

COUNTY OF ESSEX, VIRGINIA



PERSONNEL MANUAL

REVISED: NOVEMBER 15, 2016

Code of Ethics

As an official or employee of Essex County, it is my duty to:

1. Put loyalty to the highest moral principles and government by law above loyalty to self, persons, political affiliation, or any department of the county government.
2. Be efficient, courteous, and impartial in the performance of my duties, assuring fair and equal treatment of all persons, claims, and transactions coming before me in my official capacity.
3. Work in full cooperation with other public employees in promoting the public welfare, recognizing that my private interest must always be subordinate to the public interest.
4. Make decisions conscientiously in compliance with public law and policies of the board of supervisors, and subordinate my personal views to the requirements of the law, my oath of office, and the regulations of the department in which I perform my public duties.
5. Be scrupulously honest in handling public funds and in the conservation of public property, never using any funds or property under my care for private benefit of others or myself.
6. Never accept or engage in employment incompatible with my public duties.
7. Refuse to represent any private interest before departments of the county government or in the courts in any matter involving the interests of the county as a party or in which my official position is a consideration.
8. Disclose all sources of income which may represent a perceived conflict of interest with my official duties and to disclose the nature and extent of any personal interest in a business entity engaging in any transaction with the county in which I may be involved in my official capacity as a public official or employee.
9. Refrain from disclosing confidential information concerning the county government.
10. Refuse to accept gifts or favors or promise of future benefit which might compromise, or appear to reasonable people to compromise, my independence of judgment or action as a public official or employee.
11. Expose corruption, negligence, or malfeasance whenever discovered.
12. Conduct myself in such a manner as to bring honor and respect to the county.
13. Avoid representing the position of the governing body in any way that is inconsistent with adopted policies and regulations.
14. Refuse to publicly criticize the county, county agencies, contractors and businesses, organizations or fellow employees at all times.
15. Work diligently to improve the condition of the community in all aspects of my position and to the full extent of my abilities.

Mission Statement

The employees of Essex County, Virginia are committed to providing the highest quality service to the community as directed by the Board of Supervisors within the constraints of the county's resources and will do so without regard to personal gain or privilege.

**COUNTY OF ESSEX
PERSONNEL POLICY
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COUNTY OF ESSEX PERSONNEL POLICIES

1.0 PURPOSE OF THIS POLICY MANUAL

The purpose of this Personnel Policy Manual, with addendums (“Policy”) is to provide a uniform system of personnel administration for the staff of the Essex County Board of Supervisors, based on merit principles, equitable compensation, open competition in hiring and advancement, and equal employment opportunities.

It is the policy of the Essex County Board of Supervisors to establish reasonable rules of employee conduct and to ensure compliance with these rules through a program consistent with the best interests of Essex County and its employees. **THIS MANUAL IS NOT, AND SHALL NOT BE CONSTRUED AS AN EXPLICIT OR IMPLIED CONTRACT; SHALL NOT MODIFY ANY EXISTING AT-WILL STATUS OF ANY COUNTY EMPLOYEE; AND SHALL NOT CREATE ANY DUE PROCESS REQUIREMENT IN EXCESS OF FEDERAL OR STATE CONSTITUTIONAL OR STATUTORY REQUIREMENTS. THE TERM AT-WILL MEANS EMPLOYEES CAN RESIGN VOLUNTARILY OR BE TERMINATED AT WILL. EXCEPTIONS ARE EMPLOYEES HAVING WRITTEN CONTRACTS SIGNED BY THE CHAIR PERSON OF THE ESSEX COUNTY BOARD OF SUPERVISORS.**

Additionally, it is the policy of the County of Essex to strive for safety in all activities and operations, and to carry out the commitment of compliance with health and safety laws applicable to the Essex County by enlisting the help of all employees to ensure that public and work areas are free of hazardous conditions.

The County Administrator is designated as the County’s Personnel Officer and is responsible for personnel administration within the County government pursuant to §15.2-1540 and §15.2-1541 of the Code of Virginia, 1950, as amended.

The Personnel Office shall be located in the County Administrator’s Office and shall contain all official personnel files. These files shall include, but shall not be limited to, the following: employment applications, conditions of employment letter and response, reference checks, evaluations, attendance records, disciplinary actions taken, and commendations received. All employee files are confidential. The information contained therein shall be released only upon written authorization of the employee or in accordance with the requirements of state and federal law.

2.0 EMPLOYEE CLASSIFICATION

All employees, whether in probationary status or not, are always employees at will.

2.1 Classifications and Definitions

- A. **Exempt Employee** – an employee who occupies a position which is exempt from the overtime provisions of the Fair Labor Standards Act due to executive, administrative or professional exemptions. Full-time, part-time, and temporary employees may be exempt.
- B. **Non-Exempt Employee** – an employee who receives hourly wages; and is subject to wage and hour laws, i.e. overtime pay provisions of the Fair Labor Standards Act; usually applies to non-professional employees. Full, part-time, and temporary employees may be non-exempt.
- C. **Full-time Employee** – an individual hired on a salary or wage basis for an established position for an indefinite term who is expected to work a minimum of forty hours a week.
- D. **Part-time Employee** – an individual hired on a salary or wage basis for an established position for an indefinite term who is expected to work an established period of time that is less than forty hours per week.
- E. **Probationary Employee** – a full-time or part-time employee who has worked for the County for less than six months.
- F. **Temporary Employee** – an individual hired on a term basis, *e.g.*, day, week, period of months or on a project basis.
- G. **County Administrator** – the County Administrator of the County, with the powers and authorities delineated in §15.2-1540 and §15.2-1541, Code of Virginia, 1950, as amended.
- H. **Deputy County Administrator** – The Deputy County Administrator reports to and is subordinate to the County Administrator. He/She is the person who is appointed to act as a substitute for the county administrator in his/her extended absence. Such person shall be a public officer subject to the limitations and requirements of Virginia law. However, this appointment shall not act to relieve the county administrator of his/her legal obligations for the exercise of powers and performance of duties of his/her office. Because of the nature of this position, the Deputy County Administrator can be terminated only by the Essex County Board of Supervisors.
- I. **Employees of Constitutional Officers**—may or may not be covered by the provisions of these policies, depending upon whether or not the affected Constitutional Officer has entered into an agreement with the Board of Supervisors regarding the status of his/her employees.

3.0 EQUAL EMPLOYMENT OPPORTINUTY

3.1 Policy Statement

It is the policy of the County of Essex to provide equal opportunity in employment and to administer employment policies without regard to race, color, religion, sex, age, national origin, political affiliation or disability. This policy applies to every aspect of employment practices including, but not limited to the following:

- A. Recruiting, hiring, and promoting in all job classifications without regard to race, color, religion, sex, age, national origin, political affiliation, or disability, except where such a factor can be demonstrated as a bona fide occupational qualification.
- B. All decisions for hiring or promotions shall be based solely upon each individual's qualifications for the position to be filled.
- C. Other personnel actions such as compensation, benefits, transfers, layoffs, training, and assignments, will be administered without regard to race, color, religion, national origin, sex, age, political affiliation, or disability.

3.2 No-Harassment/No-Discrimination Policy

The Essex County Board of Supervisors will not tolerate any form of harassment or discrimination. In accordance with Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, our No-Harassment/No-Discrimination Policy prohibits harassment, discrimination or intimidation of others based on age, sex, color, race, creed, religion, national origin, ethnicity, disability, political affiliation, marital status, military/veteran status, status in any other group protected by federal or local law or for any other reason.

Harassment includes, but is not limited to, remarks, jokes, written materials, symbols, paraphernalia, clothing or other verbal or physical conduct which may intimidate, ridicule, demean, or belittle a person because of their age, sex, color, race, creed, religion, national origin, ethnicity, disability, political affiliation, marital status, military/veteran status, or status in another group protected by federal, state or local law.

Sexual harassment includes unwelcome sexual advances; requests for sexual favors; and other verbal or physical conduct of a sexual nature; as well as behavior, remarks, jokes or innuendos that intimidate, ridicule, demean or belittle a person on the basis of their gender; regardless of whether the remarks are sexually provocative or suggestive of sexual acts.

Harassment occurs when:

- Submission to and/or tolerance of the unwelcome conduct is explicitly or implicitly made a term or condition of a person's employment.
- Submission to, tolerance of, and/or rejection of the unwelcome conduct is a basis for employment decisions.

- The unwelcome conduct substantially interferes with a person's work performance and creates an intimidating, hostile, or offensive work environment.

Every employee of Essex County has the responsibility to bring any form of harassment to the attention of his/her supervisor or the county administrator.

All employees are responsible for helping to avoid harassment and discrimination in the workplace. If any employee experiences any problem of this sort, becomes aware of any other employee experiencing a problem of this sort, or has knowledge of any form of harassment or discrimination, sexual or otherwise, he/she must immediately report it to his/her supervisor. If it is believed that it would be inappropriate to discuss the matter with the supervisor or uncomfortable to discuss the matter with the supervisor, the employee may elect to bypass his/her supervisor and report the matter directly to the County Administrator.

All claims of harassment or discrimination will be investigated thoroughly and promptly **WITHOUT CONSEQUENCE TO THE EMPLOYEE EXPERIENCING OR REPORTING THE CONDUCT**, as long as the report is made in good faith and the information provided is truthful to the best of the employee's knowledge. Supervisors and the County Administrator will keep complaints, investigations, and resolutions confidential to the extent possible; however, the county cannot compromise its obligation to investigate complaints. The employee who brought the complaint will be provided information on the outcome of the investigation. A non-employee who subjects an employee to harassment in the workplace will be informed of the County of Essex' policy and appropriate actions will be taken to protect the employee from future harassing conduct.

3.3 Retaliation

Retaliation is illegal and contrary to the policy of the County of Essex. Employees who bring complaints of discrimination or who identify potential violations, witnesses interviewed during the investigation, and others who may have opposed discriminatory conduct are protected from retaliatory acts.

If an employee believes that he or she is being retaliated against, a written report shall be immediately made to the County Administrator. Those who are found to be acting in a retaliatory manner will be disciplined for such conduct.

3.4 Violations

An employee who believes that this policy is being violated shall (1) inform the offending person(s) that the conduct is unwelcome and (2) shall report it immediately to the appropriate Department Head. The report shall be made in writing; however, a report will also be accepted by phone or in person until it can be reduced to writing.

Charges will be promptly and thoroughly investigated and corrective actions taken if the charge is founded. If it is determined that a violation has occurred, appropriate relief for the employee(s) bringing the complaint and appropriate disciplinary action, up to and including discharge, against the person(s) who violated the policy will follow. In all cases, the County will make follow-up inquiries to ensure that the harassment has not resumed.

An employee violating this policy will be subject to disciplinary action, including termination. The employee who brought the complaint will be provided information on the outcome of the investigation.

3.5 Accommodating Individuals with Disabilities

In accordance with the Americans with Disabilities Act, the County of Essex provides equal employment opportunities to qualified individuals with disabilities. Reasonable accommodations will be provided to a qualified employee or applicant with a disability when that employee or applicant requests an accommodation. A qualified employee or applicant is one who is able to perform the essential functions of the job with or without accommodation. A request for an accommodation will be denied if the accommodation is not shown to be effective, places an undue burden on the County of Essex or if the employee poses a direct threat to the health and safety of him or herself or others.

4.0 RECRUITMENT, SELECTION AND REDUCTION IN FORCE

4.1 Open Positions

All positions shall be open to all individuals who meet the minimum requirements for the position. The recruitment objective is to obtain well-qualified applicants for all vacancies and selection shall be based on the best-qualified person available at the salary offered for the particular position.

First consideration will be given to current employees who desire to fill an open position, if the current employee is qualified for the position and if the placement best serves the needs of the County of Essex. The County Administrator may carry out open competition to fill any vacancy.

Employment decisions shall be handled in a manner consistent with the Virginia Conflicts of Interest Act.

4.2 Probationary Period

All new full-time and part-time employees shall serve a 6 month probationary period. During this period the employee must show that he or she is capable and willing to perform the job satisfactorily. At the end of the probationary period the employee will be evaluated to determine satisfactory performance. If satisfactory performance is attained the employee will be entitled to all the benefits of non-probationary status including utilization of the grievance procedure. In establishing a probationary period, the County of Essex does not abrogate or modify in any way the employment-at-will status that applies to its employment relationship with all employees.

At any time during the probationary period, the appropriate Department Head may recommend in writing to the County Administrator the dismissal of an employee serving a probationary period, if in the opinion of the Department Head the job performance indicates such employee is unable or unwilling to perform the duties of the position satisfactorily or that his/her work habits and dependability do not merit continuance in County service. Such recommendation of the Department Head and the reason therefore shall be in writing to the County Administrator

with a copy to the employee. No employee shall be removed from a position during the probationary period without the approval of the County Administrator.

During the time that a County employee is on probation, he/she is not eligible for merit increases or promotion

Transferred, promoted, or demoted employees are required to serve a new probationary period of 6 months. This probationary period is imposed for the purpose of evaluating the employee's suitability for the new position. An employee who fails to satisfactorily complete this probationary period may be restored to his/her former position, may be placed on an additional probationary period, or may be dismissed with the approval of the County Administrator.

4.3 Hiring Authority

The County Administrator has complete authority for hiring, promoting, and discharging employees in accordance with these policies, except as otherwise limited by the Code of the County of Essex, Virginia and except in the offices of the Constitutional Officers participating in the County's personnel system and in instances where the Board of Supervisors retains for itself direct hiring or appointment authority. The County Administrator has the responsibility and authorization for administering the personnel system established by these policies. At the sole discretion of the County Administrator, positions may be filled on a full-time, part-time, or temporary basis in consultation with the Department Head and subject to the funds approved by the Board of Supervisors.

4.4 Medical Examination & Random Drug Screening

Prior to being employed by the County, any applicant may be required to submit to a complete medical examination to include drug screening for the purpose of determining physical fitness for the position. The County will pay for said examination. The County may require such an examination at any time during employment when it becomes evident through an employee's actions that his or her physical condition may be negatively affecting the ability to perform the duties and responsibilities of the position. The County also reserves the right to subject any and or all County employees to random drug screening throughout the course of their employment with the County per Section 12.0 – 12.3 of this manual.

4.5 Employment of Relatives

An individual may be hired who has relatives employed by the County provided the individual is not:

- a. Directly supervised by a relative, or in the relative's chain of command;
- b. In a number two position in the department where even in a temporary situation, one relative would be supervising the other.

Relative for the purpose of hiring is defined as the employee's spouse; children, including step-children and foster children; parents, including step-parents; parents-in-law; grandparents; grandparents-in-law; sons-in-law; daughters-in-law; grandchildren; brothers, including step-brothers; brothers-in-law; sisters, including step-sisters; sisters-in-law; and/or any relative, either by blood or marriage, living in the employee's household.

The County Administrator, as the hiring authority, may make an exception to this policy.

4.6 Reduction in Force

The County Administrator may call for a reduction in force as authorized and approved by the Board of Supervisors.

In determining which employees shall be laid-off, the County Administrator shall consider length of service, performance evaluations, and specific benefit to the County of each employee. This review shall include all employees assigned to the position class affected by the reduction in force. Upon completing the review, the employees shall be ranked in the order in which they will be laid-off.

Each employee laid-off shall be given a written notice at least two weeks prior to the effective date of the termination. The notice shall include the reasons for the lay-off, the effective date, and any other information deemed necessary by the County Administrator.

Employees who are laid-off shall be placed on a re-employment list for a period of up to one year after the lay-off. These employees shall be given written notice of any opening that is comparable with their past position. Such notice shall be sent to the employee's last known address. However, failure to send such written notice shall not give rise to any liability on the part of the County.

Employees laid-off from the County service may be eligible for continuation of certain benefits and should discuss their eligibility with the County Administrator.

5.0 EMPLOYEE COMPENSATION AND BENEFITS

The total compensation of employees consists of the regular salary and authorized overtime pay for full-time employees, the employer's contributions to employee benefits, holiday pay, and various forms of leave with pay. Part-time and temporary employees may also receive leave in certain circumstances. Leave policies, found in sections 5.3 through 6.10 should be reviewed.

5.1 Hours of Work

- A. The County Administrator, in accord with the policies of the Board of Supervisors shall establish the hours of work for all county employees in order to ensure the successful completion of all necessary tasks. Generally, the County offices will maintain a schedule of operating hours from 8:30 AM to 4:30 PM, Monday through Friday. The standard scheduled workweek for which salary is paid consists of 40 hours, generally Monday through Friday. This does not preclude the establishment of specified schedules other than forty hours in a given workweek for other employees if approved by the County Administrator.
- B. Employees shall have a 30-minute meal break. Meal breaks may not accumulate from one shift or one day to another. Flexible work scheduling may be used for the purpose of extending a meal break with the employee's start time being advanced or end time being extended as approved by his supervisor. Certain

employees, as approved by the County Administrator, may have their meal break(s) included as a part of their regularly scheduled workday.

- C. Emergency Medical Services employees shall work a standard scheduled workweek consisting of 53 (fifty-three) hours.

5.2 Pay and Classifications

Compensation Plan

- A. The compensation plan for employees of the County shall consist of:
 - 1. A classification system for all classified jobs.
 - 2. A pay grade that sets a salary range for each classified position.
- B. The rates of pay for each employee within a pay grade shall be set by the Board of Supervisors. The normal entrance rate of pay for new employees shall be at the lower end of the pay grade for the position.
- C. The compensation plan may be amended by the Board of Supervisors.
- D. Flexible work scheduling may be approved by the County Administrator within the standard workweek, Monday through Friday, so long as the standard hours in a workweek, normally forty, are not altered.

Some examples are:

- 1. Arrive earlier in the morning and leave earlier in the afternoon.
- 2. Arrive later in the morning and leave later in the afternoon.
- 3. Work four 10-hour days.
- 4. Work four 9-hour days and one 4-hour day.
- 5. Work some other similar permanent or seasonal scheduling option(s)
- 6. Add time to meal break and arrive earlier and leave later.

Other temporary or occasional flexible work schedules may include some combination of altered work start and stop times to allow employees to have medical appointments or take care of personal business during work hours without being charged leave. If flexible work scheduling or compressed workweeks are instituted on an ongoing basis, the agency head may approve such only after consultation with the County Administrator.

- E. If an employee is unable to report for work or expects to be late, the employee must contact his/her supervisor as soon as possible but no later than thirty minutes before

beginning of the scheduled work period, giving the reason for the absence or tardiness. Paid leave may or may not be approved. If an employee has difficulty reaching the supervisor, a message shall be left reporting the absence but the employee shall continue to attempt to make contact with the supervisor. The responsibility to notify a supervisor about absences or tardiness always rests with the employee.

- F. Hours of work, schedules, and duty assignments of short duration of individual employees or work units may be altered under authorization of the department head or designee within the established workweek and schedule of the agency as conditions warrant. Schedules may also be adjusted to meet Family Medical and Leave Act (FMLA) and Americans with Disabilities Act (ADA) requirements. All altered work schedules must be approved by the County Administrator prior to implementation. Failure to secure prior approval may result in disciplinary action.
- G. **Base Pay Practices** - The County of Essex promotes excellence in its workforce. It is the County's policy to follow the Commonwealth of Virginia's Base Pay Practices system of pay adjustments for pay increases/decreases within our pay structure. With recommendations from Department Directors and Human Resources, the County Administrator may approve employee pay increases/decreases as outlined in the Base Pay Practices system. Any pay increase/decrease outside the range as recommended in this system must come before the Board's Human Resources/Policy Committee for approval. A denial by the County Administrator may be appealed to the Board's Human Resources/Policy Committee.

An employee reaching the top of his or her pay grade shall not be eligible for Base Pay increases but will be eligible for any cost of living adjustments approved by the Board of Supervisors.

- H. **Compensatory Leave and Overtime Pay.** Employees in non-exempt positions are eligible for pay or compensatory leave at one and one-half times their regular rate of pay for any hours worked in excess of forty hours during their standard workweek. Exempt employees are not entitled to overtime pay but may receive "straight time" reimbursement for hours worked, approved by the county administrator, which exceed 40 hours per week.
1. Overtime is computed with the workweek beginning on Sunday and ending on Saturday, unless otherwise approved by the County Administrator. Hours worked up to forty will be paid at the regular rate of pay.
 2. Compensatory leave may be awarded in lieu of cash wage payments on a time and one-half basis at the written request of the employee on forms provided by the County Administrator, with approval of the department head. The maximum compensatory leave accrual shall be eighty hours after which cash wages, computed at time and one-half the hourly rate for hours worked in excess of the standard workweek, must be paid.

3. Up to eighty hours of compensatory leave may be carried over to the following calendar year. Any compensatory leave in excess of eighty hours must be paid out in cash wages at the end of the calendar year.

Hours worked beyond the regularly scheduled workweek must be authorized and must be limited to emergency, seasonal, or occasional peak-load needs. Its use on a continued basis for accomplishing regular services is prohibited.

All overtime worked, whether authorized or unauthorized, must be compensated by the County. An employee may not waive overtime compensation. Unauthorized overtime, therefore, shall be considered a violation of these personnel policies and be subject to disciplinary action.

Earned compensatory leave must be approved in advance by the department head or a designated representative.

Time associated with attending conferences, seminars, and the like or related travel time, which exceeds the number of hours in a non-exempt employee's regularly scheduled workweek, may be compensable in accordance with the requirements of the Fair Labor Standards Act and its implementing regulations.

Termination or department transfers:

1. Non-exempt employees with a compensatory leave balance at the time of termination or department transfer will receive compensation for their compensatory leave balance.
2. Non-exempt employees who are appointed to a new position in a different department must be paid for their accumulated compensatory leave as outlined above.

Change in employee status:

1. If a non-exempt employee is moved to an exempt employee status this is ineligible to earn compensatory leave, the employee, with the consent of his/her department head, has the option of either retaining their compensatory leave balance or having their accumulated compensatory leave paid.
2. If appointment to a new position is in a different department, compensatory leave will be paid out by the employee's former department.

I. Bonuses

The Board of Supervisors may grant a bonus to an employee.

J. Retirement

The County of Essex participates in the Virginia Retirement System for all employees eligible for retirement benefits pursuant to the rules and policies of VRS. The County makes the contribution to the Virginia Retirement System for the employer and, effective July 1, 2012, the employee is responsible for the employee share. For specific information on retirement benefits, VRS should be contacted directly.

K. Group Health Insurance

The County makes available a medical health and dental insurance plan for all full-time employees. A maximum waiting period of thirty days may be required before the insurance coverage takes effect.

In accordance with federal law, full-time employees who cease to work for the County (except those discharged for gross misconduct) and certain members or former members of their families may participate in the County's group medical health and dental insurance plan for between 18 months and 36 months, depending on the circumstances. Participating individuals shall pay the full cost of the insurance coverage selected by the 15th of the prior month in order to continue insurance coverage. These payments shall be made to the insurance provider.

L. Group Life Insurance

The County provides fully paid group life insurance coverage for all full-time employees. Coverage for the employee shall be in an amount equal to double his/her annual salary rounded up the next thousand-dollar amount.

M. Deferred Compensation Program

The County makes available a deferred compensation program. Employees may voluntarily contribute to the program on a pre-tax income basis to provide an additional source of retirement income. For specific information on the deferred compensation program, employees should see the County Administrator.

N. Uniforms/Clothing Allowance

The County shall provide uniforms to certain employees, as recommended by Departments Heads and approved by the County Administrator. Employees receiving uniforms are required to wear a complete uniform during work hours and are responsible for cleaning them unless the County had made other arrangements. All uniforms and safety equipment issued to County employees are County property and must be returned or paid for in full if an employee resigns or is terminated.

5.3 HOLIDAYS AND LEAVE

Holidays

There are twelve state holidays that the County observes. Offices, except for public safety, will be closed on these holidays. Full time employees who are not required to report to

work on a holiday will not have any reduction from their salary; the leave will show on the timesheets as 8 hours of holiday leave.

A full time employee who is required to work on a holiday will be given 8 hours of leave per holiday. Holiday leave may be banked (in a holiday leave tracking system). Unless an exception is made by the County Administrator, all banked holiday leave must be used by the last pay date in the fiscal year.

For an employee of a Constitutional Officer who has adopted the County's personnel policies, a full time employee who is required to work on a holiday will accrue one hour of holiday leave for each hour the employee works on the holiday. The banked holiday leave must be used by the last pay date in the fiscal year.

New Year's Day	January 1
Lee-Jackson Day	Friday preceding 3 rd Monday of January
Martin Luther King, Jr.	Third Monday of January
President's Day	Third Monday of February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	
Christmas Day	December 25th

The Essex County Board of supervisors also honors special holidays approved by the Governor of Virginia and/or the President of the United States. In addition to the above stated holidays, the Board of Supervisors may choose to grant additional holidays. Holidays falling on Saturday or Sunday shall be taken on the Friday or the Monday respectively as announced by the County of Essex. Requests to use banked Holiday Leave will follow the guidelines for requests to use annual leave.

5.4 Leave

A. Annual Leave

Full-time employees will accrue paid annual leave for personal purposes at the following rates and shall be used on an hour for hour basis.

0-5 years of service	8 hours per calendar month
Over 5 years through 10 years	10 hours per calendar month
Over 10 years	12 hours per calendar month

Requests to use annual leave shall be approved in advance by the County Administrator or department head. Leave is not eligible at all times: the County Administrator and department heads have a primary obligation to insure that the County's service to the citizens is carried out. Leave approval will not normally be granted in excess of two weeks out of any six week period.

The annual leave credits provided may be used, at the option of the employee, to provide paid absences for vacation and other personal purposes, or for absences in excess of the credits available for other kinds of leave.

No annual leave credit shall be provided for service less than a full semi-monthly pay period; the credit for a full semi-monthly pay period or more but less than one calendar month shall be one-half of the credit to which the employee is entitled for one calendar month of service.

Annual leave credits may be accumulated not to exceed at the date of separation or at the end of any fiscal year: 192 work hours for employees with less than 5 years of service, 240 work hours for employees with over 5 to 10 years of service, 280 hours for employees with over 10 to 20 years of service and 336 work hours for employees with more than 20 years of service.

Upon separation, an employee shall be entitled to payment for all unexpired credited annual leave based on the employee's current rate of pay at time of separation. In the event of the death of an employee, the employee's estate shall be entitled to payment for any unused balance of annual leave allowances at the time of death.

B. Sick Leave

Sick leave for full-time employees shall accrue at the rate of 8 hours per month, and, when taken, shall be used on an hour for hour basis. Sick leave shall be used for:

1. FMLA leave, pursuant to section 6.4.A
2. Illness or injury incapacitating the employee and preventing the employee from performing assigned duties, doctor, or dental appointments during working hours. Personal sick leave is charged on an hour-for-hour basis for all employees and is not considered an entitlement.
3. Medically-necessary care of dependents, not to exceed 3 days at any one time.

An employee away from work for medical conditions which require absence in excess of one week or for FMLA purposes is required to (1) submit to the department head a written statement from the attending physician or health care provider, stating the earliest approximate date of return to duty and advising on the ability of the employee to perform the essential functions of his or her job with or without reasonable accommodations, and simultaneously (2) apply for leave under the Family and Medical Leave Act. The department head or County Administrator has the prerogative of requiring a physician's or health care provider's letter with the above content prior to an absence of one week if in his or her judgment this information is necessary. Medical information and the personnel needs of the County of Essex will be considered in determining the holding of the employee's position or placement in another position for which the employee qualifies. All medical information will be kept confidential and will be made a part of a file separate from the employee's personnel file.

Exceptions to this policy may be considered on a case-by-case basis and approved by the County Administrator. Sick leave is charged on an hour-for-hour basis for all employees and is not considered entitlement.

To receive paid sick leave, an employee must notify his/her supervisor of the County Administrator within 2 hours after the time set for beginning his/her duties, or as the County Administrator may have otherwise specified. If absent for more than 2 consecutive work days, the employee may be required to file a physician's certificate stating therein the reasons for his/her absence.

Payment for unused sick leave is not allowed for employees leaving the County's service.

Sick leave is charged against employees in 2 hour increments or more. Obvious and flagrant misuse of sick leave may constitute grounds for dismissal.

For all employees hired on or after January 1, 2014, that are members of the VRS Hybrid Retirement Plan, the Paid Time Off Plan in Addendum 4 will serve as the combined annual and sick leave plan for those employees.

C. Military Leave

An employee who is a member of the armed services or is a member of the organized reserve forces of any of the armed services of the United States, National Guard or Naval Militia (collectively "military duty") is entitled to a leave of absence with the Essex County without the loss of seniority, accrued leave, or efficiency rating.

D. Leave Entitlement

Upon presentation of a copy of final orders or other equivalent notice, military leave will be granted for all days that an employee is engaged in federally funded military duty to a maximum of 5 years cumulative.

An employee who is leaving for military duty must provide the administrator with advance notice either orally or in writing unless it would be unreasonable to provide notice or the employee is precluded by military necessity from providing such advance notice. If such delay in notifying the Essex County of the need for military leave occurs, the employee must provide a copy of their military orders to the administrator as soon as possible thereafter.

Military leave is cumulative which means that all leave taken for military purposes is added together to determine whether the 5-year maximum has been reached. Under certain circumstances, military leave may extend beyond the 5-year period, e.g. being out of the country when the time limit is reached or being called for training as a reservist.

E. Pay

Military leave is unpaid leave. However, the County will provide the employee with 15 days of paid time off during each federal fiscal year that the employee is on active duty.

F. Benefits

When an employee is on military leave, the employee will not accrue annual or sick leave or be covered under the health benefit plan (unless such coverage is elected under COBRA). An employee may continue health insurance coverage by electing under COBRA and have continuation coverage for a maximum of 24 months (if the employee becomes disabled, coverage can be extended to up to 36 months). Under COBRA the employee is expected to make the full monthly premium payments. When Essex County is notified of the employee’s need for military leave, the employee will be provided with a notice of the COBRA rights and an election form.

When an employee returns to work at the conclusion of military leave all time served on military duty will count as years of service for retirement benefit purposes provided the employee returns to work at the County. Military leave will also count as years of service with Essex County for all purposes relating to seniority in employment.

In addition, the County provides a death benefit in the amount of \$20,000 to any employee who is killed in action in any armed conflict while serving with any reserve component of the Army, Navy, Marine Corps, Air Force, or Coast Guard or with any unit of these respective services of the United States.

G. Job Restoration Rights

An employee who is on military leave shall be entitled to all reemployment rights and benefits as set forth in the federal Uniformed Services Employment and Reemployment Rights Act and other applicable federal or state laws.

In accordance with the time frames and requirements established by federal law, employees must promptly return to employment after military service is completed. The period an individual has to report back to work or notify the employer of his or her intent to return to work after military service is based on time spent on military duty. For service of less than 31 days, the employee must return at the beginning of the next regularly scheduled work period on the first full day after release from service taking into account safe travel home plus an 8 hour rest period. For service of more than 30 days but less than 181 days, the employee must either return to work or submit notice of intent to return to work within 14 days of release from service. For service of more than 180 days, the employee must either return to work or submit notice of intent to return to work within 90 days of release from service.

Returning employees must provide documentation from the military branch of service, stating the date the employee was released from military service and whether that the service was performed under honorable conditions.

H. Civil Leave

An employee will be given time off without charge to leave or loss of pay for (a) performing jury duty, when subpoenaed as a witness to appear before a court, public body or commission, (b) serving as a blood donor, or (c) performing emergency civilian duties in connection with national defense or for the purpose of voting in a national, state, or local election. The period of such leave shall be only as necessary for the performance of the activity, plus any necessary travel time.

When an employee is paid for jury duty during regularly scheduled work hours, he/she must surrender the jury pay back to Essex County or take annual/compensatory leave during the period of jury duty and retain the jury pay.

I. Worker’s Compensation Leave

When an employee is unable to report to work because of incapacity that is the result of a compensable injury under the Virginia Workers’ Compensation Act, the employee will receive for the first seven days of absence full salary minus normal payroll deductions. The first seven days of Workers’ Compensation leave will not be charged against the employee’s consolidated leave balance.

If the absence is longer than seven days, the employee will receive for the period of absence the full compensation that is provided under Workers’ Compensation Act. If the period of incapacity extends beyond twenty-one calendar days, the employee will be required to reimburse the County the amount of compensation awarded to the employee for the employee’s first seven days of absence. This is an obligation owed to the County and one which, if not reimbursed promptly, will be deducted from future monies (wages, terminal leave pay, etc.) owed to the employee by the County.

I.

J. Bereavement Leave

In case of death of an employee’s immediate relative: spouse, parent, step-parent, sibling, step-sibling, child, step-child, grandparent, grandchild, guardian, and same relatives of spouse, inclusive of those relationships arising from adoption, a full time employee will be allowed up to three regularly scheduled work days off with pay upon notification of the employee’s supervisor, who will notify the County Administrator. EMT/Firefighters on a 28 day 24-hour shift schedule may receive up to thirty-six hours off with pay upon notification of the employee’s supervisor, who will notify the County Administrator. The employee’s time off from work, because of a death in the family, must be taken immediately following the death. A leave form shall be promptly submitted for bereavement leave and will supersede other leave already approved.

6.0 LEAVE WITHOUT PAY

The following are the situations for which an employee may be on leave without pay status.

6.1 Family and Medical Leave

Employees (including part-time and temporary employees) are entitled to participate in the benefits of the Family and Medical Leave Act (“FMLA”). FMLA is unpaid leave. Employees are required to use accrued paid leave on an hour-for-hour basis in conjunction with FMLA leave.

A. Eligible Employee

To be covered under the FMLA, an employee must have worked

- for the County for 12 months (the 12 months do not have to be consecutive months, but for the prior years to be counted there can not be a break in employment of more than 7 years).

- worked at least 1,250 hours within the 12 months preceding the start of the leave; military leave counts as hours worked.

Employees who have been notified at the time that the request for leave is made that they are a “Key Employee” are eligible for FMLA leave; however, they are not entitled to have their position held open for them. (See section on **Job Restoration**)

B. FMLA Leave Events:

- when the employee is unable to work because of the serious health condition of the employee;
- the employee is needed to care for an employee’s spouse, son and daughter, or parent (not including in-laws) who has a serious health condition and who is not capable of self-care;
- the birth of, or to care for, an employee’s son and daughter after birth, or after the placement of a child for adoption or foster care (provided that the leave is requested and used within 12 months following the birth or placement);
- a “qualifying exigency” arises due to the employee’s spouse, son and daughter, or parent being on active duty and is called for deployment or is notified of an order to report to active duty in the armed forces (including the Reserves and National Guard) in support of a “contingency operation”; or
- when the employee is needed to care for a spouse, son and daughter, parent, or next of kin who is a service member undergoing medical treatment, recuperation or therapy, is on outpatient status, or is on the temporary disabled retired list for a serious illness or injury.

C. Leave for a Serious Health Condition

A serious health condition is an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or an incapacity lasting more than 3 consecutive days and requiring continuing treatment by a health care provider. Continuing treatment involves 2 or more treatments (or 1 treatment when the condition is such that continuing follow-up is or will be required) by a healthcare provider. Treatment could also be for pregnancy, prenatal care, chronic or long-term serious health conditions, or hospice care.

To qualify for leave due to the serious health condition of:

- a family member – the family member must be incapable of self-care (e.g. the individual requires active assistance or supervision in daily self-care or needs psychological support);
- the employee – the employee must be unable to work at all or unable to perform any of the essential functions of the employee’s position.

D. Leave for Exigency Circumstances

The following are the exigency circumstances recognized under the law: short notice deployment, military events, urgent need for child care or unexpected school activities, financial arrangements,

counseling, R&R, and certain post deployment activities. The exigency circumstances should be stated in the deployment or call to active duty notice.

E. Leave to Care for Injured Service Member

Leave can be taken to care for a parent, son and daughter, spouse, or closest next of kin who is on active duty and undergoing medical treatment, who is receiving recuperation, therapy, or who is on the temporary disability retirement list. Leave can be taken to care for more than 1 member.

F. Amount of Leave

An eligible employee is entitled to use the following amounts of FMLA leave as follows:

- Serious Health Condition of employee or family member: 12 weeks during a rolling 12-month period beginning on first day leave is taken and looking back over the past 12 months.
- Exigency Circumstances: 12 weeks during a rolling 12-month period beginning on first day leave is taken and looking back over the past 12 months.
- Care for Injured Service Member: 26 weeks to care for an incapacitated service member during the 12-month period beginning with the first day of leave and ending 12 months later.
- Birth, Placement, Adoption: 12 weeks in the 12 months following the birth of a son and daughter or the placement of a son or daughter for adoption or foster care.

Except for leave taken for the serious health condition of the employee or for exigent circumstances, a husband and wife working for the same employer may not collectively use more than the allotment allowed if only one had been employed by the County (e.g. 12 or 26 weeks for both together).

When a request for leave is made, or the employee is absent for a one of the qualifying events, the County will provide the employee with an Eligibility Notice.

G. Designation of Leave

Once eligibility for leave is determined, an employee will receive a notice designating (or denying) the leave. The County can designate leave without a request from an employee.

H. Use of Paid Leave

If an employee has accrued paid leave, the employee must use the paid leave concurrently with the FMLA leave.

I. Intermittent or Reduced Schedule Leave

FMLA leave may be taken intermittently in single blocks of time or as a reduced work hour schedule. When taken intermittently for a for the serious health condition of the employee or the employee's family member, it must be substantiated with evidence of a medical reason for this type of schedule. Certification from a health care provider will be required in order to establish the medical necessity for the leave.

When leave is taken after the birth or placement of a child for adoption or foster care, intermittent or reduced schedule leave will be granted only with the permission of the County Administrator.

Employees are expected to schedule planned health care provider appointments outside their scheduled work hours whenever possible, and if not possible, every effort should be made to have the appointment times at hours that would not unduly disrupt operations (beginning or end of a shift, or during lunch break).

An employee who is on intermittent or reduced schedule leave may be temporarily transferred to an alternative position with equivalent pay and benefits for which the employee is qualified and which better accommodates the scheduling of the leave.

J. Job Restoration

At the conclusion of the FMLA leave, 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. An employee is entitled to reinstatement only if he/she would have continued to be employed had FMLA leave not been taken. Thus, an employee is not entitled to reinstatement if, because of a layoff, reduction in force or other reason, the employee would not be employed at the time job restoration is sought.

K. Job Restoration - Key Employee

Key employees are entitled to FMLA leave but are not entitled to job restoration if re-employment after the conclusion of the leave would cause a substantial and grievous economic injury to the County. A key employee is a salaried employee who is among the highest paid 10 percent of the County's workforce. A key employee will be notified in writing of his or her status in response to the employee's notice of intent to take FMLA leave, unless circumstances do not permit such notice. If a key employee is already on FMLA leave when notice of key-employee designation is received, the employee will be given a reasonable time to return to work before losing the right to job restoration.

L. Health Benefits

While on FMLA leave, the employee will maintain the same health plan benefits as if working. If the employee fails to make the employee's share of the health plan payments, the employee will be provided written notice of this failure and will be given an additional 15 days to make payment in full. If payment is not made after this notice, health benefit coverage will cease.

If an employee does not return to work after the conclusion of the FMLA leave, the employee is responsible for reimbursing Essex County for the health care premiums paid during the period of FMLA leave.

M. Required Documentation for Leave Requested

Employees are required to submit completed Certification forms for all absences for which FMLA benefits are being requested. These forms should be provided to the employee along with the Notice of Eligibility; additional copies are available from the County Administrator's office. A chronic or long-term health condition will not require a new Certification form for each absence, however, the

statement by the health care provider initially provided must state that the absence was due to the chronic condition.

When leave is taken to care for a family member, the employee may be asked provide documentation of family the relationship (e.g., birth certificate or court document).

If the information provided on the Certification form is not adequate, the employee will be allowed to provide supplemental information or, with the employee's permission, another health care provider would contact the employee's health care provider in an effort to clarify or authenticate the initial certification. In the alternative, the employee may be requested to obtain a second opinion from a designated health care provider; this second opinion would not be at the employee's expense or charged to the employee's health plan. If the initial and second certifications differ, a third certification from a jointly-selected health care provider may be required (at the County's expense).

FMLA leave or return to work may be delayed or denied if the appropriate documentation is not provided in a timely manner. Also, a failure to provide requested documentation of the reason for an absence from work may lead to termination of employment.

If the employee informs the County that there is no intent to return to work, the employee will be considered to have voluntarily resigned effective the date that the notice is given.

N. Updates During Leave

During FMLA leave, an employee may be requested to provide a recertification at intervals in accordance with the FMLA. In addition, during FMLA leave, the employee may be required to provide periodic reports regarding the employee's status and intent to return to work. If the employee's anticipated return to work date changes and it becomes necessary for the employee to take more or less leave than originally anticipated, the employee must provide reasonable notice (i.e., within 2 business days advance notice) of the changed circumstances and new return to work date.

An employee on leave for his or her own serious health condition may be required to submit a fitness for duty statement prior to being restored to his or her position following the leave.

O. Procedures for Requesting Leave

An employee is required to request FMLA leave at least 30 days before the leave is to start if the need for the leave is foreseeable. In circumstances under which the leave is not foreseeable 30 days in advance, an employee must request the leave as soon as practicable. Although eligibility for leave will be determined once a request is made, FMLA leave may be designated without a request from an employee.

An employee requesting FMLA leave should request it in writing, if possible, and state the reason for the leave, the start date for the leave, and the anticipated date for return to work (if known). When a supervisor receives the request (even if the request is made orally), the supervisor must notify the County Administrator immediately. The County Administrator will then handle the processing of the request. The employee will be provided with an "Eligibility Notice," and if enough information was presented at the time of the request, with a "Designation Notice." However, if the employee is eligible for FMLA leave, more information may be needed before the leave can be designated as FMLA leave. With

intermittent FMLA leave, the procedures for taking leave must be followed, e.g., calling in to the supervisor in advance of the shift, requesting permission for the leave, etc.

6.2 Extended Leave Without Pay

When special circumstances require an extended leave, the County Administrator has the authority to grant an employee leave without pay provided that the operations of the County of Essex' program(s) will not be adversely affected.

6.3 Disciplinary Leave Without Pay

An employee who is absent from work without prior approval shall receive no pay for the duration of the absence and may be subject to disciplinary action which may include dismissal. If extenuating circumstances exist for the unauthorized absence, due consideration will be given.

6.4 Catastrophic Sick Leave; Sick Leave Transfer

- A.** With the approval of the County Administrator, sick leave not to exceed twenty-five working days may be advanced to a full-time employee with over five years of service with the County for cases of serious illness or disability. Advanced sick leave is charged to future accounts of sick leave earned and, at the option of the employee, can also be changed to include future accounts of annual leave. In the event that an employee leaves County service prior to the liquidation of advanced sick leave, the employee shall reimburse the County through a payment in cash or by check for any outstanding balance. The County reserves the right to use any action it deems appropriate for collection of unpaid balances.
- B.** When the above provisions are inadequate to provide the necessary sick leave, the County Administrator may request the Board of Supervisors to grant extraordinary sick leave. This additional leave may not exceed one-half day for each month of a full-time employee's credited service with the County. All such requests will state:
 - 1. The prospects of eventual return to service.
 - 2. Employee's length of service.
 - 3. Employee's previous leave record.
 - 4. Any other justifications.

All such extraordinary sick leave will be charged to future accrued leave of any kind.

- C.** Any employee may transfer up to three days of his/her sick leave to another employee who, because of an extended illness or disability has used all of his/her sick leave, annual, and/or compensatory leave days. Sick leave donations are to accommodate abnormal, unanticipated, and emergency situations; and no employee shall make or receive such a donation for a normal, anticipated, or non-emergency disability or situation, as determined by the County Administrator. The request to transfer sick leave must be made to the employee's Department Head and to the County Administrator for approval. The donated days shall not be repaid to the donating employee. The maximum amount any employee may transfer to any other individual employee during any twelve week period

is three days. The maximum total amount that any employee may transfer during any calendar year is ten days.

6.5 Liberal Leave During Severe Weather

The intent of the County is to remain open during severe weather conditions that generally are the result of snow or icy conditions. All offices shall remain open and all services shall be operational and available to the public when conditions permit.

1. Liberal leave shall be a term used to describe the use of annual leave, compensatory leave or leave without pay used by an employee during severe weather. Liberal leave differs from other leave since advance approval is not required. However, employees are expected to notify their supervisors prior to their normal arrival time.
2. Approved liberal leave for severe weather shall be announced on the local radio stations (WRAR FM105.5 and WNNT FM107.5). An announcement shall follow a decision by the County Administrator or his designee, that severe weather exists and that liberal leave may be used. Employees are required to notify their supervisor or leave a telephone message if they intend to use liberal leave.
3. Employees are expected to report to work when weather conditions permit safe travel. However, employees will be given the opportunity to use liberal leave if weather conditions prevent them from working normal scheduled hours. In the absence of announced liberal leave and with the approval of the employee's immediate supervisor, an employee may use annual or compensatory leave or leave without pay if localized severe weather conditions prevent an employee from working normally scheduled hours.
4. Employees designated as essential personnel may not take liberal leave during severe weather.
5. It is not the intent of the liberal leave policy or approved leave resulting from localized severe weather conditions to permit a full day of leave, but only for the time period when severe weather conditions prohibit travel.

6.6 Closure During Extreme Severe Weather

- A. County offices may be declared closed by the County Administrator or designee in consultation with the Director of Emergency Services and the Board of Supervisors during periods of extreme severe weather when the health and safety of employees are at risk. All public safety/emergency response personnel and essential employees are required to work while the County offices are closed. Essential employees are those employees designated by the County Administrator, or the department head or designee, who due to the nature of the extreme weather which has occurred, must report to work to ensure that the public health and safety needs or critical departmental requirements are met. The County Administrator, designee and/or department head shall predetermine and designate the mandatory/essential operations that will remain open and designate essential employees to staff these operations. The County Administrator's closure declaration shall affect all shifts working that day from the specified time of the

declaration. If no opening time is declared, it is presumed to be 8:30 AM of the next calendar day. A separate decision for closure shall be made should weather conditions dictate that closure continue to the next day. This decision shall specify that the County Offices shall be closed the entire day or portion thereof. Announcement of closure, if occurring before the opening of business for the day, shall be made on the local radio stations and by other means approved by the County Administrator.

B. Compensation for the period of time when the County Offices are closed due to inclement weather shall be as follows:

1. Non-essential Employees:
 - a. Closure on scheduled workday – employees receive their regular pay.
 - b. Closure on scheduled day off – employees receive no additional pay or additional time off.
 - c. The period of time when the County is closed will not be charged to annual, sick, or compensatory leave.
 - d. Non-essential employees who are required to work when the County closes due to inclement weather will be considered as essential employees and be compensated in accordance with item 2. below.
2. Essential Employees:
 - a. Closure on scheduled workday – non-exempt employees receive one and one-half time rates for the hours worked during the period of time that the County is closed.
 - b. Closure of scheduled day off – non-exempt employees receive one and one-half time rates for hours worked on their day off. Employees receive no additional time off.
 - c. Essential employees who do not work when the County is closed will be considered to be non-essential employees and receive payment in accordance with item 1. above.
3. Public Safety/Emergency Response Personnel:
 - a. Designated public safety and emergency response personnel, including but not limited to fire protection and law enforcement, will be required to work regular schedules during the period of time that the County is closed due to extreme severe weather.
 - b. Non-exempt, designated public safety and emergency response personnel, including but not limited to fire protection and law enforcement, required to work beyond their regular work schedule during extreme severe weather shall receive compensation for hours actually worked as is current practice. Any overtime compensation will be provided as required by the Fair Labor Standards Act.

6.7 Leave Records

The County Administrator's office shall maintain records pertaining to benefits. Current sick leave and annual balances shall be entered on each employee's bi-weekly statement. An employee's leave record may be inspected by him/her at any reasonable time.

7.0 EMPLOYEE DEVELOPMENT

It is the policy of the County of Essex to encourage employees to obtain training designed to develop the employee's value to the organization. Leave with partial pay or leave without pay may be available under the Education Leave provisions.

The cost of training and related expenses undertaken at the direction of the County Administrator shall be paid in full by the County of Essex. For training requested by an employee, the employee may receive reimbursement of tuition costs if (1) the training was approved in advance by the County Administrator and (2) the employee shows successful completion of the course.

7.1 Education Leave – For pursuit of courses of study

A. Policy

It is the policy of the County of Essex to encourage employees to obtain training designed to develop the employee's value to the organization. Leave with partial pay or leave without pay may be available.

B. Leave at the discretion of County Administrator

Education leave is discretionary and is normally taken with partial pay or without pay. When an employee can demonstrate that the pursuit of the educational program will have an immediate and discernible benefit to the County of Essex, leave with full pay may be granted by the County Administrator. The conditions of such leave shall be subject to a case by case determination based on factors which include the nature of the education or training, length of the absence, work record of the employee, work requirements at the time of the request, and value of the education or training to the County of Essex.

C. Who Pays for Training?

The cost of training and related expenses undertaken at the direction of the County Administrator or Board of Supervisors may be paid in full by the County of Essex. In such case, the hours of training count as hours worked. For training requested by an employee, the employee may receive reimbursement of tuition costs if (1) the training was approved in advance by the County Administrator and (2) the employee shows successful completion of the course. If the training was not required by the County of Essex, the hours do not count as hours worked.

7.2 Performance Appraisals

Employee performance evaluation is designed to encourage improvement and development of employees within the County government. A more efficient working organization can be brought about by a common understanding that employees and supervisors are all working together for a common purpose. Further, effective periodic ratings tend to improve supervisory practices by bringing supervisors and employees into closer contact and producing mutual understanding.

The significance of employee performance evaluations depends upon the supervisor's understanding that the primary purpose of the ratings is to improve employee efficiency and not merely to be a salary increase device. Performance evaluations are confidential and can be made available only to the employee evaluated, his/her supervisor or department head, and the County Administrator.

7.2.1 Annual Review

Each employee is assigned an annual review date based on the date of his/her initial employment. This date coincides with the payday closest to the initial employment date. Supervisors may establish interim review dates for employees, if determined to be appropriate.

Exception: Persons currently employed by the County of Essex on or before January 8, 2013 shall receive their annual review before June 30 each year.

7.2.2 Evaluator

The performance evaluation is made by the employee's supervisor and reported to the County Administrator and shall cover the entire preceding review period. Elevation of employees from the beginning salary step to the maximum shall be made according to satisfactory completion of the requirements of the position in which he/she is functioning. Employees receiving satisfactory evaluations will be elevated to the next higher salary step effective on the payday following the review date subject to the availability of funding provided by the Board of Supervisors in the annual budget process.

7.2.3 Rating

In evaluating employees, the ranking of "good" is designed to be used to rate an employee who is performing his/her duties in an acceptable manner. Care should be taken not to utilize the rankings of "very good" and "excellent" except on occasions when an employee demonstrates unusual performance in the elements being rated. The ranking of "good" is designed to denote the acceptable, satisfactory County employee.

7.2.4 Conference

The evaluator shall discuss each performance evaluation with the employee being evaluated, except at the time of separation of an employee from service. If an employee disagrees with any statement in an evaluation, he/she may submit, within ten (10) days following the conference with his/her supervisor, a written statement which shall be attached to the evaluation form and forwarded to the County Administrator. The department head shall furnish the employee a copy of the employee performance evaluation form.

7.2.5 Unsatisfactory Rating

Employees receiving unsatisfactory ratings are reviewed again within three months but cannot be granted increases until they have completed six months of satisfactory service.

8.0 HEALTH AND SAFETY

8.1 Workers' Compensation

Workers' Compensation provides benefits for an employee in the event of certain occupational illnesses, injuries, or deaths.

For additional information, see Worker's Compensation Addendum to this handbook.

8.2 Occupational Safety and Health

The County of Essex is committed to providing our employees with a safe and healthful work environment. To accomplish this goal, all employees and their supervisors must make diligent efforts to promote safety. The County develops and implements safety rules and regulations through its County Administrator, supervisors, and safety committees. This process is ongoing and requires periodic review. Safety audits are undertaken to determine the necessity and feasibility of providing devices, work practices, policies, or other safeguards to make the workplace safe and healthful. We also provide training for our employees regarding workplace hazards and the proper and safe methods to use in performing their job tasks.

Employees are expected to give full skill and attention to the performance of their duties using the highest standard of care and good judgment. Employees are also expected to always follow safety rules and regulations, including using appropriate protective clothing and equipment, attending all training sessions related to your job, and following the directions of supervisory personnel.

Safety rules and regulations will be issued or modified from time to time and will be effective immediately upon communication. General safety rules and regulations will be distributed to employees and posted on employee-accessible bulletin boards. Departments will have specific job/task related rules and procedures that employees are expected to know and follow.

8.3 Accident Reporting and Investigation

All job-related injuries or illnesses shall be reported to the employee's supervisor immediately, regardless of severity. (In the case of serious injury, reporting obligation will be deferred until circumstances reasonably permit a report to be made.) Failure to report an on-the-job injury or illness may preclude or delay the payment of any benefits for which an employee may be eligible and could subject the County of Essex to fines and penalties. Except in the case of emergency medical treatment, employees shall report their injury to their supervisor prior to receiving medical treatment. Employees are required to utilize a physician on the County's physician panel for initial treatment except in instances of emergency medical conditions.

A. Employer's Responsibilities

1. The County will investigate the cause of every lost-time accident and determine the means in which to prevent recurrence. Employers are required to install any safeguards or take corrective measures indicated or found advisable.

2. A safety committee comprised of the Department Head and County Administrator or Deputy County Administrator is responsible for establishing procedures to investigate all safety related incidents. This doesn't mean that they take the responsibility away from supervisors for the actual investigation. However, the committee shall evaluate the cause, look for any trends, or identify tools, equipment, procedures, or training that will serve to prevent the accident/injury from recurring.

B. Employees Responsibilities

The employee shall:

1. Report all injuries, regardless of severity, to the supervisor immediately but no later than 24 hours. If the supervisor is not available, the injury must be reported to the County Administrator before medical treatment is sought;
2. Report and, if possible, correct all unsafe conditions or acts;
3. Take all standard safety precautions to prevent injury;
4. Follow all safety rules.

9.0 COUNTY-OWNED MOTOR VEHICLE AND EQUIPMENT

In its sole discretion, the Board of Supervisors may assign vehicles to County employees. All individuals assigned the use of a County-owned vehicle are responsible for complying with the following requirements:

1. A County-owned vehicle assigned to an employee shall only be used by that employee in the performance of the duties of his/her department.
2. Every employee is required to take every precaution in the prevention of accidents.
3. All drivers of motor vehicles owned or used by the County of Essex shall be legally licensed to operate the motor vehicles, shall possess the physical standards required to operate the vehicle, and shall obey all traffic rules and regulations prescribed by the law, and shall use every safety measure possible to prevent accidents.
4. An employee must immediately notify his/her supervisor concerning any change in the status of his/her driver's license.
5. If employee's driver's license is restricted, i.e., must wear glasses when driving or is only allowed to drive to and from work or only during the daylight hours, the employee must comply with the restrictions when using the County vehicle.
6. The Board of Supervisors, due to valid business considerations, provides a business vehicle to various employees for their usage. The primary reason the

vehicles are provided is for adequate transportation for business activities. However, the Board of Supervisors feels it is a convenience necessity for the employees to use these vehicles to commute to and from the business. It is the Board of Supervisors policy that there should be minimal personal use of these business vehicles. Minimal personal use is defined as non-recurring personal errands on the way to and from work (provided these errands are within a reasonable distance on a reasonably direct route between home and work) or during their lunch break as well as personal appointments that may occur during the work day. At the end of each work day, all County-owned vehicles that are permitted to be taken home will be parked at the individual's residence until the individual returns to work or is called out on departmental business. Employees who are authorized to take a vehicle home must leave the vehicle at the place of work when they are on annual leave or otherwise absent from work for a non-job related purpose, unless otherwise approved in writing by the County Administrator. The Board of Supervisors agrees that it will be responsible for the automobile liability insurance coverage for these vehicles.

- a. The Board of Supervisors will include the value of the employee's personal usage for commuting in each employee's form W-2 annually. This value will be computed under the applicable method as established by IRS regulations. Specifically, non-control employees will have their personal usage valued at \$3.00 per day plus 5.5 cents per commuting mile in the case of those employees for whom gas is also provided, unless they have been approved for personal usage in addition to commuting. Then the value will be computed using the IRS Annual Lease Value Table.
 - b. The Board of Supervisors will withhold the required FICA (Social Security) tax computed on this value annually, no later than December 31st of each year.
7. All individuals who are assigned County-owned vehicles are responsible for coordinating routine maintenance and repair of the vehicle.
 8. Whenever possible, all vehicles will be shared with other County employees in need of a vehicle for official County business. In all cases, however, the individual assigned the vehicle will have preference.

It shall be the duty and responsibility of any operator of vehicles and all light or heavy motorized equipment to immediately report to his/her supervisor any accident, defect in the equipment, as well as use every precaution to prevent personal or property loss, or recurrence of the condition.

Operators of all vehicles and other motorized equipment (including construction equipment) used in the service of the County who violate these requirements or who become involved in any accident will be subject to investigation. If it is determined that the employee is responsible for the violation or accident, or through carelessness or recklessness contributed to the cause of the accident, appropriate action will be taken by the Department Head upon review by the County Administrator.

The County will annually acquire the driving record of all employees authorized to drive either County owned vehicles or personal vehicles in the conduct of County business from the Virginia Department of Motor Vehicles. Should this review indicate that the employee has accumulated significant violations, at the discretion of the County Administrator; the employee may be prohibited from driving on County business until such time as the driver record has been repaired. Nothing in this regulation prohibits the Chief of Emergency Services from acquiring the driving record of EMS employees on a more frequent basis at his/her own discretion.

In order to protect the County from potential liability, the following precautions shall be effective if an employee's driver's license is revoked or suspended:

1. The employee shall not be allowed to operate any County-owned vehicle until proof is presented to the County Administrator that a valid Virginia license has been reissued to the employee.
2. An employee whose duties require regular operation of County-owned vehicles may be assigned to a position for which driving is not required, with a possible reduction in pay, if such a position is available and if the transfer will not interfere with County operations. Otherwise, the employee shall be terminated if his/her license is revoked, or placed on suspension without pay status or terminated for temporary suspension of an operator's license at the discretion of the County Administrator and subject to a review of the effect upon County operations.

All employees who are convicted of a driving violation or who plead guilty or no contest to a violation shall report such violation conviction within 24 (twenty four) hours or the next regular business day to their immediate supervisor, whether involving the use of a County owned vehicle or a personal vehicle. Failure to report within the time frame shall result in disciplinary action.

No County vehicle shall be driven outside of the boundaries of Essex County overnight except while on County business or in the attendance of training and meetings approved by the County.

A written report of any loss or damage to any county property must be made to the county administrator within 24 hours of such loss or damage. In the event the employee responsible for the loss or damage to county property is incapacitated, the supervisor of that employee must make this report to the county administrator within 24 hours of the loss or damage.

10.0 COUNTY OWNED COMMUNICATIONS DEVICES

The County provides cellular telephones and other communications devices to certain employees. Cellular and personal communications services telephones should be used only for business purposes and when a safe, convenient, and less costly alternative is not available.

Telephone usage while operating a vehicle is strongly discouraged unless using a hands-free device.

If a County provided telephone is used for a personal emergency and there is a resulting airtime, roaming, or long distance charge, no reimbursement shall be made to the County by the employee. However, each month, the County Administrator's office will provide copies of the bills for the cellular telephones assigned to employees. Each employee shall review the charges and usage, marking the non-emergency personal calls and returning the bills to the County Administrator's office within seventy-two hours along with the required reimbursement due the County.

As with any County equipment, employees must take proper care of telephones and take all reasonable precautions against damage, loss, and theft. Any damage, loss, or theft should be reported immediately to the County Administrator's office.

Loss or theft of equipment must be reported to the vendor service provider as soon as possible to minimize liability for air time and toll call charges. Failure to make the immediate notification will result in the employee being charged for the cost of usage.

Conversations over cellular telephones may be monitored by outside parties, so discussion of confidential information should be avoided.

Failure to abide by these policies may result in the loss of privileges to use the telephone or disciplinary action may result.

11.0 USE OF ELECTRONIC COMMUNICATIONS EQUIPMENT

11.1 Internet

The County provides electronic, digital and wire communications equipment for business purposes. The use of this equipment is not for personal use. Messages received, sent, and stored on this equipment will be subject to monitoring from time to time and in the course of this monitoring may be read for content. Employees should be aware that there may be stored records of communications including images and sounds. There should be no expectation of privacy in any communications received, sent, or stored on equipment or on the Internet service provided by the County. The County has access to a log of all usage, including a list of employees who have used the Internet and the sites they visited; this usage will be monitored.

The County provides unlimited access to the Internet to its employees as one of the many resources available to assist them in doing their jobs better and more efficiently. The County's Internet account may be accessed by employees but such access is only for official business. No personal use is allowed.

Employees may be provided with passwords and e-mail addresses to enable them to use the account. These addressees and passwords are not provided to make employees' usage confidential or private. E-mails, sound and image recordings generated on work time or on County property are business records, even if sent for personal reasons. The usage of electronic, digital, or wire communication devices, including the Internet (whether it is accessed through the County's account or the employee's personal account, is subject to the same code of conduct which applies to all other actions in the workplace. Using the County's communications equipment and Internet account in a manner that violates any rules or regulations constitutes grounds for disciplinary action, up to and including discharge.

Each employee must provide the employee's password and user name to the County; the County may use these access identifiers to log on to the computer at any time for purposes of monitoring. Employees must not share their passwords and user names with any other individual, including other employees or outsiders. Additionally, it is inappropriate to attempt to subvert network security either by accessing the Internet without using your password or by seeking to discover other passwords to gain access.

Employees are representatives of the County when using the County's Internet account. Accordingly, they are expected to act and to communicate professionally in their electronic communications; they are not to engage in any commercial or illegal activities or to use the account for personal business.

11.2 Consent to Monitoring

Before using electronic, digital, and wire communications equipment employees will be required to consent to the monitoring of all communications sent, received and stored on electronic communications equipment provided by Essex County whether Essex County is the provider of the transmitted or stored communications services or under contract with an outside vendor which provides transmission or storage services for electronic communications. Messages may be at any time monitored and read.

11.3 Electronic Mail Policy

A. Introduction.

E-mail is a critical mechanism for government communications in Essex County. However, the County's electronic mail systems and services must be used in accordance with the policies of Essex County and all applicable laws and regulations to avoid potential liability and other issues.

B. Purpose.

The purpose of this policy is to establish uniform procedures for the use of the County's electronic mail (e-mail) systems and related equipment by County employees, and to outline appropriate and inappropriate uses of such systems and equipment in order to maximize efficient communication and provide exemplary service to the County's residents, as well as to comply with applicable policies, regulations, and laws.

C. Scope.

These policies and guidelines apply to all County employees in all offices, divisions, and departments of Essex County, as well as all to other e-mail account users or holders on the Essex County e-mail system, and to all County maintained e-mail records.

D. Definitions.

- *Account.* The credentials issued to a user for authentication and access control to an e-mail system or service. Generally, consists of a User ID and password.
- *Address.* E-mail address (generally in the form of user@domain) which identifies the sender or recipient of an e-mail message.

- *Chain E-mail or letter.* E-mail sent to successive people. Typically, the body of the e-mail directs the recipient to send out multiple copies of the same e-mail and promises some benefit or threatens some harm if the direction to do so is or is not followed.
- *Mailbox.* Storage location on an e-mail system where messages are received and stored.
- *Message.* An electronic record, created, sent from, or received on an e-mail system, including brief notes, more formal or substantive documents, any attachments which may be transmitted with the message, and any routing or header information which may be generated and transmitted with the message.

E. Responsibility.

All Essex County e-mail account holders are responsible for using the e-mail system for government business related communications and are responsible for mailbox management, including organization and deletion of non-public record e-mails. Because important official communications are often delivered via e-mail, Essex County staff with e-mail accounts are expected to check their e-mail several times a day so that they are aware of important County announcements and updates, as well as for fulfilling business and role-oriented tasks. Department heads shall ensure compliance with these procedures within their respective department. The Systems Administrator will administer the system and also will monitor compliance with the provisions of this policy.

F. Policy and Procedure.

1. General E-Mail Rules. The following are general rules for the use of the County's e-mail system.

a. **Main Purpose of E-Mail.** The main purpose of the e-mail system is to foster effective and efficient communications. All full-time employees of Essex County will be provided an e-Mail account that must be used for conducting County business. Part-Time employees may be provided with a County e-mail account if one is requested by their department head and is approved by the Director of Technology. The County e-mail system is not meant to be a storage system for County records. The County is required by law to store, protect, and provide access to certain types of records and information. For this reason, it is important to understand the e-mail system IS NOT a records storage, retrieval, and archival system. Essex County, in its discretion, may utilize additional systems to meet the requirements for the storage, retrieval, and archiving of e-mail, either in traditional paper files or electronically.

b. **E-mail Use.** E-mail is provided by Essex County to facilitate County work and is intended for County business-related communications, including uses related to County sponsored events and activities. Incidental and occasional personal use of County e-mail systems is permitted as long as it is minimized does not interfere with job performance or violate any law, County policy, ordinance, or rule. Neither e-mail accounts nor the County's e-mail system may be used for commercial or profit-making purposes unrelated to County business. Excessive personal communications or other violations of this policy, as determined by Essex County, are not acceptable and will be subject to disciplinary action. Personal and other e-mail without a demonstrable connection to official County business shall be deleted promptly from the County e-mail system or transferred to a personal file of the user. All County related business must be conducted using an official County E-mail Account. Any County related e-mails that are mistakenly sent through a personal e-mail account must be forwarded to an official County account as soon as possible.

2. E-mail Use Examples. Employees of Essex County are to use County e-mail to conduct County business.

a. Appropriate Use Examples. Examples of appropriate e-mail use include, but are not limited to:

- (i) Communicating with fellow employees, business partners of Essex County, and clients within the context of an individual's assigned responsibilities.
- (ii) Acquiring or sharing information necessary or related to the performance of an individual's assigned responsibilities.
- (iii) Participating in educational or professional development activities.
- (iv) Discussions regarding off-duty public safety contract employment.

b. Inappropriate Use Examples. While not an exhaustive list, the following uses of e-mail by employees are considered inappropriate by Essex County and violations of this policy.

(i) Personal use of County e-mail systems and services for unsolicited mass mailings, non-County business activity, political campaigning, dissemination of chain letters, game playing and use by non-employees.

(ii) Use of e-mail for illegal or unlawful purposes, including copyright infringement, obscenity, libel, slander, fraud, defamation, plagiarism, harassment, intimidation, forgery, impersonation, soliciting for illegal pyramid schemes, and computer tampering (e.g. spreading of computer viruses).

(iii) Use of e-mail in any way that violates Essex County's policies, rules, or administrative orders.

(iv) Use of e-mail for personal gain, non-official duty related work, non-County-sponsored fund raising.

(v) Viewing, copying, altering, or deletion of e-mail accounts or files belonging to Essex County or another individual without authorized permission.

(vi) Sending of large e-mail attachments. The total size of an e-mail, including attachments, should be 25 MB or less.

(vii) Opening e-mail attachments from unknown or unsigned sources. Attachments are the primary source of computer viruses and should be treated with utmost caution.

(viii) Sharing e-mail account passwords with another person, or attempting to obtain another person's e-mail account password. E-mail accounts are only to be used by the registered user of the account.

(ix) Any message which contain sexual implications, racial slurs, gender-specific comments, or any other comments that offensively address someone's race, age, sex or sexual orientation, disability, religious or political beliefs, or national origin. This includes the use of personal quotes or mottos in the signature area.

(x) Language which is offensive, obscene, or in poor taste including jokes which create an intimidating, hostile, or offensive work environment.

(xi) Messages or information that is in conflict with Essex County policies against discrimination or harassment in the workplace.

3. Privacy. No individual or entity should have any expectation of privacy in the use of the County's email accounts or system. All information sent and received through the County's e-mail system is subject to public inspection and review under the Virginia Freedom of Information Act unless an exemption applies to it. This means that the County must be able to provide access to any and all

non-exempt information available on the County's e-mail system upon request by any resident or entity operating in the Commonwealth of Virginia, including the press. All electronic communications transmitted via County e-mail systems are County property and County records. The County maintains the right and ability to enter into any of its e-mail accounts and system to inspect, review, copy, and disclose any and all data received and/or transmitted over or through those accounts and system without the prior consent of any user of the email system.

a. Backup copies of e-mail messages may exist, despite end-user deletion from the "Deleted Items" folder. The goals of these backup and archiving procedures are to ensure system reliability and prevent business data loss.

b. Access to e-mail by persons other than the sender or recipient is prohibited, except on an "as needed" basis for County business or law enforcement purposes only. Under no circumstances should a subordinate access the e-mails of a superior without the superior's consent, or a subpoena, court order, or Board of Supervisors approval. Exceptions include the system administrator for County business purposes only and any employee assigned by the County's FOIA Officer to search e-mails for the purpose of complying with a specific FOIA request.

c. The Information Technology Department, being charged with the proper function of the e-mail and archiving systems, may access such systems as necessary to ensure the proper functioning and delivery of services.

d. Extreme caution should be used when communicating confidential or sensitive information via e-mail. All e-mail messages become the property of the receiver for practical purposes and are subject to being forwarded or published by the receiver.

4. E-mail Retention/Disposition.

a. Retention of Electronic Mail Records.

i) Essex County follows the Records Retention & Disposition Schedules established and approved by the Library of Virginia (LVA).

b. Disposition of Electronic Mail Messages.

i) Electronic mail messages may be destroyed only in accordance with a Records Retention & Disposition Schedule approved by the LVA.

ii) Electronic mail records scheduled for destruction will be disposed of in a manner that ensures protection of any sensitive, proprietary, or critical infrastructure information and all duplicate copies, which may reside on servers or backup tapes, must also be destroyed.

iii) Destruction of e-mails that are records must be reported to LVA via a Certificate of Records Destruction (RM-3 Form). LVA Records Retention & Disposition Schedules indicate whether or not disposal reporting on RM-3 forms is required. Transitory records, records with little or no documentary or evidential value and that need not be set aside for future use, may not need to be reported on an RM-3 form.

iv) Before e-mail records are destroyed, there must be a determination made that there are no litigation, audit, investigation, request for records pursuant to the Virginia Freedom of Information Act, or renegotiation of the relevant Records Retention & Disposition Schedule pending at the expiration of the retention period for the applicable records series.

5. Penalties for Violation of Policy. Use of Essex County e-mail systems in violation of this policy or any other County policy on workplace behavior may result in suspension or loss of e-mail access, disciplinary action up to and including termination of employment, and/or legal action. If you believe that this policy has been violated, contact the Human Resources Department.

12.0 ALCOHOL AND DRUG FREE WORKPLACE

12.1 Employee Responsibilities

- A. No employee shall unlawfully manufacture, dispense, possess, use, or distribute any controlled substance, medication, or alcohol.
- B. Any employee convicted under a federal or state statute regulating controlled substances shall notify their supervisor and the County Administrator within five days after the conviction.
- C. No employee shall consume alcoholic beverages immediately before work, during work hours, or while at work during breaks or lunches.
- D. No employee shall be impaired by alcoholic beverages immediately before work, during work hours, or while at work during breaks or lunches.
- E. No employee shall represent the County of Essex in an official capacity while impaired by alcohol, illegal drugs, or medication.
- F. No employee, using medication that may impair performance, shall operate a motor vehicle or engage in safety sensitive functions while on duty for the County of Essex.
- G. If an employee is using a prescription or non-prescription medication that may impair performance of duties; the employee shall report that fact to his or her supervisor.
- H. An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, and/or medication shall immediately notify the supervisor or County Administrator.

12.2 Disciplinary Action

Because of the serious nature of illegal use or abuse of alcohol, controlled substances, and/or non-prescribed use of medication, appropriate employee disciplinary action will be taken, up to and including termination.

12.3 Drug & Alcohol Testing

In order to achieve a drug-free work place, employees in, and applicants for, safety sensitive positions shall be required to participate in all of the following alcohol and controlled substances testing:

- A. When an applicant for a safety-sensitive position has been extended a conditional offer of employment but before beginning work.
- B. When there is a reasonable suspicion to believe that the employee is in an impaired state.
- C. When the employee has been involved in an on duty serious accident or has endangered others in the workplace.
- D. On a random basis for safety sensitive positions.
- E. As a condition for return to duty after testing positive for controlled substances or alcohol.
- F. As part of follow-up procedures to return-to-duty related drug or alcohol violations.

13.0 BACKGROUND SCREENING POLICY

The County Administrator, upon consultation with the Board of Supervisors, will identify those positions which have personal contact with the public or which have such duties that a past criminal, credit, and/or driving history ("background check") would be incompatible. Once these positions are identified, a background check will be required for all individuals seeking employment in such positions (including internal candidates) ("Applicant"). On an as needed basis, background checks may be performed on employees who are currently occupying the identified positions.

A. Procedures – General

A person not directly involved in the hiring process will be assigned to coordinate and manage the background check process ("Background Check Administrator"). The Background Check Administrator will determine which type of background information is appropriate for the position, handle the procedural steps below, review the information, verify its accuracy, and otherwise will comply with the procedures of the Fair Credit Reporting Act ("FCRA"). Before the information is provided to those directly involved in the hiring decision, the Background Check Administrator will assure that no information is provided that cannot or should not be considered (e.g. information that is not job related, arrests, criminal charges that did not result in a conviction, or that have been expunged.). All information so obtained shall be kept in confidential files with access restricted

B. Procedural Steps

The following are the steps are to be followed when background checks are being done:

- Every announcement of a job requiring a background check shall note that a background check will be performed during the application process.
- The type of information being sought in the background check shall be provided to the applicant at the time consent is requested. Those applicants who are under serious consideration (those who are finalists for the position or those to whom a conditional offer of employment has been made) will be asked to consent to a background check.

- The applicant will be provided a form on which the applicant consents to the particular information being searched; the applicant must provide personally identifiable information, such as social security number, at this time. Attached to the consent form will be a copy of the FCRA notice, "**A Summary of your Rights under the Fair Credit Reporting Act.**"

- If the information reported in the background check may adversely affect an applicant the County will notify the applicant in writing that an adverse action (denying further consideration of the application for employment or for a promotion, terminate employment or reassign employee) may be taken. The notice shall provide the name, address, and phone number of the entity who has provided the information in order for the applicant to contact the entity to dispute the information if it is inaccurate and/or to explain the information and any mitigating factors to the Background Check Administrator. The applicant shall also be provided a copy of the FCRA's "**A Summary of your Rights under the Fair Credit Reporting Act.**"

- If an adverse decision is made based on the information in the background check, the County will notify the applicant in writing that an adverse action may be taken and will provide the name, address, and phone number of the entity(s) providing the information.

- When considering negative information obtained through the background check, the following factors shall be weighed:

- The nature of the crime and its relationship to the position,
- The time since the conviction,
- The number (if more than one) of convictions, and
- The correlation of the crime to the duties of the position and whether the applicant would pose an unreasonable risk to the business of the County, its employees or its customers and vendors.

- If the County takes an adverse action against the applicant based on information in a report, the County must inform the applicant of:

- The name, address, and phone number of the entity that supplied the background report,,
- A statement that the entity that supplied the information did not make the decision to take the adverse action and cannot give the applicant any specific reasons for the decision, and
- Notice of the applicant's right to dispute the accuracy or completeness of any information in the report and to get an additional free report from the entity that supplied the credit or other background information if the applicant makes a request for the report within 60 days.

C. Equal Employment Opportunities

The County's commitment to equal opportunities shall be reflected in conducting background checks. The County does not discriminate on the basis of race, sex, age, national origin, religion, disability, genetic information, marital status, or any other characteristic protected by federal and state laws.

14.0 POLITICAL ACTIVITY

- A. An employee shall not be coerced to support a political activity, whether funds or time are involved.
- B. An employee shall not engage in political activity on work premises during work hours.
- C. An employee shall not use County of Essex-owned equipment, supplies or resources, and other attendant material (diskettes, paper, computer online and access charges, etc.) when engaged in political activities.
- D. An employee shall not use, discriminate in favor of or against, any person or applicant for employment based on political activities.
- E. An employee shall not use the employee's title or position while engaging in political activity.

15.0 OUTSIDE EMPLOYMENT

Any job held by a County employee outside of working hours shall not conflict with or compromise, in any way, the position that the employee holds with the County. An employee seeking outside employment, including self-employment, must notify the appropriate Department Head who must then submit the request in writing to the County Administrator for approval. Such approval shall not be unreasonably withheld.

16.0 SMOKING – COUNTY -- OWNED AND CONTROLLED BUILDINGS AND WORK PLACES

The County of Essex does not permit smoking within any County controlled or owned buildings or vehicles. The County Administrator shall enforce this policy and failure to comply may result in disciplinary measures being taken pursuant to the disciplinary procedures and policies.

17.0 DISCIPLINE AND GRIEVANCES

17.1 EMPLOYEE CONDUCT

County of Essex employees are expected to conduct themselves in a professional and courteous manner, as representatives of the County of Essex. Employees are expected to avoid any action, which might result in giving preferential treatment to any organization or person, losing independence or impartiality of action, or adversely affecting the integrity of the County of Essex.

17.2 Disciplinary Actions

Procedures to correct actions and improve performance should be applied to all employees, including probationary employees. If an employee's work performance or behavior is deemed unsatisfactory, the following kinds of disciplinary action may be taken, depending upon the circumstances: oral admonishment, written reprimand, suspension, demotion, or dismissal. Other types of discipline may be used in addition to those listed. Employees are entitled to written statement of the grounds upon which a disciplinary action is based.

(1) Definitions

a. Oral Counseling: A discussion between the supervisor and the employee identifying inappropriate conduct and specifying the immediate need to correction.

b. Written Counseling: A notice to the employee indicating the nature of the offense, action being taken as a result of the offense, and what action will follow if the offense is not corrected.

c. Suspension for Disciplinary Action: Suspension with pay or without pay in lieu of removal, not to exceed thirty work days. Annual and sick leave accrual is lost for one pay period only for suspension without pay. This loss of accrual is separate and distinct from leave without pay. Under no circumstances shall suspensions be in effect within twenty-four hours of Saturday, Sunday, holiday or scheduled days off, except those suspensions longer in length than three days.

d. Suspension for Disciplinary Investigation: Suspension without pay not to exceed ten work days. The Department Head and the County Administrator are responsible for conducting a disciplinary investigation. If the employee is cleared of the allegations, he/she will be reinstated with full back pay and leave. If no finding of a violation or decision on disciplinary action is made within ten workdays, the employee is allowed to return to work pending a final decision. If it is determined that disciplinary action involving suspension is warranted, the employee is credited with the time of the suspension during the investigation. Annual and sick leave is lost for one pay period only.

e. Suspension Pending Court Action or Official Investigation: Suspension without pay may exceed the ten day time limit provided such actions involve allegations of criminal conduct on or off the job that are clearly related to job performance, or are of such a nature that to allow the employee to continue in the job would constitute negligence in the County's duties to the public or other County employees. Official investigation is defined as investigations conducted by federal, state, or local government law enforcement agencies. Employees suspended for a total of fifteen calendar days or less will lose annual and sick leave accruals for one pay period only; for sixteen to thirty-one calendar days, employees will lose annual and sick leave accruals for two pay periods. Employees suspended for more than thirty-one calendar days will lose annual and sick accruals for all pay periods until they return to active service. Upon completion of the investigation, the employee may be disciplined, removed, or reinstated will full or partial back pay and leave the County Administrator determines to be appropriate.

f. Removal: Terminating the employee for specific reasons of unacceptable conduct or inadequate job performance.

g. Mitigating Circumstances: Conditions related to a given offense that would support a reduction of the corrective action in the interest of fairness and objectivity. Mitigating circumstances also include consideration of an employee's length of service with otherwise satisfactory work performance.

17.3 Grounds for Disciplinary Actions

The following are examples of misconduct that may result in discipline. The list is not all inclusive and other misconduct may be subject to disciplinary action:

- A. Conviction of a felony or of a misdemeanor involving moral turpitude and other criminal acts that continued performance of duties is compromised;
- B. Willfully falsifying County of Essex records (including time records, leave records, job applications, or pay or reimbursement vouchers);
- C. Gross negligence with County of Essex' property or misuse of County property;
- D. Violating any workplace rule;
- E. Performing official duties in a rude and discourteous manner, threatening co-workers, or using physical violence while on duty;
- F. Violating any lawful official regulation or order or willfully failing to obey a proper direction of the supervisor or the County Administrator;
- G. Using or being impaired at work by intoxicants, drugs, or alcohol;
- H. Grossly neglecting duty or continually being unable or unwilling to render satisfactory performance;
- I. Taking property of the County of Essex for one's personal use, for sale to another or for a gift to another;
- J. Inducing, or attempting to induce, an officer or employee in the service of the County of Essex to commit an unlawful act or to act in violation of any lawful or official regulation or order;
- K. Accepting a bribe, gift, token, money, or other thing of value intended as an inducement to perform or refrain from performing any official acts, or engaging in any action of extortion or other means of obtaining money or other things of value through his/ her position in the County of Essex;
- L. Failing to report for work or being absent without prior notice to supervisor;
- M. Unsatisfactory attendance, excessive absences, or excessive tardiness.
- N. Harassing other employees or the public.
- O. Violating the County of Essex' drug free workplace rules.

17.4 Goals and Objectives

A. Purpose: The Standards of Conduct are designed to protect the rights and well-being of all employees and assure a productive, safe, and efficient work force. They are also designed to reinforce each person's responsibility to maintain a positive work environment.

The corrective actions identified in the Standards of Conduct should be viewed as a problem-solving tool to help the employees identify and correct inappropriate conduct.

B. Policy: It is the policy of the County to expect appropriate conduct of its employees including timely and regular attendance, efficient application of time and effort, and satisfactory work performance. It is also the County's policy to provide a fair and objective process for correcting and treating unacceptable conduct. Although the County endorses a policy of progressive discipline, it retains the right to administer discipline in any legal manner. This policy does not modify the status of employees as employees-at-will or in any way restrict the County's right to bypass the disciplinary procedures suggested.

17.5 Notification

Prior to imposing disciplinary action, including termination, the supervisor shall inform the employee of the reason for the discipline and the employer shall have the right to comment on the discipline. However, the supervisor may have the employee removed from the workplace prior to giving an opportunity to comment if the employee's continued presence poses a safety danger or is disruptive to the workplace.

17.6 Grievance

The County of Essex grievance procedure is available for employees, except as noted in the procedure (**State Law Reference § 15.2-1506.**)

For additional information see Grievance Appendix.

18.0 TERMINATION OF EMPLOYMENT

18.1 Resignation

To resign in good standing, an employee must give at least two weeks advance notice. If special circumstances exist, the notice requirement may be waived by the County Administrator. Failure to give the required advance notice will result in forfeiture of compensation for accrued leave. Failure to return to work at the expiration of an approved leave of absence shall be interpreted as a resignation.

18.2 Lay-off

The County of Essex reserves the right to dismiss employees for lack of available work or funds. In such cases the employees affected will be given a minimum of two weeks advance notice.

18.3 Termination for Inability to Perform

An employee may be terminated if he or she becomes physically or mentally unable to perform the duties of the position. However, any such action shall be taken in a manner that complies with the requirements of the American's with Disabilities Act.

19.0 TRAVEL

A. Purpose

This section sets forth the policy of the County with regard to the payment of travel expenses for County Officials and employees while traveling on official County business.

B. Eligibility for Travel Expenses

All elected and appointed officials and employees of the County, by reason of membership in professional organizations, attendance at meetings, enrollment in training session or as otherwise required by their official duties to travel, are eligible for travel reimbursement as defined by this policy.

C. Limitations

- (1) Expenses will be reimbursed only for travel within the continental United States, unless specifically approved by the County Administrator.
- (2) Expenses of employee's family members or guests will not be reimbursed by the County.
- (3) Travel reimbursement will follow the most cost-efficient method available, to include both route and/or mode of transportation.

D. Scope of Allowable Expenses

The following expenses qualify for reimbursement as hereinafter defined:

1. Auto travel – Personal car: Personal car use shall be permitted only when a County provided vehicle is not available. When it is necessary to use a personal vehicle for County business, prior approval for reimbursement must be granted by the County Administrator. Travel by personal car, however, shall be limited to destinations of 250 miles or less as measured from County Courthouse unless otherwise approved by the County Administrator. After such approval the County shall reimburse an individual for use of his/her vehicle for business at the current rate established by the Internal Revenue Service for federal income tax purposes for such use. A travel expense form must be completed by the individual and submitted to the County Administrator for signature.

2. Plane fare – Air travel is at the coach rate only unless a free upgrade is provided by the airline.

3. Ground transportation – Expenses to and from airports by airport limousine, taxicab, or public transportation are qualified expenses. Rental car expenses are not allowable except by prior approval from the County Administrator.

4. Registration and banquet fees – Registration fees and banquet fees as stated by the registration program of the conference are allowable costs. Fees for family members or guests are the responsibility of the employee.

5. Lodging – The County will reimburse the employee for the cost of a single room. If a double room is required, the employee will be responsible for any difference in cost. If two County employees share a room, the double room rate is allowable. Lodging in conference reserved hotels and motels are permissible.

6. Per Diem – Per diem shall be paid in accordance with the most recent standards prescribed by the General Services Administration for federal employees. If meals are provided as a part of a conference registration cost, those meal costs are to be subtracted from the per diem provided.

7. Meals – Business meetings where officials or employees are actually conducting County business during mealtime are an allowable reimbursable cost. The meals of guests or other individuals may be paid only if they are business related. Employees must provide proper justification for any business meal, including the names of the individuals in attendance, the topics discussed and any other necessary information. If an employee anticipates the need to purchase meals for individuals other than County employees on County business, prior authorization should be sought from the County Administrator. The County does not pay for alcoholic beverages.

8. Telephone calls – Business related telephone calls are an allowed reimbursable. The employee shall pay the cost of personal calls.

9. Tips – Tips are authorized within the per diem, where provided, and as an addition to meals expense. Tips shall not exceed 20% of the meal cost.

10. Cleaning or laundry expenses – Laundry and dry cleaning expenses are not normally reimbursable. In order to be reimbursed, the travel time must exceed fifteen days and the cleaning expense must be incurred as a result of specific training.

11. Miscellaneous – Miscellaneous charges may be reimbursable if directly related to the business travel and approved by the County Administrator.

E. Travel Advances

In instances where the employee may incur significant costs, the County may provide a cash advance in an amount estimated to be spent. This shall be calculated at the per diem rate plus cost of lodging. This advance must be requested no less than five days before payment is expected. All such payments must be approved by the County Administrator.

F. Direct Payment or Billing

At the option of the County Administrator, the County may choose to make direct payment to lodging establishments prior to the arrival of the employee or may establish a master billing account where multiple employees or officials are traveling to the same meeting or conference.

G. Reimbursements

Employees may choose to use their own resources for the cost of travel and apply for reimbursement after completion of travel.

H. Procedure for Filing Reconciliation of Travel Expense Form

Within five working days after the completion of the trip, the employee must complete the Reconciliation of Travel Expenses form provided by the County Administrator and reimburse the County for any funds advanced but not utilized. Receipts, ticket stubs and other appropriate documentation to substantiate the expenditures must be attached. Items not sufficiently justified may be disallowed.

If during the review of travel expenses unallowable or unsubstantiated costs are discovered, payment will be disallowed.

20.0 MODIFICATION OF POLICIES

These policies do not constitute a contract of employment. The policies as a whole, or individually by section, may be modified, amended, or rescinded at the sole discretion of the County of Essex without notice. As policies are adopted, new pages will be provided to employees to add to their manuals. Signature of receipt will be a requirement for each amendment.

Addendum 1 - USERRA

Uniformed Services Employment and Re-Employment Rights Act of 1994

The Uniformed Services Employment and Re-Employment Rights Act of 1994 USERRA applies to all employers in the public and private sectors, including Federal employers. The Act protects all members of the uniformed services from discrimination in employment regardless of whether their uniformed service was in the past, present, or future (intent to join). The discrimination provisions of USERRA, set forth in section 4311, address problems regarding initial employment, reemployment, retention in employment, promotion, or any other benefit of employment.

Any person re-employed after military service is entitled to all seniority and other rights and benefits, including medical insurance coverage, which would have been available if the employment had not been interrupted by military service. The veteran re-employment rights are effective unless the cumulative length of the current absence plus any previous absences exceed five (5) years.

USERRA requires that service members provide advance written or verbal notice to their employers for all military duty unless giving notice is impossible, unreasonable, or precluded by military necessity. Upon return from military duty, the period an individual has to make application for reemployment or report back to work is based on the time spent on military duty. For service of 30 days or less, the service member must report back to work at the beginning of the next regularly schedule work period on the first full day after release from service. For service of 31 – 180 days, the service member must submit an application for reemployment within 14 days of release from service. For service of 181 days or more, an application for reemployment must be submitted within 90 days of release from service.

Reemployment of a person is excused if an employer's circumstances have changed so much that reemployment of the person would be impossible or unreasonable. Employers are excused from making efforts to qualify returning service members, or from accommodating those with disabilities incurred during service, when doing so would be of such difficulty or expense as to cause "undue hardship." Reemployment is not required where the position left to enter the service was for a brief and non-recurrent period and which could not reasonably be expected to continue indefinitely or for a significant period. The employer has the burden of proving (not simply asserting) the impossibility or unreasonableness, undue hardship, or the brief, non-recurrent nature of the employment.

An employer may not use the lack of documentation at the time the individual request return as a basis for delaying or denying reinstatement. If the documentation received later shows that the individual is not eligible for protection under USERRA, the person may be terminated at that point. An employer has the right to require a person who is absent for a period of service of 31 days or more to provide documentation showing that: 1) the application was timely, 2) the 5-year service limit was not exceeded, and 3) the separation from service was not under circumstances specified in section 4304 of USERRA.

The following are some of the major requirements of USERRA, but is not meant to be all inclusive:

Health Benefit Coverage - on return from service, health insurance coverage must be reinstated without any waiting period or exclusions for preexisting conditions, other than waiting periods or exclusions that would have applied even if there had been no absence for uniformed service.

Pay - a person reemployed is entitled to the rate of pay he or she would have attained, with reasonable certainty, if continuously employed during the period of service. The term “pay” is not limited to the wages received. It includes all elements of compensation such as drawing accounts, bonuses, and shift premiums. It includes hourly rate, piece rate, salaries, and commissions. USERRA does not require an employer to pay an employee while performing uniformed service; however, an employer is free to do so if desired.

Promotions - unless it is impossible or unreasonable, an employer is generally required to allow a returning service member to make up a test for promotion that was missed while he or she was absent. If the reemployed employee is successful on the makeup exam, and there is a reasonable certainty that, given the results of the exam, that reemployed employee would have been promoted during the time he or she was in military service, then the reemployed employee’s promotion must be made effective as of the date it would have occurred had the employment not been interrupted by military service. If it is reasonably certain that an employee would have received a promotion during his or her absence for service and the employee requires further qualification for the position as a result of the military leave, the employer must make reasonable efforts to qualify the person. USERRA provides that returning service members are reemployed in the job that they would have attained had they not been absent for military service (a.k.a. “escalator position”) with the same seniority, status and pay, as well as other rights and benefits determined by seniority.

Raises - a returning service member is entitled to all general pay raises that he or she would have received with reasonable certainty but for the absence for service in the uniformed services.

Vacation - USERRA requires an employer to allow an individual to use earned vacation credits while absent for service, providing that usage is at the employee’s request. An employer may not require the use of vacation for a service absence, unless the absence coincides with a period, such as a plant shutdown, when ALL employees are required to take vacation.

Addendum 2.

GRIEVANCE PROCEDURE

The purpose of this procedure is to provide a prompt, fair, and orderly method for the resolution of employee grievances initiated by eligible employees of the County of Essex.

I. Definition of Grievance

A. A grievance is a complaint or dispute by an employee relating to his employment, including but not necessarily limited to:

1. Disciplinary actions, including disciplinary demotions, suspensions, and dismissals provided that such dismissals result from formal discipline or unsatisfactory job performance.
2. The application of personnel policies, procedures, rules, and regulations, and the application of ordinances and statutes.
3. Acts of retaliation as the result of the use of or the participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth of Virginia, has reported any violation of such law to a governmental authority, has sought any change in law before the United States Congress or the General Assembly of Virginia, or has reported an incident of fraud, abuse, or gross mismanagement.
4. Discrimination on the basis of race, color, creed, religion, political affiliation, age, disability, national origin, or sex.

B. Management Rights and Prerogatives

The County reserves to itself the exclusive right to manage the affairs and operations of County government. Accordingly, complaints involving the following management rights and prerogatives are not grievable:

1. Establishment and revision of wages or salaries, position classification, or general benefits.
2. Work activity accepted by the employee as a condition of employment, or work activity which 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. The methods, means, and personnel by which work activities are to be carried on, including but not necessarily limited to:

- a. The provision of equipment, tools, and facilities necessary to accomplish tasks.
 - b. The scheduling and distribution of manpower/personnel resources.
 - c. Training and career development.
5. The hiring, promotion, transfer, assignment, and retention of employees in positions within the County's service.
6. Failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly.
7. The relief of employees from duties, or taking action as may be necessary to carry out the duties, of the County in emergencies.
8. Direction and evaluation of the work of County employees.
9. Termination, layoff, demotion, or suspension from duties because of lack of work, reduction in force, 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 the exception to this paragraph, the action shall be upheld upon a showing by the County that:
- a. There was a valid business reason for the action, and
 - b. the employee was notified of the reason in writing prior to the effective date of the action.

II. Coverage of Personnel

- A. Except as noted below, all non-probationary full-time and part-time employees are eligible to file grievances under this procedure. The following are the exceptions:
- 1. Key officials of the County. For purposes of this procedure, a key official is defined as the head of any separate County department.
 - 2. Members of boards and commissions.
 - 3. Employees whose terms of employment are limited by law.
 - 4. Officials and employees who serve at the will or pleasure of an appointing authority.
 - 5. Appointees of elected individuals or elected groups.
 - 6. Probationary employees in matters concerning their dismissal. Probationary employees may, however, use this procedure for complaints or disputes other than dismissals that are determined to be givable.

7. Temporary, limited term, and seasonal employees.
8. Law enforcement officers as defined in Chapter 10.1 (§2.1-116.1, et seq.) of Title 2.1 of the Code of Virginia whose grievance is subject to the provisions of Chapter 10.1 and who have elected to proceed pursuant to those provisions in the resolution of their grievance, or any other employee electing to proceed pursuant to any other existing procedure in the resolution of his grievance.

B. The County Administrator shall determine the officers and employees by position excluded from this grievance procedure and shall maintain a list of such excluded positions.

III. Operation of the Grievance Procedure

A. Step 1. An employee who believes he has a grievance and wishes to utilize this procedure shall discuss the grievance informally with his immediate supervisor within twenty calendar days of the occurrence of the incident giving rise to the grievance or within twenty calendar days following the time when the employee reasonably should have gained knowledge of its occurrence. A response to the grievance shall be communicated, either orally or in writing, to the grievant within ten calendar days.

Note: If the complaint is alleging discrimination or retaliation by the immediate supervisor the grievance may be presented at Step 1 to the department head or, if there is no department head above the immediate supervisor to the County Administrator. If Step 1 is with the County Administrator, Step 2 is omitted and the written grievance is presented to the County Administrator. The grievance proceeds immediately to Step 3.

B. Step 2. If the grievant is not satisfied with and does not accept the Step 1 response, or if a response is not provided within the required time frame, the grievant may proceed by putting the grievance in writing on the Grievance Form which is attached to this procedure. The Grievance Form shall be delivered, by mail or in person, to the department head within ten calendar days of receipt of the supervisor's response or the deadline for that response, whichever occurs first. If the immediate supervisor is the department head, the written grievance should be presented to the County Administrator and it will proceed as if it were at Step 3.

The grievant shall specify the relief that he expects to gain through the use of this procedure. The department head shall promptly meet with the grievant. Normally, the only persons who may be present at the meeting or hearing shall be the agency head, the grievant, and the appropriate witnesses. The department head shall render a written response to the grievance within ten calendar days following receipt of the completed request form with a copy of the response being sent to the Administrator. By mutual consent of the grievant and the department head or the grievant may skip Step 2 and proceed directly to Step 3.

C. Step 3. If the grievant does not accept the response at Step 2, or if the department head fails to respond within the required time frame, the grievant shall indicate his desire to advance the grievance to Step 3 on the Grievance Form. The Grievance Form shall be delivered by mail or in person, directly to the County Administrator within ten calendar days following receipt of the Step 2 response or immediately after the deadline for that response, whichever occurs first. If the County Administrator determines (or has previously determined) that the complaint is grievable, a

meeting with the grievant, the grievant's representative if there is one, a representative of the affected department and the County Administrator will be held within five days. Appropriate witnesses for each side and such other persons as the County Administrator or the grievant may want to call, may be present to offer testimony only. The County Administrator shall render a written response to the grievance within ten calendar days following receipt of the completed request form.

In the event that the County Administrator determines that the complaint, or a portion of the complaint, is not grievable, the grievant may appeal that decision to the Circuit Court as set out in Section IV (B) of this procedure.

D. Step 4. If the grievant does not accept the Step 3 written response, or if the County Administrator fails to respond within the required time frame, and the grievant wishes to advance to a grievance panel hearing, the grievant shall complete step 4 of the Grievance Form.

The Grievance Form shall be delivered, by mail or in person, directly to the County Administrator within ten calendar days following receipt of the Step 3 response or the deadline for that response, whichever occurs first. The Grievance Form shall contain the name of the person whom the grievant desires to serve on the grievance panel. The grievant shall not name a person to serve on the grievance panel unless and until the grievant has received that person's consent to do so. The grievance shall be heard by an impartial grievance panel as set out in Section VI of this procedure.

IV. Grievability and Access

A. Grievability and access are determined by the County Administrator generally after the grievance reaches Step 3. Only after the County Administrator has determined that a complaint is grievable and/or the grievant has access to the procedure may a grievance be advanced through Steps 3 and 4. Should the question of grievability or access arise at Step 2 the grievant or the department head may request a ruling on grievability and/or on access by the County Administrator. The County Administrator shall render a decision within ten calendar days of receipt of the ruling request and shall send a copy of the decision to the grievant and the department head.

B. The County Administrator's decision on grievability and/or access may be appealed to the Circuit Court of the County. Such appeals shall be instituted by the grievant by filing a notice of appeal with the County Administrator within ten calendar days from the date the grievant received the decision. Within ten calendar days after the filing of the notice of appeal, the County Administrator or his designee shall transmit to the Clerk of the Circuit Court a copy of the County Administrator's decision on grievability or access to the procedure, a copy of the notice of appeal, a copy of the grievance record, and copies of all exhibits. A list of the evidence furnished to the Court shall also be furnished to the grievant. The appeal will be heard by the Court as provided by law. The decision of the Court is final and is not appealable.

V. General Terms

Except as otherwise noted, the following rules apply to all levels of grievance hearings.

A. Time intervals specified in Steps 1 through 4 may be extended by mutual consent of the parties.

B. When a deadline falls on a Saturday, Sunday, or County holiday, the next calendar day that is not a Saturday, Sunday, or County holiday shall be considered the last calendar day.

C. All grievance meetings and hearings shall be held during normal County working hours unless both the grievant and the County Administrator should mutually agree otherwise.

D. County employees who are necessary participants at grievance hearings shall not lose pay for time necessarily lost from their jobs and will not be charged leave because of their attendance at the grievance proceedings.

E. At the Step 3 meeting, the grievant, at his option, may have present, a representative of his choice. If the grievant is represented by legal counsel, the County likewise has the option of being represented by counsel.

F. The use of recording devices or a court reporter is not permitted at Step 1, 2, and 3 meetings. Only Step 4 hearings may be recorded.

G. Hearings are not intended to be conducted like proceedings in court and the rules of evidence do not necessarily apply.

H. At Step 4, the grievance panel shall have the discretion to limit the attendance at the hearing of persons not having a direct interest in the hearing.

I. At the request of either party, Step 4 hearings shall be private.

J. Except in grievances involving discipline or in cases where the grievance panel determines otherwise, the grievant shall present his evidence first.

K. The grievance panel shall determine the propriety of and the weight to be given the evidence submitted.

L. Both the grievant and the County may call appropriate witnesses. All witnesses, including the grievant, shall be subject to examination and cross-examination.

M. Witnesses shall be present only while actually giving testimony and shall otherwise be excluded from the room.

N. The grievant shall not be entitled to financially recover more than that which he has lost; the grievant's costs are not to be assessed against the County.

O. Where a grievant has obtained partial relief at one level of this grievance procedure but decides to appeal to the next higher level, the filing of a request form to the next higher level shall constitute rejection of, and relinquishment of any claim to, any and all relief granted at the previous level.

P.F Each party shall bear the costs and expenses, if any, of his legal counsel or representative.

VI. Rules Concerning Grievance Panels and Panel Hearings

A. Selection of Grievance Panel.

1. Within five calendar days of receipt of the Step 4 request form, the County Administrator shall appoint a member to serve on a grievance panel. The member selected by the grievant and the member selected by the County Administrator shall then select a third member.

2. If the panel member appointed by the grievant and the panel member appointed by the County Administrator or his designee cannot agree upon a third panel member within twenty calendar days of the County's receipt of the selection of the first two panel members, then the chief judge of the Circuit Court shall choose an impartial, third panel member. The third panel member shall act as chair of the panel.

B. Eligibility to Serve on Grievance Panel.

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

The following rules apply to Step 4 grievance panels and the conduct of Step 4 grievance panel hearings:

1. The grievant shall bear the reasonable costs and expenses, if any, of his panel member.

2. The County shall bear the reasonable costs and expenses, if any, of its panel member and those of the third panel member unless the grievant objects. Upon objection, the reasonable costs and expenses of the third panel member shall be shared equally between the County and the grievant.

3. No person shall receive any compensation, whether monetary or otherwise, for his time in serving as a member of a grievance panel. Notwithstanding this prohibition, a County employee serving as a member of a grievance panel may receive his usual County salary for the period he serves on such a panel.

4. The panel shall promptly set the date, time, and location for hearing the grievance and shall notify the parties.

5. The County shall provide the panel with copies of the grievance record prior to the hearing, and shall provide the grievant with a list of the documents furnished to the panel.

6. Each party shall furnish to the other with copies of all documents, exhibits, and a list of witnesses it intends to use at the panel hearing seven calendar days in advance of the hearing.

7. Both the grievant and the County may be represented by legal counsel or other representative at the panel hearing. Such representatives may examine, cross-examine, question, and present evidence on behalf of the grievant or the County before the panel without being in violation of the provisions of Virginia Code §54.1-3904.

8. The panel shall have the authority to determine the admissibility of evidence without regard to the burden of proof so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence. The County shall present its evidence first in grievances challenging a disciplinary action and shall have the burden of persuasion on such issue.

9. All evidence shall be presented in the presence of the panel and the parties except by mutual consent of the parties.

10. The decision of the panel should be rendered as soon as possible, but, in any case, not later than five calendar days following the conclusion of the hearing.

11. The panel shall have the authority, if it finds based on the greater weight of the evidence that the grievant has been denied a benefit or wrongly disciplined without just cause where such cause is required to reverse, reduce, or otherwise modify such action and, where appropriate, to order the reinstatement of such employee to his former position with back pay.

a. Back pay shall not exceed pay for time actually lost or paid leave required to be taken due to such suspension or discharge, in an amount the panel believes equitable up to the amount of actual loss.

b. Any award of back pay shall be offset by interim earnings the grievant earned during the period of separation.

c. The panel also has the power to sustain, modify, or reverse the County's action.

12. The panel shall not have authority to do any of the following:

a. Formulate policies or procedures.

b. Alter existing policies or procedures.

c. Circumscribe or modify the rights afforded the parties in this procedure.

d. Grant relief greater than that which the grievant has requested in the request form.

13. The majority decision of the panel, acting within the scope of its authority, shall be final and binding, subject to existing policies, procedures, and law.

14. The question of whether the relief granted by a panel is consistent with written policy shall be determined by the County Administrator or his designee, unless the County Administrator

or his designee has a direct personal involvement with the event or events giving rise to the grievance, in which case the decision shall be made by the Attorney for the Commonwealth for the County.

15. Either party may petition the Circuit Court for an order requiring implementation of the panel decision.

VII. Compliance

A. Except as noted in paragraph VII (B), after the initial submission of the grievance to the immediate supervisor, the failure of either party to comply with all substantial procedural requirements of this 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 work days of receipt of written notification by the other party of the noncompliance. Such written notification by the grievant shall be made directly to the County Administrator.

B. If one of the management respondents in Steps 1, 2, or 3 does not respond to the grievance, the grievant at his option may move the grievance to the next level by submitting it without the response to the next Step or the grievant can provide the County Administrator notice of the non-compliance as set forth in paragraph VII (A).

The County Administrator shall determine compliance issues. Compliance determinations made by the County Administrator or his designee shall be subject to judicial review, which shall be initiated by the grievant filing a petition with the Circuit Court of the County within thirty calendar days of the compliance determination.

Grievance Hearing Form
- Please type or print -

Name of Grievant

Job Title

Department

Telephone Number(s)

Step 2 – Department Head Meeting: To be completed by the grievant at Step 2 only and filed with the grievant’s department with a copy sent to the Administrator.

1. Date of the incident-giving rise to this grievance. _____

2. Date of the grievant’s first awareness of the incident. _____

3. Have you had a Step 1 informal hearing with your immediate supervisor?

___Yes ___No (check one)

4. If yes, when?

5. Person(s) against whom this grievance is directed.

6. Specify the incident that resulted in this grievance. (Use separate sheets if needed)

7. Specify the policy(ies), rule(s), or regulation(s) at issue. (Use separate sheets if necessary)

8. Specify why the action taken was not proper. (Use separate sheets if necessary)

9. Specify the relief sought. (Use separate sheets if necessary)

Signature of Grievant

Date Submitted

Department Head Response:

Signature of Departmental Head and Date

Grievance Was Received

Request for Step 3 –County Administrator Meeting: To be completed by the Grievant at Step 3 only and filed directly with the Administrator’s office.

I wish to have my grievance heard at the Step 3 (County Administrator) level. I understand that, by requesting to have my grievance heard at Step 3, I am giving up the relief, if any, that was awarded to me at Step 2.

Signature of Grievant

Date Submitted

County Administrator Response:

Signature of County Administrator and Date

Date Grievance Was Received

Request for Step 4 – Grievance Panel Hearing: To be completed by the grievant at Step 4 only and filed directly with the County Administrator.

1. I wish to have my grievance heard at the Step 4 (grievance panel) level. I understand that, by requesting to have my grievance heard at Step 4, I am giving up the relief, if any, that was awarded to me at Step 3.

2. Name of grievant’s panel member:

Address: _____

Telephone Number: (Home) _____

(Work) _____

Signature of Grievant

Date Submitted

County Panel Member

Name of County’s panel member:

Address: _____

Telephone Number: (Home) _____

(Work) _____

Addendum 3.

Worker's Compensation Administrative Procedures

Workers' Compensation Policy

The County's first responsibility to its employees is the prevention of occupational injuries and illnesses. Despite best efforts, injuries and illnesses do sometimes occur. Workers' Compensation provides benefits for an employee in the event of certain occupational illnesses, injuries, or death.

Reporting

Employees are required to immediately report all workplace injuries, conditions or illnesses, to their supervisor. All incidents shall be reported no matter how insignificant and regardless if medical treatment is necessary. If the immediate supervisor is not available, report must be made to the department head or County Administrator. Late reporting by the employee can result in delayed or denied workers' compensation benefits.

The employee is then to report the injury to our Workers' Compensation insurance carrier via The Company Nurse program. A report of the incident will be emailed to HR/Risk Management. Delays in reporting can jeopardize the employees' rights under the workers' compensation law and subject the County of Essex to penalties, which can be assessed by the Virginia Workers' Compensation Commission. If the injury is an emergency, the employee is to immediately seek treatment; otherwise, The Company Nurse is to be called and treatment will be prescribed through this procedure.

Panel of Physicians

The County of Essex has an approved Panel of Physicians for treating workers' compensation injuries and illnesses. The Company Nurse will present the Panel of Physicians for treating employee injuries to the employee.

Treatment by a physician or medical facility outside of the panel will be at the employee's expense.

However, in the event of an emergency the employee may seek treatment at the closest emergency facility. Once the emergency treatment is completed a panel physician must be chosen for follow up care.

Medical Treatment

An employee shall not utilize health insurance for situations believed to be work related, unless the claim is denied by the workers compensation carrier.

Wage Loss Benefits

An employee is not entitled to lost wage compensation for the first seven days of incapacity resulting from a work related disability. The Virginia Workers' Compensation Law includes weekends/holidays in this count, and these days do not need to be consecutive.

The employee will be given the option of using earned sick leave for up to seven days. If the employee chooses not to use earned leave this will be excused leave without pay. It is the employee's responsibility to notify his supervisor regarding how he/she would like to charge the first seven days missed. If a designation is not made, the period missed from work will not be compensated by the employer.

If the absence is longer than seven days, the employee will receive compensation benefits from our insurance carrier in accordance with the provisions of the Virginia Workers' Compensation Act.

If an employee is out of work over twenty-one days for a covered injury/illness, which disability is authorized by a panel physician, the employee will receive from our insurance carrier, compensation for the first seven days. The employee may turn this payment over to, or reimburse the County of Essex for the amount of compensation awarded to the employee for the first seven days of absence and (the County) shall reinstate the employees' earned leave. Because workers' compensation benefits are not taxable, The County of Essex shall make a taxable adjustment on this pay.

Injured employees do not continue to accrue sick and annual leave while out of work due to a workers' compensation injury/illness.

Temporary and part-time employees who are not eligible for annual leave and employees who have no earned leave available will not receive pay for the first seven days missed from work unless the employees absence is greater than twenty-one days under the conditions described above.

Earned sick leave cannot be used concurrently with workers' compensation benefits.

Work related disability will be designated under the Family Medical Leave Act (FMLA) and will run concurrently with workers' compensation benefits, if the disability constitutes a "serious health condition".

While receiving workers' compensation benefits, any voluntary deductions are the responsibility of the employee.

Earned sick leave may be used for disability resulting from a denied workers' compensation claim and disability will be designated under FMLA, if the disability constitutes a "serious health condition".

Return to Work – Light / Modified Duty:

The County of Essex shall make every effort to provide light/modified duty for employees with temporary restrictions resulting from a work-related disability. All light/modified assignments will be within the employee's medical capability and will adhere to the treating physician's recommendations. The light/modified assignment may or may not be in the same occupation,

department, pay scale, hours, etc. as the employee was performing prior to the work-related injury or illness.

If an employee refuses a light/modified assignment that has been approved by their treating physician and is within their capabilities, his/her workers' compensation benefits will be jeopardized.

Addendum 4
ESSEX COUNTY
PAID TIME OFF LEAVE PLAN
For Employees hired on or after
January 1, 2014

Policy Statement

The Paid Time Off leave plan (PTO) is a comprehensive program that serves the many diverse needs of employees for time off from work and also includes a short term disability plan for income protection to cover periods of extended illness or injury.

This policy covers all employees of County government including employees of constitutional officers hired on or after January 1, 2014.

Procedures

A. Enrollment:

All persons hired or re-hired on or after January 1, 2014, enrolling in the VRS Hybrid Retirement Plan, shall receive leave benefits in accordance with this PTO plan.

One year after the date of employment, employees in the PTO plan are be eligible to participate in a Short Term Disability Plan coordinated and approved by an insurance company selected by the County. The short term disability plan provides for a weekly benefit of less than 100% of normal weekly pay in accordance with the provisions of the plan document.

Employees in the PTO plan hired after January 1, 2014 are eligible for long-term disability through a plan provided by an insurance company determined by the County; with the exception that those employees included eligible for the Hazardous Duty Supplement under the Virginia Retirement System (VRS), shall be covered for long-term disability under the VRS Disability Retirement program. Details of this plan are provided in the summary plan description provided by the insurance company selected by VRS or in the VRS Employee Manual.

B. Paid Time Off (PTO) Accruals:

Full Time employees covered under the PTO plan receive accruals based on their years of County Service. PTO hours are accrued monthly. An employee is eligible for leave according to the table below:

Years Of Service	Accrual Hours Per Month	Maximum Annual Hours
0 up to 5 years	12 hours per month	144 hours per Calendar Year
Over 5 years through 10 years	14 hours per month	168 hours per Calendar Year
Over 10 years	16 hours per month	192 hours per Calendar Year

PTO hours will not accrue during any un-paid absence of 40 hours or more, per biweekly pay period, including absences for FMLA reasons.

Employees may carry forward to a new calendar year PTO leave balances of no more than the applicable Maximum Annual Hours per Year.

Any scheduled holiday that falls during the employee's PTO leave will not be charged as PTO but as Holiday Leave. Refer to Holiday Leave in the Employee Handbook.

Bereavement leave and Jury Duty leave is not deducted from PTO hours. Refer to Bereavement Leave and Jury Duty Leave in the Employee Handbook.

C. Scheduling/Use of PTO Hours

Paid leave may be requested by the employee only if accrued PTO hours are available for use. Employees are responsible for maintaining PTO leave balances at adequate levels to ensure that leave taken does not exceed existing balances.

Although PTO is a benefit provided for employees to self-manage time off, its use must be approved in advance by the employee's supervisor. Scheduled PTO leave may be used for any approved purpose, and a request to use such leave should be made by the employee to his or her supervisor no less than three working days in advance. Some departments may require that employees schedule PTO leave further in advance. The supervisor will inform a new employee if a longer advance notice applies. The three-day requirement may be waived by the supervisor in cases of illness, emergency situations or other unforeseen circumstances (unscheduled PTO).

Unscheduled PTO leave will be monitored. The supervisor has the right to request verification of any unscheduled absences by requiring a physician's statement. When an unforeseen need for PTO occurs, an employee shall notify the appropriate supervisor no later than the beginning of the shift. In some departments, earlier notice may be requested. Failure to provide the proper notification or excessive unscheduled leave may result in disciplinary action.

PTO is available for use by the employee only after leave has accrued, and may be taken in quarter-of-an-hour (15 minute) increments.

If PTO hours are available for use, the employee is required to use PTO to cover the waiting period before Short Term Disability begins. Accrued PTO leave may be used by the employee to make up the difference between 100% of the employee's normal gross wages and the benefit provided under the Short Term Disability plan.

The employee does not accrue PTO hours for any period of leave-without-pay or any un-paid leave for disciplinary suspension.

D. Termination/Retirement Payment of PTO Hours

Employees that leave County service shall be paid at the employee's current regular rate of pay for accumulated PTO hours up to the maximum carry over amount. Termination shall include retirement, voluntary resignations, death, or dismissal. The County shall deduct all state and federal taxes, and any outstanding amounts due to the County for benefits received, and for rental uniforms, keys or other County property not returned by the employee at termination.

Use of PTO hours during a resignation notice period must be approved in advance by the appropriate supervisor, and must not interfere with the operations of the department.

E. Work Related Injuries/Illnesses

If an employee is absent due to a work-related injury, the employee must use PTO hours for the first seven calendar days of absence, if PTO is accrued. If the employee does not have PTO hours available, the employee will be placed in a leave-without-pay status (for the first seven days of absence only).

F. Short Term Disability (STD)

As of January 1, 2014, newly hired, re-hired employees will be covered under a short-term disability (STD) plan offered by the County and administered by a third party administrator. The short term disability plan provides for a weekly benefit of less than 100% of normal weekly pay in accordance with the provisions of the plan document.

The STD program provides a weekly benefit administered by a third party plan administrator. Employees are required to file a claim for benefits with the insurance company and be approved before any benefit will be paid. The amount of benefit, length of coverage, and the process to file a claim are provided in STD plan documents.

PTO, if accrued, shall be used by the employee during periods of STD to cover the initial waiting period of 7 calendar days, and may be used to make up the difference between the amount received under the benefit schedule and the employee's normal pay. An employee may not receive more than 100% of the normal base pay amount when combining the STD benefit and PTO. STD is directly funded by the County, and therefore taxes shall be deducted from the amount paid to the employee as required by IRS regulations.

The STD benefit period may last longer than the period established under the Family Medical and Leave Act. Nothing in the PTO or STD plan extends FMLA benefits beyond those provided by law.

G. Long Term Disability (LTD)

Upon exhausting all STD benefits an employee may file a claim for long term disability benefits under the appropriate LTD coverage. For persons employed by the County that are not participants in Hybrid VRS plan, the employee is covered under a plan that is part of the

traditional VRS disability retirement plan. Contact HR for more information on this plan. For those covered under the Hybrid VRS plan, the premiums for the Long Term Disability insurance are paid 100% paid by the County. The claim process is outlined in the insurance company plan document. Contact HR for a copy of the plan document. Approval of LTD benefits rest solely with the insurance company.

Revised June 9, 2015 by the Essex County Board of Supervisors

**Attest: A. Reese Peck
County Administrator**

PERSONNEL POLICIES RECEIPT ACKNOWLEDGMENT

To be signed by the employee to indicate he/she has read, understands and will abide by the Essex County Personnel Policy Manual.

I understand it is my responsibility to read, familiarize myself with the policies, and understand the matters set forth in this Personnel Policy Manual.

This Manual supersedes all prior policies as to subjects addressed in the manual and all representations, oral or written. In the event of a contradiction between this Manual and the representation of a supervisor, the terms of this manual will govern.

I understand that no statement contained in this Manual creates any guarantee of continued employment or creates any obligation, contractual or otherwise, on the part of the County of Essex.

I understand and acknowledge that the County of Essex has the right, without prior notice, to modify, amend, or terminate policies, practices, benefit plans, and other institutional programs within the limits and requirements imposed by law.

[Signature]: _____

Name (printed): _____

Dated: _____