensure that each sample is accurate and attributed to the person who took the test. All specimens deemed positive by the laboratory will be retained in the laboratory for at least one year.

A saliva test will, in most instances, be used as an initial test for alcohol use. If the saliva test is positive, the employee will immediately be required to take a breath alcohol test.

When testing is required following an accident, breath alcohol testing shall be the preferred method of testing. Saliva testing will be used only if circumstances prevent breath alcohol testing from being done within two hours of the accident.

Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration approved evidential breath testing device (EBT) operated by a trained breath alcohol technician (BAT).

D. Definition of Positive Test - Alcohol and drug testing will be conducted through methods with proven reliability and in strict compliance with appropriate methodology.

1. Alcohol - blood alcohol test shall be considered positive if any level of alcohol is detected. If the first alcohol screen (saliva or breath) tests positive, the person must take the second test to confirm the level of alcohol in the blood.

2. Drug - If the first urinalysis test yields a positive result for the presence of drugs, a second test shall be done on the same specimen using gas chromatography/mass spectroscopy (GC/MS). If the second test (GC/MS) also yields a positive result, the urine screen shall be considered positive.

At their expense, an applicant or employee whose urine test has been confirmed positive as specified above may request that a third test be conducted on the same sample at a laboratory selected by the County/PSA.

E. Consequences of Positive Drug/Alcohol Test

1. An applicant whose test is positive will not be eligible for employment with the County/PSA for one year following the date of the test.

2. An introductory employee whose test is positive for other than legally prescribed drugs which do not impair work performance may be terminated.

3. Employees who test positive for drugs other than legally prescribed drugs which do not impair work performance or alcohol may be subject to disciplinary action up to and including dismissal from employment, as specified in Sections 7.2. and 7.7 of these policies.

4. If the test is positive for a prescription medication, the applicant or employee will have one working day to present proof of legal prescription for the medication. Disciplinary action will not be taken for valid prescription medication.

F. Procedures for Requesting a Drug/Alcohol Screen

The process of requesting an employee to submit to a drug or alcohol screen will be handled confidentially to protect the privacy of the employee and to minimize embarrassment to them.

1. Test Based on Reasonable Cause

a. If a supervisor has reasonable cause to believe that an employee may be under the influence of drugs or alcohol (Section 7.3(A)3), they shall discuss their belief with the Director of Human Resources. If the two concur that a screen should be requested, the supervisor will prepare a written statement of the reasons for their determination.

b. The supervisor will meet privately with the employee, give them a copy of the form, and discuss the reasons for requesting a drug/alcohol screen. If the reason involves information submitted by a third party, the name of that third party will not be disclosed to the employee without that party's permission.

c. The employee will be given an opportunity to respond to their supervisor's concerns.

If the supervisor is convinced that a screen is not necessary, they will notify the Director of Human Resources and the process will be discontinued.

d. If the supervisor still believes that a drug screen is needed after the meeting with the employee, they will ask the employee to sign a consent form to have the screen performed at the designated laboratory. The form will include the employee's certification that they have been informed about the County/PSA's drug-free workplace policy.

e. The supervisor or their designee will accompany the employee to the laboratory where the blood, saliva, or breath test for alcohol or urine test for drug use will be performed.

f. Upon concurrence of the Director of Human Resources, the supervisor may place the employee on administrative leave with pay pending receipt of the test results when such action is in the best interest of the County/PSA. Such action is not disciplinary in nature and is not a presumption of guilt.

g. The laboratory will report the results of the drug or alcohol screen to the Director of Human Resources, who will inform the supervisor and the employee.

h. If the test is positive, the employee will be provided with a written copy of the report. The supervisor will meet with the employee and give them an opportunity to respond; they may also place the employee on administrative leave with pay pending disciplinary action when such action is in the best interest of the County/PSA.

i. If the test is positive, the County/PSA will take disciplinary action, up to and including dismissal from employment (Sections 7.2(A) and 7.7).

2. <u>Test Following Accident or Injury</u>

a. Upon the occurrence of an accident in a County or PSA vehicle or any on-the-job injury, the supervisor of the affected employee will notify the Safety Manager and, with their concurrence, follow the above procedures for obtaining the drug/alcohol screen.

b. All testing should occur as soon as possible after the accident and may not exceed 32 hours for drug testing. All employees with a CDL will take an alcohol test within two hours. If the test is not given within two hours, the County/PSA will prepare and maintain on file a record stating the reasons the test was not promptly administered. If the test is not administered within eight hours following the accident, the County/PSA will cease attempts to administer the alcohol test and shall prepare and maintain the same record.

c. An employee who is subject to post-accident testing must remain readily available

for such testing and may not take any action to interfere with testing or the results of testing.

d. An employee who does not comply with post-accident testing requirements will be considered to have refused to submit and will be subject to sanctions as provided in this policy.

3. Test of Applicants - Upon a tentative offer of employment, an applicant will be asked by the Director of Human Resources to sign a consent form to have a drug screen performed at the designated laboratory. The form will include the applicant's certification that they have been informed about the County/PSA's drug-free workplace policy. The applicant will take a copy of the consent form to the laboratory, which will inform the Director of Human Resources of the results. The Director of Human Resources will inform the applicant of the test results.

G. Confidentiality - All information surrounding a drug/alcohol screen will be treated as confidential. If a test is negative, no references will be filed in the employee's personnel file to such action. If the test is positive, a copy of the supervisor's documentation of reasonable cause (if applicable) and a copy of the test result will be filed in the employee's medical file. Test results will only be disclosed to the Director of Human Resources, department/division manager, and other employees with a clear need to know. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee or applicant.

Section 7.4 County/PSA Referrals to Employee Assistance Program

When an employee develops problems related to their job performance, such as decreased quality or quantity of work, poor attendance record, or personal conflicts in the workplace, both the employee and the County/PSA are affected. Recognizing that such behavior may be the result of personal difficulties, the County/PSA has provided the Employee Assistance Program to help the employee who may be experiencing personal difficulties that affect their job performance by helping them to restore an acceptable level of job performance.

If a supervisor recognizes that an employee may be experiencing personal difficulty, they may offer the suggestion that the employee participates in EAP before the problem becomes severe enough to affect their job performance. If the employee responds to this suggestion, it will be considered as a self-referral to EAP (Section 4.4).

While the decision to seek assistance with a personal problem normally rests with the employee, the County/PSA may refer an employee to EAP if their supervisor recommends such action based upon such factors as a decline in work performance, unsatisfactory attendance, poor attitude, unusual behavior, a particular on-the-job incident which indicates a problem exists, or upon request from the employee for advice or assistance.

The procedure for the County/PSA referral of an employee to EAP is as follows:

A. Any aspect of the employee's performance or attendance that is unsatisfactory will be called to their attention by their supervisor following routine procedures. If the supervisor feels that the employee's job performance appears to be adversely affected by a personal problem, the supervisor will consult with the Director of Human Resources concerning referral to EAP. With the concurrence of the Director of Human Resources, the supervisor will explain the availability of EAP to the employee and offer them an opportunity to participate in EAP as an alternative to disciplinary action.

B. The employee will decide whether to participate. If they choose not to accept a referral to EAP, their job performance will be evaluated as provided in this chapter and disciplinary action will occur as appropriate.

C. If the employee chooses to participate in EAP, the supervisor will contact the Director of Human Resources, who will arrange the first appointment with EAP. The employee will be asked to sign a release of information so that general information concerning their progress may be reported to the County/PSA (see paragraph E below); refusal to do so will be considered refusal to participate in EAP.

D. The employee will be informed of the date and time of the appointment and location of the EAP office. At their option, the Director of Human Resources may schedule this initial appointment during normal work hours. In such case, the employee's absence will be excused without charge against their leave benefits. Subsequent appointments will be scheduled by the EAP office for nonwork hours unless specific authorization is given by the Director of Human Resources to do otherwise.

E. The employee is responsible to accept the assistance offered through EAP. They will be responsible to keep all scheduled appointments, cooperate in the assessment of their problem, and follow recommendations for referrals and treatment.

F. Services provided by EAP to an employee referred by the County/PSA are confidential. Standards of counselor/counselee confidentiality will be maintained at all times, and no details of the employee's problem will be reported to the County or PSA. However, because the problem relates to the counselee's job, the Director of Human Resources will be informed by the EAP office whether the employee has kept their scheduled appointment(s), whether they have accepted or rejected the offer of help by the counselor, and a general description of the treatment program as described below.

G. After the initial assessment, the EAP counselor will discuss with the Director of Human Resources whether the recommended assistance will require time away from work. Sick leave may be granted for treatment or rehabilitation as provided in Section 4.4 of these policies. If leave will be required, the EAP counselor, the Director of Human Resources, and the employee's supervisor will agree upon specific dates of departure and return to work.

Nothing in the availability of the Employee Assistance Program or participation therein by any employee shall limit the County/PSA's right to take disciplinary action against an employee in a

manner consistent with the provisions of this chapter.

Section 7.5 Causes for Disciplinary Action

Disciplinary action may be taken for**, but is not limited to**, any of the following offenses:

1. Violations of leave policy and/or other policies and regulations of this Handbook.

2. Unexcused tardiness. (Disciplinary action shall be in addition to the withholding of pay for a period of tardiness.)

3. Unexcused absence from work at any time; failure to notify supervisor or authorized personnel when unable to report for work; leaving the job during working hours without permission.

4. Failure to comply with provisions of the County/PSA Safety and Occupational Health Program, including failure to properly report personal injury or accident; violating traffic regulations or improper operation of County or PSA-owned motor vehicle.

5. Inattention to duty, sleeping, wasting time, or gambling during working hours.

6. Unwarranted delay or failure to comply with orders, assignments, or instructions.

7. Unsatisfactory or inadequate job performance; being incompetent or inefficient in job performance; or being otherwise unfit for County/PSA employment.

8. Divulging or discussing any County/PSA business which is confidential, unless authorized to do so by the County Administrator/General Manager.

9. Disorderly conduct; threatening or attempting to inflict bodily injury to another; engaging in dangerous horseplay; or resisting competent authority.

10. Reporting for duty or being on duty under the influence of alcohol or drugs; unauthorized possession of, selling, or bringing to work alcohol or drugs; any violation of the Drug-Free Workplace Policy (Section 7.2).

11. Speaking disrespectfully, publicly criticizing, maliciously ridiculing, or making irresponsible statements that are slanderous or defamatory about other employees or officials.

12. Immoral, indecent, or notoriously disgraceful conduct, or conduct unbecoming a County/PSA employee; use of disrespectful or offensive conduct or language in public or toward the public, County/PSA officials, or fellow employees, either on or off duty; or use of insulting, abusive, or obscene language.

13. Discrimination against an employee or applicant because of race, color, religion, sex,

national origin, age, genetic information, disability, veteran status or any other characteristic protected by law; reprisal of any nature against an employee having filed a grievance or discrimination complaint.

14. Any act of sexual harassment of any employee, or of anyone while in an official capacity.

15. Falsification, misstatement, exaggeration, or concealment of material fact in connection with any record, investigation or other proceedings; falsification of vouchers, reports, insurance claims, attendance records, leave records or other official records.

16. Insubordination or disobedience to constituted authorities or deliberate refusal to carry out any official regulation or proper order from any supervisor having responsibility for the work of the employee.

17. Criminal convictions for acts of conduct on or off the job which are related to job performance or are of such a nature that to continue the employee in the assigned position could constitute negligence to the County/PSA's duties to the public or a violation of the public trust.

18. Unauthorized possession or use of firearms, dangerous weapons, or explosives.

19. Being a member of a subversive organization, with knowledge of its purpose, or knowingly or willfully violating the laws of the United States or the Commonwealth of Virginia or the ordinances of any city, County/PSA or municipality of the Commonwealth.

20. Unauthorized use, possession of, loss of, or damage to County/PSA property or the property of others, or endangering same through carelessness; having been careless or negligent with the monies or other property of the County/PSA; converting, taking, or using any property or personnel of the County/PSA for personal use or for the personal use or benefit of other persons; selling, giving, or exchanging County/PSA property to or with any other persons.

21. Using, attempting to use, or threatening to use personal or political influence in securing promotion, leave of absence, transfer, or change of pay rate in any manner relating to the employee's work.

22. Inducing or attempting to induce an officer or employee of the County/PSA to commit an unlawful act or to act in violation of any lawful departmental or official regulation or order.

23. Taking from any person for personal use any fee, gift, or other object or service of value in the course of or in connection with their work when such action could be construed to be given in the hope or expectation of receiving a favor or better treatment than that afforded other persons; accepting any bribe, gift, token, monies, or things or services of

value which could be construed to be intended as an inducement to perform or refrain from performing any official act; engaging in any action of extortion or other means of obtaining money or other things of value through their position in County/PSA employment.

24. Failure to maintain or acquire necessary licenses, certifications, or other qualifications required for the employee's position.

25. Conduct bringing discredit to the County/PSA, Board of Supervisors/Directors, or the administration, or conduct unreasonably causing poor relations between the County/PSA administration and the public.

26. Conduct that is offensive, unprofessional, or unacceptable to a reasonable employer.

27. Violation of the County/PSA Computer Use Policy.

28. Any other just cause.

Section 7.6 Procedures for Disciplinary Action

It is the responsibility of the supervisor to recognize the need for disciplinary action and, depending on the severity of the offense, either to take action or report the matter to the County Administrator/General Manager. In many cases, the offending behavior is minor and can be corrected by an oral reprimand from the supervisor. The department/division manager may carry out all disciplinary procedures outlined herein except demotion, suspension, or dismissal. They will report all disciplinary actions to the Director of Human Resources who will report the actions to the County Administrator/General Manager.

It is the responsibility of the department/division manager to investigate any report of violation of the law or these regulations by an employee under their supervision submitted by any employee, official, or citizen. The County Administrator/General Manager shall investigate if the report concerns a department/division manager. The purpose of the investigation is to ascertain the facts relative to the circumstances surrounding the alleged offense. The department/division manager will submit a written report of their investigation, which may include a written response from the employee including the department/division manager's recommendation for disciplinary action, if any, to the County Administrator/General Manager, prior to any action being taken.

An employee who believes they are aggrieved by any disciplinary action may utilize the grievance procedure contained in Chapter 9.

Section 7.7 Types of Disciplinary Action

Depending on the severity of the offense and whether it is a first-time or recurring problem, disciplinary action may be taken in one of the following ways, with oral reprimand being the least serious and dismissal the most serious disciplinary action.

Oral Reprimand - For a minor violation of policies or a first-time offense, the employee may be given an oral reprimand. The purpose of the reprimand is to draw the infraction or deficiency to the employee's attention so that the problem may be corrected.

Written Reprimand - If an oral reprimand fails to correct the problem or if the offense is more serious in nature, a written reprimand may be issued, which will detail the nature of the offense and efforts previously taken to correct it, if applicable. The employee may write a response to be attached to the reprimand if they desire. A copy of the reprimand and response by the employee will be given to the County Administrator/General Manager and forwarded to the Director of Human Resources for filing in the employee's personnel record.

Forfeiture of Leave Credits - If the cause of the disciplinary action is the employee's abuse or misuse of leave privileges or falsification of any records related to leave benefits, the County Administrator/General Manager may withhold vacation and sick leave accrual from an employee for a period not to exceed six months. In such case, the employee shall not earn any vacation or sick leave credits for the specified period of time. Such action shall not apply to leave benefits previously accrued.

Suspension - A suspension is a temporary separation from employment without pay for disciplinary purposes when the case is not sufficiently grave to merit dismissal. A department/division manager may recommend suspension of an employee under their supervision to the County Administrator/General Manager, who may suspend an employee for a period not to exceed thirty (30) days in one calendar year. When a suspension is effected pending completion of an investigation or court action for alleged violation of rules or statutes, the Board of Supervisors/Directors may waive the limitation of thirty (30) days. The fact that a person is not convicted of the charge does not necessarily mean that the suspension or other disciplinary action will be revoked. However, with the approval of the Board of Supervisors/Directors and County Administrator/General Manager, they may be paid for the period of suspension. If the County Administrator/General Manager suspends an employee pending an internal investigation and the employee is later cleared of any wrongdoing, they will be paid for the period of their suspension.

No employee shall be suspended without pay without being notified, either orally or in writing, of the intention to do so. The employee shall be afforded the opportunity to comment or make a statement in regard to the proposed suspension prior to the implementation of such action. The comment or statement of the employee may be oral or written after notification of the proposed suspension. The comment or statement of the employee shall be considered before the suspension is implemented.

Demotion - Demotion is the transfer of an employee to a different position with less authority, responsibility and/or pay than their present job. The County Administrator/General Manager may impose demotions when an employee has unsatisfactory performance in a particular job but has the potential to perform satisfactorily in a lesser position. A demotion may also be imposed as a disciplinary measure for other causes. The imposition of any demotion is contingent upon a lesser position being available at the time the action is taken.

Dismissal - An employee may be dismissed from their job with the County/PSA for reasons including but not limited to unsatisfactory job performance, misconduct, insubordination, inability to perform work satisfactorily, for causes delineated in Section 7.5, or other just cause, or no cause at all, as stated in the County/PSA's at-will statement in Section 1.7.

No employee shall be dismissed without being notified, either orally or in writing, of the intention to do so. The employee shall be afforded the opportunity to comment or make a statement in regard to the proposed dismissal prior to the implementation of such action. The comment or statement of the employee may be oral or written after notification of the proposed dismissal. The comment or statement of the employee shall be considered before the dismissal is implemented.

All disciplinary action will be administered with regard to the employee's legal rights. The County/PSA has an at-will relationship with all employees. These procedures are intended only to provide guidelines for discipline and termination, not to alter the legal aspects of the at-will relationship.

CHAPTER 8 - SEPARATIONS FROM EMPLOYMENT

Section 8.1 Types of Separation

Reduction in Force - An employee may be released from County/PSA service due to a lack of work or a reduction in funds. Generally, decisions on employee reductions will be made as a part of the approval process of the annual County/PSA budget. When layoffs are necessary, the County Administrator/General Manager will study the issue carefully to ensure that the order of layoffs is inverse to the relative value of the employee to the County/PSA. When possible and based on overall job responsibilities, the following order will be observed in layoffs: first part-time employees, second temporary employees, third introductory employees, and finally regular employees. When an employee is to be laid off, the County Administrator/General Manager will, if possible, give them at least two weeks' notice in writing specifying the reasons for the layoff.

Completion of Assignment - When a temporary employee completes their term of employment or the specific task for which they were hired, their separation from employment will be categorized as "completion of assignment."

Introductory Period Discontinued - When an individual's employment is not continued beyond the introductory period for any reason, their separation from employment will fall into this category. (Please see Section 2.6 for details on the introductory period.) This categorization shall apply whether the decision not to continue employment was made by the employee or the County/PSA or upon mutual agreement.

Resignation - An employee may leave their job with the County/PSA voluntarily by submitting a written notice of their intention. The County/PSA request that a two-week notice be given by non-management employees and a thirty (30) day notice be given by managers. The resignation will be given to the department/division manager, who will notify the Director of Human Resources and the County Administrator/General Manager. The department/division manager, with the approval of the County Administrator/General Manager, may waive the advance notice. Resignations shall be effective when received by the department/division manager.

Dismissal - An employee may be dismissed from their job with the County/PSA for reasons including but not limited to unsatisfactory job performance, misconduct, insubordination, inability to perform work satisfactorily, for causes delineated in Section 7.5, other just cause, or no cause at all, as stated in the County/PSA's at-will statement in Section 1.7. If the employee holds a position at the department/division manager level, the County Administrator/General Manager shall obtain approval from the Board of Supervisors/Directors prior to the dismissal.

No employee shall be dismissed without being notified, either orally or in writing, of the intention to do so. The employee shall be afforded the opportunity to comment or make a statement in regard to the proposed dismissal prior to the implementation of such action. The comment or statement of the employee may be oral or written after notification of the proposed dismissal. The comment or statement of the employee shall be considered before the dismissal is affected.

Retirement - An employee is eligible for retirement when they have fulfilled the requirements of the Virginia Retirement System concerning age and years of service. The employee shall give their department/division manager at least one (1) month's notice prior to the effective date of retirement. The Virginia Retirement System requests that all retirement documents be completed and returned within three (3) months of the employee's desired date of retirement to ensure that the employee will receive their retirement benefits in a timely manner.

Section 8.2 Procedures

Upon receipt of the letter of resignation, the department/division manager will notify the Director of Human Resources. They may schedule a time with the Director of Human Resources to complete an exit interview with the employee if possible. The completed exit interview will be reviewed by the County Administrator/General Manager and placed in the departing employee's personnel file.

Prior to separation from employment, the employee shall return to their department/division manager any County/PSA property in their possession, including keys to County/PSA facilities or equipment.

The employee will be paid for any accumulated vacation leave on the County/PSA's next scheduled pay date, as provided in Sections 5.3 and for 25% of their accumulated sick leave credits, as provided in Section 5.4. Final pay may not be released to the employee until all County/PSA furnished property has been returned.

For additional information on separation procedures, contact the Director of Human Resources.

Section 8.3 Severance

The County/PSA wishes to offer a severance package to assist each employee affected by any Reduction In Workforce action it is forced to take. Exact packages will be determined on an annual basis and will be based on available funding. A general guideline for severance is one week of compensation for each year of service. The County/PSA cannot guarantee severance packages each year. The ability to provide severance packages will be determined as part of the annual budgetary process.

CHAPTER 9 - GRIEVANCE PROCEDURES

Section 9.1 Purpose

The following grievance procedure is provided for County/PSA employees to afford an immediate and fair method for the resolution of disputes that may arise between the County/PSA and the employees.

Section 9.2 Coverage

All regular non-introductory employees under the jurisdiction of the County Administrator/General Manager are covered by these procedures except the County Administrator, Deputy County Administrator, and department/division managers. The County Administrator/General Manager or their designee shall determine the employees excluded from this Grievance Procedure and shall be responsible for maintaining a current list of the affected positions. Specifically exempted from coverage are constitutional officers, employees of the school division, and all employees of the Social Services Department.

Also covered are all regular, non-introductory employees of the Martinsville-Henry County Joint Dispatch Center.

An employee who has voluntarily resigned shall not have access to the grievance procedure after the effective date of the resignation.

Section 9.3 Definition of Grievance

A grievance is defined as a complaint or dispute by an employee relative to their employment, including but not limited to:

a. Disciplinary actions including dismissals, disciplinary demotions, and suspensions, provided that dismissals shall be grievable when resulting from formal discipline or unsatisfactory job performance.

b. The application of personnel policies, procedures, rules, and regulations, including the application of policies involving matters related to the contents of ordinances, statutes, or established personnel policies, procedures, rules, and regulations.

c. Acts of retaliation for using the grievance procedure or participating in a grievance of another employee.

d. Complaints of discrimination on the basis race, color, religion, sex, national origin, age, genetic information, disability, veteran status, or any other characteristic protected by law.

e. Acts of retaliation because the employee has complied with any law of the County,

Commonwealth of Virginia, or United States, or has reported any violation of such law to a governmental authority, or has reported an incidence of fraud, abuse or of gross management, or has sought any change in law before the Congress of the United States or the General Assembly of the Commonwealth of Virginia.

The following complaints are not grievable under this procedure:

1. Establishment and revision of wages or salaries, position classifications, general benefits or County/PSA personnel policies.

2. Work activity accepted by the employee as a condition of employment or work activity that may reasonably be expected to be a part of the job content.

3. The contents of ordinances, statutes, or established personnel policies, procedures, rules, and regulations.

4. Failure to promote except where the employee can show 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 carried on.

6. Termination, demotion, lay-off, or suspension because of the lack of work, reduction in workforce, or job abolition, except where such action affects an employee who has been reinstated within the previous six months as the result of the final determination of a grievance. In any grievance brought under this exception, the action shall be upheld upon a showing by the County/PSA that there was a valid business reason for the action and the employee was notified of such reason in writing prior to the effective date of the action.

7. The hiring, promotion, transfer, assignment and retention of employees of the County/PSA.

8. The relief of employees from duty in an emergency.

Section 9.4 Standing To Pursue a Grievance

A grievant must be personally and directly affected by an occurrence or condition before they shall be permitted to pursue a grievance. Disputes as to an employee's standing to file a grievance shall be determined as shall any other dispute as to grievability.

Section 9.5 Grievability

If an employee, supervisor, or department/division manager questions whether a given situation is grievable under this procedure or whether an individual has access to this procedure, they shall submit a Determination of Grievability Form to the County Administrator/General Manager or their designee for determination. Copies of the form are available from the Director of Human Resources. The decision regarding grievability or access to the procedure shall be made by the

County Administrator/General Manager or their designee within ten (10) calendar days of receipt of such a request and shall be indicated on the Determination of Grievability Form, a copy of which shall be provided to the grievant and their department/division manager or supervisor.

The determination of grievability shall be made before the grievance proceeds to the second step. Once raised, the issue must be resolved before further processing of the grievance.

Decisions by the County Administrator/General Manager or their designee that an issue is not grievable may be appealed by the grievant to the Circuit Court of Henry County. If a grievant desires to appeal such a decision, they shall sign the appeal notice on the Determination of Grievability Form and return it to the County Administrator/General Manager or their designee within ten (10) calendar days after the date of receipt of the decision as to grievability, and give a copy of the form to all other parties to the grievance.

Within ten (10) calendar days of receipt of such appeal notice, the County Administrator/General Manager or their designee shall transmit to the Clerk of Circuit Court of Henry County a copy of the Determination of Grievability Form and any exhibits which may have been provided in connection with the resolution of the issue of grievability. A list of the evidence furnished to the court shall also be furnished to the grievant. The failure of the County Administrator/General Manager or their designee to transmit the record within the time allowed shall not prejudice the rights of the grievant. If the County Administrator/General Manager or their designee fails to transmit the record within the time allowed, the Circuit Court, on motion of the grievant, may issue a Writ of Certiorari requiring the County Administrator/General Manager or their designee to transmit the record on or before a certain date.

Within thirty (30) calendar days of receipt by the Clerk of Court of the record in the matter, the Court, sitting without a jury, shall hear the appeal on the record and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. At its discretion, the Court may receive such other evidence that it deems necessary. The Court may affirm the decision of the County Administrator/General Manager or may reverse or modify that decision. The decision of the Court shall be rendered no later than the fifteenth (15th) day following the date of the conclusion of the hearing. The decision of the Court is final and may not be appealed.

The classification of a complaint as non-grievable by either the County Administrator/General Manager or their designee or Circuit Court shall not be construed to restrict an employee's right to seek or management's right to provide customary administrative review of complaints outside the scope of the grievance procedure.

Section 9.6 General Provisions

All stages of the grievance beyond the first step shall be in writing on forms supplied by the Director of Human Resources. Once an employee reduces their grievance to writing, the Director of Human Resources shall open a file on the grievance and assist the grievant, the department/division manager or supervisor, and the County Administrator/General Manager to ensure that all papers are transmitted throughout the process in a timely fashion.

The grievant must bear any cost involved in employing representation or in preparing or presenting their case.

Once an employee reduces their grievance to writing they shall specify on the appropriate form the specific relief they expect to obtain through the use of this procedure.

After the initial filing of a written grievance, failure of either party to comply with all substantial procedural requirements of the grievance procedure 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 working days of receipt of written notification by the other party of the compliance violation. Such written notification by the grievant shall be made to the County Administrator/General Manager or their designee.

Failure of either party without just cause to comply with all substantial procedural requirements at the panel hearing shall result in a decision in favor of the other party. Decisions as to whether any employee or management has, in fact, failed to so comply shall be made by the County Administrator/General Manager or upon the request of the department/division manager or supervisor or the grievant that such determination is made. Any decision of the County Administrator/General Manager pursuant to this paragraph may be appealed to the Circuit Court of Henry County within thirty calendar days of the determination.

All time frames included in these procedures may be extended by mutual agreement of the grievant and the representative of the County/PSA involved at the particular step. Any mutual agreement must be in writing and signed by all parties involved.

Section 9.7 Procedure

First Step - Supervisor Level

No later than twenty-one (21) calendar days after the occurrence or condition giving rise to the grievance, or of the date when the employee could have reasonably been expected to have learned of the occurrence or condition, the employee affected must identify the grievance verbally to their supervisor. The failure of an employee to identify the grievance within the time specified shall constitute forfeiture and a waiver of any rights to proceed further and shall terminate the grievance.

Within five (5) working days of such presentation by an employee, the supervisor shall give their response to the employee on the particular grievance or shall advise the employee that additional time is needed to respond. In that event, the supervisor shall respond to the employee within five (5) working days after notice of the need for an extension of time.

If a satisfactory resolution is not reached by this informal process, the employee shall reduce their grievance to writing on a form provided by the Director of Human Resources. They shall identify specifically and in detail the nature of the grievance and the expected remedy. Should they prevail in their grievance, the grievant shall only be entitled to the relief specifically requested. Such written grievance shall be presented to the supervisor within five working days of the

supervisor's verbal response to the oral grievance. The supervisor shall then reply in writing to this written grievance within five (5) working days of receiving it.

If the employee's supervisor is also their department/division manager, they shall skip the second step of this procedure set forth below and proceed immediately to the third step.

Second Step - Department/Division Manager Level

If a satisfactory resolution of the grievance is not reached at the first step above, the grievant shall so indicate on the grievance form and submit the grievance to their department/division manager within five working days of receiving the written response of their supervisor. Within five (5) working days of receipt of such a grievance, the department/division manager shall hold a meeting with the grievant to review the grievance. This time period may be extended by mutual agreement between the department/division manager and the grievant.

At this meeting, the only persons who may be present are the grievant, the department/division manager, and appropriate witnesses for each. Witnesses shall be present only while actually providing testimony. The meeting may be adjourned to another time or place by agreement of both parties. The department/division manager within five (5) working days shall provide a written reply to the grievance to the grievant after the meeting.

If the grievant's department/division manager is the County Administrator/General Manager, they shall skip the third step of this procedure and proceed immediately to the fourth step.

Third Step - County Administrator/General Manager Level

If a satisfactory resolution of the grievance is not reached at the conclusion of the second step, the employee shall so indicate on the grievance form and submit the grievance to the County Administrator/General Manager within ten (10) working days following receipt of the response of the department/division manager. The County Administrator/General Manager shall meet with the employee within ten (10) working days of receipt of the grievance or indicate that an extension of time is necessary. That extension shall not exceed three (3) additional working days except by mutual written agreement.

At their option, the grievant may have legal counsel or other representatives and witnesses present at the meeting. If the grievant is represented by counsel, the County Administrator/General Manager may likewise have legal counsel and witnesses in attendance.

The County Administrator/General Manager shall issue a written response to the grievance within ten (10) working days following the meeting.

Fourth Step - Grievance Panel Level

If a satisfactory resolution to the grievance is not reached by the conclusion of the third step, the grievant shall so indicate on the grievance form and request a hearing before a Grievance Panel. This request shall be submitted to the Director of Human Resources within ten (10) working days

of receipt of the response of the County Administrator/General Manager.

An impartial Grievance Panel shall be constituted anew for each grievance. The Director of Human Resources shall arrange for the Grievance Panel selection and shall schedule the Panel hearing. In the event that the Director of Human Resources is a party to the grievance, the request form shall be submitted to the County Administrator/General Manager, who shall make the necessary arrangements.

The Grievance Panel shall be constituted as follows:

a. One member shall be appointed by the grievant.

b. One member shall be appointed by the County Administrator/General Manager.

c. The third member shall be appointed by the first two members.

To ensure an objective board, none of the following may serve on the Panel: the grievant; the County Administrator/General Manager; the grievant's department/division manager or supervisor; any person having direct involvement with the grievance being heard or with the complaint or dispute giving rise to the grievance; persons living in the same household as the grievant; the following relatives of a participant in the grievance process or a participant's spouse: spouse, parent, child, descendants of a child, sibling, niece, nephew and first cousin; any attorney having direct involvement with the subject matter of the grievance or a partner, associate, employee or co-employee of such an attorney.

Both the grievant and the County Administrator/General Manager shall make their appointments to the Grievance Panel within five (5) working days of the request for a panel hearing. The Director of Human Resources shall be notified of the appointments on a grievance form. These two members shall select the third member within ten (10) working days after their appointment and shall notify the Director of Human Resources of their selection. In the event that the first two members cannot reach an agreement on the third member within ten (10) working days, they shall notify the Director of Human Resources, who shall immediately request that the Chief Judge of the Circuit Court of Henry County make the appointment.

The third member of the Grievance Panel shall serve as Chairman. The Panel shall set the date, time, and place for a hearing and notify the grievant, the County Administrator/General Manager, and the Director of Human Resources thereof. The hearing shall be held within ten (10) calendar days after the selection of the full panel. Any party may have present at this meeting an attorney or a representative of their choice.

Upon appointment, each member of the Grievance Panel shall be provided with a copy of the County/PSA Grievance Procedure by the Director of Human Resources. Prior to the hearing, the Director of Human Resources shall provide each Panel member with copies of all written materials and forms submitted in connection with the grievance. The Director of Human Resources shall also provide the grievant with a list of the documents furnished to the panel. At least ten (10) calendar days prior to the hearing, the Director of Human Resources shall allow the grievant and

their attorney access to and copies of all documents, exhibits, and lists of witnesses intended to be used in the grievance proceeding. Also within ten (10) calendar days prior to the hearing, the grievant shall provide to the Director of Human Resources a list of and access to documents, exhibits, and lists of witnesses intended to be used in the grievance proceeding.

The majority decision of the Panel shall be final and binding as to any grievance submitted to it and shall be consistent with provisions of law and written policies.

The Panel is constituted solely for the purpose of determining whether a grievance filed by an employee is merited and what remedy, if any, should be provided. The Panel may not formulate or change policies, rules, or procedures; alter existing policies or procedures; or otherwise substitute its judgment for that of management. The powers of the panel are limited to reversing or reducing disciplinary actions.

Rules of conduct of the hearing are as follows:

a. Both the grievant and the County/PSA may call upon appropriate witnesses and be represented by legal counsel or other representatives at the panel hearing. Such representatives may examine, cross-examine, question and present evidence on behalf of the grievant or respondent before the panel.

b. At the beginning of the hearing, the panel may ask for statements clarifying the issues involved.

c. When offered by the grievant or by the County/PSA, exhibits may be received in evidence by the Panel and shall be marked and made a part of the record.

d. The County/PSA and the grievant, or their representatives, shall then present their claims and proofs and witnesses who shall submit to questions or other examination. The Panel may, at its discretion, vary this procedure but shall 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 shall have the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of evidence so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence. The Panel shall be the judge of relevancy and materiality of the evidence offered. All evidence shall be taken in the presence of the Panel and of the parties, except by the mutual consent of the parties.

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

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

h. To protect the privacy of the parties and other employees, it is recommended that the persons present at the Panel hearing be limited to the grievant, the panel members, the legal counsel and/or other representatives of the grievant and the County/PSA, appropriate witnesses and official recorders. The panel, however, has the specific and final authority to determine the propriety of attendance at the hearing of all persons not having direct involvement in the hearing, provided that, at the request of either party, the hearing shall be private.

The parties to the grievance, by mutual consent, or the Panel Chairman may extend any or all of the time periods established in this procedure.

The decision of the Grievance Panel shall be filed in writing by the Chairman with the department/division manager, the County Administrator/General Manager, and the grievant not later than fifteen (15) working days after completion of the hearing. The decision shall summarize the grievance and the evidence, shall state-specific findings of fact, and shall state in full the reasons for the decision and the remedy to be granted.

The County Administrator/General Manager or their designee shall implement any remedy which may be ordered by the Grievance Panel, provided that such decision is consistent with law and written policies. If either party believes that the Panel decision is not so consistent, they shall inform the Panel and the grievant of their determination within seven (7) working days of the filing of the decision. The question of whether the relief granted is consistent with law and written policies shall be determined by the County Administrator/General Manager or their designee unless they have direct involvement with the grievance, in which case the decision shall be made by the Henry County Commonwealth's Attorney.

The grievant or the County Administrator/General Manager or their designee may petition the Henry County Circuit Court to order implementation of the decision of the Grievance Panel.

CHAPTER 10 - ADMINISTRATIVE POLICIES

Section 10.1 Use of Influence or Gifts

No person seeking employment with the County/PSA or promotion in the County/PSA service shall either directly or indirectly give any money, thing, or service of value to any person for or in connection with their appointment, proposed appointment, promotion, or proposed promotion.

No employee shall use or attempt to use any political endorsement in connection with any appointment to or preferment or advantage in connection with a position in the County/PSA service, except as permitted and provided by State law.

No employee shall take from any person for personal use any fee, gift, or other object or service of value in the course of or in connection with their work when such action could be construed to be given in the hope or expectation of receiving a favor or better treatment than that afforded other persons. No employee shall accept any bribe, gift, token, monies, or things or services of value which could be construed to be intended as an inducement to perform or refrain from performing any official act. No employee shall engage in any act of extortion or other means of obtaining money or other things of value through their position in the County government.

Section 10.2 Political Activities

No employee shall continue in their position after becoming a candidate for election to any public office when such office is inconsistent with their County/PSA position.

No employee shall take an active part in a County political campaign involving the election of members of the Board of Supervisors or in any way use their County/PSA position as an endorsement for any candidate for County office.

Section 10.3 Outside Employment

An employee who wishes to pursue outside employment during non-County/PSA working hours must receive prior approval from their department/division manager. In no case may the outside employment interfere with the duties and functions of their position with the County/PSA. An employee may not work on any outside employment while on sick leave from their County/PSA position.

Section 10.4 Safety Regulations

The County/PSA is committed to providing a safe environment for employees and for citizens and visitors to the County/PSA facilities. All employees are required to comply with all federal, state, and County/PSA occupational health and safety procedures and regulations, which include reporting requirements for any accident.

Each employee is required to obey safety rules and to exercise caution in all work activities.

Employees must immediately report any unsafe condition to their appropriate manager. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the event of an accident that results in injury or property damage, regardless of how insignificant the injury or damage, the employee must immediately notify their supervisor and initiate established injury and/or accident reporting procedures. In situations requiring immediate medical attention, treatment should be sought from the nearest emergency room or urgent care facility. For follow-up treatment, or for initial treatment of an injury not requiring immediate emergency treatment, the employee must select a physician from the County/PSA's Panel of Physicians. The employee's supervisor should provide the panel physician information to the employee as soon as possible following the report of injury. The prompt reporting of injuries and accidents per established procedure will ensure proper adherence to workers' compensation laws and insurance carriers' requirements.

For additional information on specific rules and regulations of the County/PSA's safety program, please contact the Safety Manager and/or refer to the Safety Manual at your worksite.

Section 10.5 Smoke-Free Workplace Policy

In keeping with the County's intent to provide a safe work environment, smoking is not allowed in the County Administration Building, in other County/PSA owned facilities and any County/PSA vehicles at any time. "Smoking" includes the use of any tobacco products (including chewing tobacco), electronic smoking devices, and e-cigarettes.

Smoking is only permitted during break times in designated outdoor areas. Employees using these areas are expected to dispose of any smoking debris safely and properly. Each County/PSA facility may establish a designated smoking area outside of the facility for those employees and visitors that wish to smoke. The designated areas for the County Administration Building are:

- The patio area directly behind the Administration Building

This policy applies equally to all employees, customers, and visitors. Employees who violate this policy will be subject to disciplinary action.

Section 10.6 Business Travel

All out-of-County business travel must be authorized in advance by the employee's department/division manager.

The County/PSA maintains a fleet of vehicles to meet the needs of our employees for business purposes. The employee should use one of these vehicles for out-of-County travel; if one is not available, the employee will be reimbursed at the published IRS rate of reimbursement for mileage for use of their personal car.

An employee who is involved in an accident while traveling on County/PSA business must promptly report the incident to their department/division manager. If the employee was operating a County/PSA-owned vehicle or operating a personal vehicle on work-related activity, the employee must submit to a drug and alcohol screen as outlined in Section 7.3.A(2).

Cash advances are strongly discouraged. An employee may request the use of the County/PSA credit card to pay for the reasonable costs of lodging, meals, and gasoline expenses. Both uses of the County/PSA credit card and cash advances require prior authorization from the County Administrator/General Manager. Upon return from travel, the employee must complete a detailed Employee Expense Reimbursement Voucher and attach receipts for all expenses. If a travel advance was obtained and the advance exceeds the actual expenditures, the employee must refund the difference to the County/PSA within five (5) days of their return.

The County/PSA recognizes that the costs of lodging and meals are governed by location. A detailed travel policy that lists current cost guidelines and contains the appropriate forms for travel are maintained by the Human Resources and Finance Departments. Employees should contact one of these two offices prior to the arrangement of business travel.

Abuse of the travel expense policy, including falsifying expense reports, may be grounds for disciplinary action, up to and including termination of employment.

Section 10.7 Official County/PSA Records

The affairs of County government are not intended to be conducted in an atmosphere of secrecy since at all times the public is to be the beneficiary of any action taken at any level of government. Therefore, the Virginia Freedom of Information Act was enacted by the General Assembly to ensure the people of the Commonwealth ready access to records in the custody of public officials, as well as free entry to meetings of public bodies in which the business of the people is being conducted.

It is the policy of the County/PSA to require that any request for records pursuant to the Virginia Freedom of Information (FOI) Act be given to the Director of Human Resources/Public Information Officer. The Director of Human Resources/Public Information Officer is the "records custodian" as defined by the Act for all documents and records of all County/PSA departments. As such, only they, or their designee, may release requested documents. Requests for public records may be in writing, in person, by telephone or electronically transmitted, but they need not make specific reference to the Virginia Freedom of Information Act. The request must identify the requested records with reasonable specificity; if the request is unclear or non-routine the citizen may be asked to put the request in writing, or the request may be written down and read back to the requester for confirmation. There should be a written record of all requests for clarity and future confirmation if necessary. Also, the date of the request must be recorded in order to make an appropriate response within the time limitation.

The FOI Act requires that the records custodian responds to any request for official records within five (5) working days. Therefore, if any department/division manager or employee receives a request for such information, they should forward the request <u>immediately</u> to the Director of

Human Resources/Public Information Officer so that the time frames of the law may be met. Reasonable charges may be made to the requester in order to recover the County's actual cost incurred in accessing, duplicating, supplying or searching for the requested records. If the charges for producing the requested records are determined in advance to likely exceed $200, the requester will be informed before we start the processing of the request.

Section 10.8 Building Closure/Inclement Weather Policy

Henry County/PSA's general policy is that County/PSA facilities are open for business during each facility's normal operating hours. This keeps us in line with other area companies, which generally do not close due to weather. Employees are responsible for reporting to work on time and must use their own judgment as to whether it would be unsafe to drive to work. Employees should not rely on the transportation being provided by the County/PSA.

If an employee is unable to report to work during those hours that facilities are open for business, they must notify their supervisor immediately and the time off will be charged to accrued vacation. It is the responsibility of department/division managers to ensure that their departments are staffed when County/PSA facilities are open.

There may be times when we have to close County/PSA facilities due to weather or other unusual conditions, but these will be very few. Some County/PSA facilities may open later than normal or close earlier than normal due to severe weather; the County Administrator/General Manager will be responsible for deciding the operating hours of the Administration Building, with the exception of the School Board Office, which will be decided by the School Superintendent. The Sheriff will decide the operating hours of the Sheriff's Administrative Offices and the Chief Judge of each Court shall decide the operating hours for their respective courts. If a situation necessitates that a facility be closed or operating hours reduced for the safety of employees, it will be announced to the local media and posted to the County's Facebook page when possible. The employee can also sign up to receive notifications by text message. Employees are responsible for monitoring these announcements to ensure that they know when to report to work.

Employees classified as essential personnel will be required to report for and remain on duty regardless if County/PSA facilities are closed for a full or partial day; this includes sworn personnel in the Sheriff's Office, employees of the Martinsville-Henry County Communications Center, Public Safety employees, Refuse Collection employees, PSA Treatment Division employees, Building and Grounds employees, and any other employee whose job description classifies them as essential personnel unless specifically excluded on a case-by-case basis by their supervisor.

When a County/PSA facility is closed, each regular full-time employee assigned to that facility and employees assigned to that facility on scheduled paid leave will be paid for that number of hours, which will be recorded on the timesheet as an "excused absence". For example, if the Administration building opens at 10:00 a.m., each employee will be credited for 2 hours excused absence for that day. **An excused absence shall not be compensatory for overtime pay.**

If an employee is on unpaid leave during the time a facility is closed, they will not be credited with

an “excused absence.”

With the exception of essential personnel, if a facility is open and severe weather has created hazardous driving conditions, the department/division managers will be responsible, to the extent possible, to assign alternate duties which will not endanger employee’s safety during the hours the facility is open.

Section 10.9 Computer Use Policy

Computers are an important part of the County/PSA’s working environment. Unauthorized access and use of computers, software, and data are strictly prohibited. Federal and State laws and County/PSA policies regulate their use. Unauthorized copying of software for work or personal use and misuse or damage to County/PSA computer equipment, software or data could cause the employee significant liability.

The County/PSA maintains an Acceptable Use Policy for its computer system. Each employee should read this policy and sign the User Agreement and Acknowledgment prior to the use of any County/PSA computer. It is the employee’s responsibility to become familiar with this policy. Failure to read or sign the agreement does not release the employee from the terms of the policy. This policy can be obtained from the Director of Human Resources.

Section 10.10 Personal Appearance

Employees represent the County government and Public Service Authority to the public. Therefore, their dress should be safe, neat and consistent with job responsibilities as determined by the department/division manager.

Section 10.11 Vehicle and Equipment Use

Equipment and vehicles essential in accomplishing job duties can be expensive and difficult to replace. When using equipment, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards and guidelines.

Please notify your supervisor if any equipment, machines, tools or vehicles appear to be damaged, defective, or in need of repair. The supervisor can answer any questions about an employee’s responsibility for the maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive, or unsafe use of vehicles or equipment, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

For information on reporting of accidents in County/PSA vehicles, please consult the County’s Administrative Assistant and the Safety Manager.

For additional information, please see the PSA/County’s safety policy entitled “Vehicle Safety” located in Section 21 of the Safety Manual. This policy should be provided to each employee at

the time of hire by their department/division manager or designee.

Section 10.12 Personnel File Review

Upon receipt of a written request from a current or former employee or employee's attorney, the Director of Human Resources shall furnish a copy of all records retained by the County/PSA in any format, reflecting (i) the employee's dates of employment with the employer; (ii) the employee's wages or salary during the employment; (iii) the employee's job description and job title during the employment; and (iv) any injuries sustained by the employee during the course of the employment with the employer. Such records shall be provided within 30 days of receipt of such a written request.

If the County/PSA is unable to provide such records within 30 days, it shall notify the requester in writing of the reason for the delay and shall have no more than 30 days after the date of such written notice to comply with such request. If the records are kept in paper format, the County/PSA may charge a reasonable fee per page for copying. If the records are kept in electronic format, the County/PSA may charge a reasonable fee for the electronic records.

GLOSSARY OF TERMS/DEFINITIONS

The following words, terms, and phrases, for the purpose of this Employee Handbook, shall have the meaning respectively described to them as follows, unless the context in which the same is used clearly requires otherwise:

Absence Without Leave – Any unreported absence from work or failure to report for work at the assigned time and location without approval.

Accrual – Leave that is accumulated on a periodic schedule and is available for use by an employee.

Classification – The process of assigning the various duties and responsibilities to positions and position to pay ranges, to the end that employment and compensation will be based on the duties and responsibilities assigned to the position.

Demotion – An involuntary change in the status of an employee from a higher position to a lower position, with lower position having a lower pay range and requiring performance of less responsible duties, for reasons of unsatisfactory performance or disciplinary action.

Department Manager/Division Manager – The director of a department or of a division of the government of the County of Henry/PSA. County is Department Manager and PSA is Division Manager.

Dismissal - The involuntary termination of employment for any reason other than lay-off or disability retirement.

Displacement – The change in the status of an employee resulting from a layoff or the elimination of such employee's regular position.

Exempt Employee – An employee of the County/PSA who is not subject to the provisions of the Fair Labor Standards Act.

FLSA – Fair Labor Standards Act.

Full-Time Employee – An employee hired in an authorized position who works at least 30 hours per workweek and who is eligible for full coverage of benefits.

Introductory Employee – An employee employed less than six months in a full-time position or one who is employed less than 12 months in an extended introductory period. Completion of such an introductory period does not confer any right to employment upon any employee. No employee within the initial prescribed introductory period shall have access to the County/PSA's discipline or grievance procedure.

Lateral Transfer – A change in the status of an employee from one position to another position in the same pay range.

Layoff – The involuntary termination of employment due to a lack of funds or work, providing for the retention of certain benefits and subject to recall.

Leave – Absence from work.

Leave Without Pay – An approved absence from work without compensation.

Nepotism – The prohibited employment of relatives within the same department of the County/PSA.

Non-exempt Employee – An employee of the County/PSA who is subject to the provisions of the FLSA.

Overtime – Time worked in excess of the normal duty cycle.

Overtime Compensation – Compensation paid to an employee for overtime work performed or service rendered.

Part-time Employee – An employee that works less than 30 hours per week whether on a regular or continual basis.

Pay Range – The designation of the minimum, midpoint, and maximum compensation to a position or group of positions.

Position Description – A written description of the duties and responsibilities of a particular job.

Promotion – A change in the status of an employee from a lower position to a higher position having a higher pay range and requiring the performance of more responsible duties.

Reassignment – A change in the status of an employee, whether voluntary or involuntary, from one position to another position or from one department or division to another department or division through promotion, demotion, transfer, reclassification, reorganization, displacement, or any other personnel action, which may or may not require a change in duties, responsibilities, or compensation.

Reclassification – The process of reviewing an existing position as a result of a change in the duties and responsibilities assigned or to be assigned.

Regular employee – A person employed in a full-time position working thirty-five (35) hours or more on the County/PSA staff who has successfully completed the introductory period. The term “regular” shall not imply any tenure or right of employment.

Supervisor – An employee who has the responsibility for directing and evaluating the work of other employees.

Temporary Employee – A person employed for a limited period of time (less than one year) for a one-time need or on a seasonal, reoccurring, or periodic basis.

Transfer Downward – A voluntary change in the status of an employee from a higher position to a lower position having a lower pay range and requiring the performance of less responsible duties.

Working Day – For purposes of complying with the provisions of the County/PSA's Grievance Procedure the days on which the administrative office of the County/PSA are open and operating. For purposes of complying with the provisions of the County/PSA's Disciplinary Procedures those days in an employee's normal duty cycle.