

## **Agenda Item VI. C.**

**Meeting Date:** January 17, 2017

**Department:** Human Resources

**Issue:** **Endorsement of HR Regulation Update**

**Board Action:** The Board is being asked to adopt the HR regulation

**Attachment:** Table of Amendments  
ACR 4, Human Resources Regulation w/ changes

**Summary:** The Human Resources regulation for the county is issued by the County Administrator but cannot be placed into effect until adopted by the Board in a public meeting.

**Recommendation:** That the Board adopt the HR Regulation.

**Amherst County Human Resource Regulation  
Summary of Amendments  
January 3, 2017**

The table below summarizes the amendments approved by the County Administrator and presented for Board of Supervisors review and ratification:

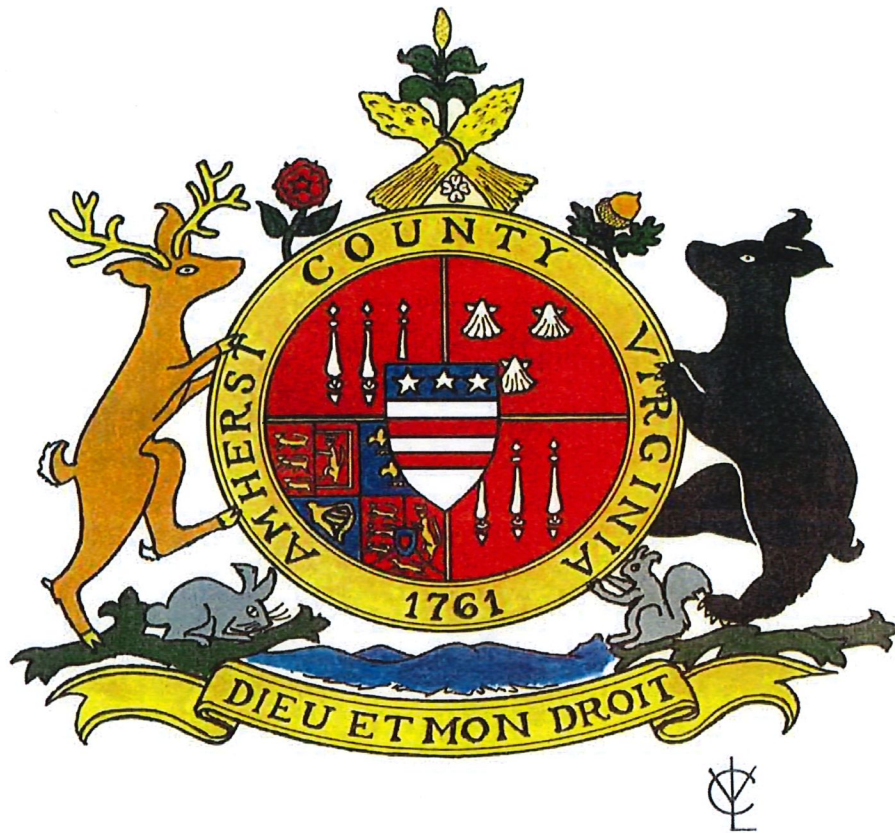
<b>Policy Section</b>	<b>Page Number(s)</b>	<b>Summary of Amendments</b>
Entire Document	1-89	Updated book and page reference in headings, page numbers in footers, and formatting adjustments will be made after Board of Supervisors ratification of amendments. Corrected typos, made grammatical changes, and added Human Resource terminology where appropriate throughout document. Renumbered sections where appropriate due to addition of new language or deletion/reorganization of current language. Replaced the term "Directors" with "Department Heads" as some department heads do not have "Director" in their title.
Title Page	Title Page	Updated effective date of regulation.
Section 1.1.2	1	Removed the word "all" as regulation may not cover "all" Human Resource matters.
Section 1.1.3	1	Added appropriate human resource terminology regarding separations from employment.
Section 1.1.5	1	Deleted reference to use of masculine pronoun. In most cases, the gender neutral term "employee" is used with occasional reference to "his or her".
Section 1.4.1	3	Replace "kind" of work with "type" of work.
Section 1.4.3	3	Added "Board of Supervisors" to address Public Service Authority appointees.
Section 1.5	3	Corrected number of employees and language regarding employees who are directly supervised by the Board of Supervisors versus the Board of the Public Service Authority.
Section 1.5.1	3	Reworded for grammatical reasons.
Sections 1.5.2-16	3-6	Updated wording to reflect current/planned organizational structure.
Section 1.6	6	This change was made to ensure that required human resource posters are not removed or replaced.
Section 2.1	6-7	Equal employment opportunity (EEO) language was revised and reworded for consistency with state and federal law.
Section 2.4.2	8	Added language regarding federal e-Verify requirements.
Section 2.4.4	8	Clarified that background checks, drug testing and reference checks are conducted on final candidates versus all applicants.
Section 2.5	9	Added "education" and removed redundant language addressed in prior sections.
Section 2.8	9	Added language regarding need for more stringent policies to reflect professional standards or legal requirements.
Section 2.8.5	10-11	Added language regarding Whistle Blower Protection to reflect state and federal law.



Policy Section	Page Number(s)	Summary of Amendments
Section 2.9	11-13	Updated Dress Code policy to reflect current human resource terminology, focus on management responsibility toward setting dress code standards, and remove language that could be considered sexist.
Section 2.11	13-14	Added "or designee" to address situations when supervisor is not available.
Section 2.13.1-3	14	Language was added describing the limited nature of files kept on employees of Constitutional Officers, the Service Authority and other County agencies. Entire section was reworded for grammatical reasons.
Section 3.2	16	A section was added to describe the various types of county employees.
Section 3.3	16-17	Language was added to assist with complying with e-Verify deadline.
Section 3.4	17	Language was added to comply with federal and state required employee IDs.
Section 4.6.9	19	Language was added regarding annual update of job descriptions and employee sign off.
Section 5.18	25	The section was reworded to clarify the definition of full and part-time employment and time-keeping requirements.
Section 6	28	Language was added regarding rounding of leave.
Section 6.1	28-29	Language was added clarifying how vacation is accrued.
Section 6.2	30	Language was added clarifying how sick leave is accrued. The Sick Leave chart was revised to reflect accrual of sick leave during the probationary period and correct errors made in annual sick leave accrual amounts.
Section 6.5	31-32	Language was added clarifying when personal and business personal leave may be used and allowing probationary employees access to this limited leave benefit.
Section 6.14.3	37	Language was added clarifying that all FMLA related time off from work during the rolling 12 month period counts toward the 12 week total.
Section 7	40-48	The County Attorney requested substitution of revised language developed as part of the agreements with the Constitutional Officers.
Section 8	53-54	Language was added clarifying when a new employee must start work in order to participate in County subsidized benefits during the following month. The chart was revised to reflect policy changes in the types of employees and leave sections.
Section 8.1	57	Language was added clarifying the County's Section 125 Cafeteria Plan.
Section 8.4	58	Hybrid employees have a one year waiting period before receiving short term disability benefits. The sick leave chart was revised to reflect their need for sick leave during the first year of employment.
Section 9.2	59	Language was added to ensure that the county is only reimbursing for continuing education related to county employment.
Section 11.7.2	63	Language was modified to reflect proper notification procedure.
Section 11.11	65-66	Language was added requiring employees to notify the county of any drug-related charges.

Policy Section	Page Number(s)	Summary of Amendments
Section 14	67	Language was modified for consistency with EEO policy.
Section 15.1	70	Language was modified for consistency with EEO policy.
Section 15.3 & 15.4	72-73	Language was added shifting determination of grievability from the County Administrator to Human Resources to remove appearance of possible conflict of interest since appealing to the County Administrator is a step in the grievance process.
Section 15.7	75	Language was added shifting reporting of compliance issues and determinations to Human Resources to remove appearance of possible conflict of interest.
Section 18.6.6	87	Language was added regarding the need for county drivers to meet the safety criteria of the county insurance carriers.
Section 19.2	89	Language was added allowing for planned cell phone reimbursement.

# Amherst County Human Resources Regulation



Effective ~~August 22, 2016~~ January 18, 2017

## 1 INTRODUCTION

### 1.1 PURPOSE OF THE HUMAN RESOURCES REGULATION

1.1.1 This regulation was established for the information and guidance of all County employees.

- (a) To provide equitable conditions of employment for County employees;
- (b) To establish and maintain uniform standards of employment and compensation;
- (c) To provide assistance to Department Heads and supervisors in their administration of employee matters.

1.1.2 The Amherst County Human Resources Regulation establishes general County policies and procedures to be used by all County employees covered by the Regulation. This Regulation provides a description of the County's benefits and the general County policies pertaining to ~~all~~ Human Resource matters. This regulation may not always be aligned with all individual circumstances and there may be situations which may require interpretation of existing policies or a ruling in conjunction with an employee action related to the regulation.

1.1.3. **This regulation is not and shall not be construed as an explicit or implied contract of employment for a specific period of time, 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 law.**

The term "at-will" means employees can ~~separate~~terminate or be ~~separated~~terminated from County employment for any reason not prohibited by law~~at will~~.

1.1.4 From time to time, conditions or circumstances may require the County to make changes, additions, or deletions to this regulation. When changes to the regulations of the County are made, employees will be notified of the new or revised policies or benefits within a reasonable time. Any such amendments shall not be effective until the County Administrator has reported the amendment to the Board of Supervisors at a public meeting.

1.1.5 The Human Resources Regulation set forth in this document supersedes all previous personnel policies and serves as the official Human Resources Regulation of Amherst County, Virginia.

~~The masculine pronoun as used in this Manual is intended to apply to both genders.~~

### 1.2 APPLICABILITY OF REGULATION

1.2.1 The regulation herein established shall apply to all employees of the County except the following:

- (a) Employees of the Amherst County Public Schools;
- (b) Any employee specifically exempted by action of the Board of Supervisors;



- (c) Constitutional Officers;
  - (d) Appointees of Constitutional Officers, except as provided by any cooperative agreement in effect
- 1.2.2 The County has the authority to take appropriate action in dealing with cases of violation of the established policies. No employee can be exempted from the grievance procedure contained herein with the exception of Constitutional Officers, those identified in section 1.5 of this regulation, and those identified in Section 15.2 of this regulation.
- 1.2.3 In any case where an employee is working for a board established by the Amherst County Board of Supervisors, with the authority to recommend policy for a County department, then where reference herein is made to the Board of Supervisors, that board's name should be inserted; and where reference is made to County Administrator, the name of the director of that department should be inserted. Boards established by the Board of Supervisors do not have authority to change County policy. Rather, such boards only have the authority to act on personnel matters as defined in this regulation.
- 1.2.4 The regulation herein established shall apply to appointees of the County's Constitutional Officers and employees of the Department of Social Services to the extent agreed upon by the respective Constitutional Officers, Department of Social Services and the County and as documented in any Cooperative Agreements that may be agreed to by all parties and adopted by the County.

### 1.3 DISSEMINATION OF REGULATION

- 1.3.1 The County Administrator will make public complete copies of all regulations and changes thereto, and shall be responsible for maintaining complete current regulations. Employees will be provided with various changes and updates. In addition, a copy shall be maintained in the office of each Department Head.
- 1.3.2 Each County employee shall be given a copy of the Human Resources Regulation upon adoption of them by the Amherst County Board of Supervisors. Future employees shall receive a copy of the current Human Resources Regulation when they begin their employment with the County.
- 1.3.3 All employees will acknowledge receipt of this regulation via a signed and dated statement, which will be maintained within the employee's personnel file. The statement shall include the employee's confirmation that this regulation has been read and isare understood by the employee. Employees will be notified of the new or revised policies or benefits within a reasonable time, it is the responsibility of the employee to read and understand these changes when they are dispersed.
- 1.3.4 The Human Resources Regulation shall be available for review by any employee or the public during the County's regular business hours at the office of Human Resources, or online via the County website.

### 1.4 DEFINITIONS

Where used within this Regulation, the following words and terms shall have the meaning indicated below:

1.4.1 ALLOCATION.

The assignment of an individual position to an appropriate class of positions on the basis of the typekind, difficulty, required skill, and responsibility of the work performed.

1.4.2 APPOINTING AUTHORITY.

That officer or body having authority under the ordinances of the County to make appointments to positions. Unless otherwise specified, the appointing authority shall be construed to be the Amherst County Board of Supervisors.

1.4.3 APPOINTEE.

A term used by the Constitutional Offices or Board of Supervisors to designate those who work at the pleasure of the Constitutional Officer or Board of Supervisors, respectively. The term "employee" as used in this Regulation also applies to the appointee except where otherwise designated.

1.5. COUNTY ORGANIZATION

The Board of Supervisors has twothree employees that work directly for it, the County Administrator and, the County Attorney, ~~The~~and the Director of Public Utilities is employed by the Amherst Public Service Authority whose members include the Board of Supervisors. County Administration is organized into Departments. Each has a single Department Head with the following basic areas of responsibility. It is important to remember that due to shortfalls in manpower, responsibilities can often overlap and directorates will assist each other in areas outside their principal duties.

1.5.1 County Attorney.

The County Attorney works directly for the Board of Supervisors and is not supervised by the County Administrator. The Attorney serves the Board and the County staff in their collective capacity as her legal client; thus she only advises individuals in their official capacity and not ontheir personal matters. The Attorney hires and manages his or her own staff. The Attorney provides advice on all legal matters affecting the interests of the County.

1.5.2 County Administrator.

The County Administrator reports directly to the Board of Supervisors. The Administrator directly supervises each of the Department HeadsDirectors. The Administrator is responsible for overseeing the performance of all County functions.

1.5.3 Deputy County Administrator/Purchasing Officer.

The Deputy County Administrator (DCA) serves as backup and assistant to the County Administrator. The DCA also serves as the County Purchasing Officer with authority

delegated by ordinance. The DCA supervises an administrative assistant and providessupplies administrative direction to the maintenance staff.

**1.5.4 Finance and Accounting.**

The Director of Finance reports to the County Administrator and directly supervises subordinate staff. The Director of Finance is responsible for the proper accounting of County funds and the financial records of the County. The Director of Finance is responsible for the integration of all financial systems connected to or reliant upon County funding.

**1.5.5 Planning and Zoning.**

The Director of Planning and Zoning (DPZ) reports to the County Administrator and directly supervises all subordinate staff. The DPZDirector serves as clerk to the Planning Commission and Board of Zoning Appeals.

**1.5.6 Building Safety and Inspections**

The Building Official reports to the County Administrator and directly supervises all subordinate staff. The Building Official is responsible for all building and property maintenance code enforcement. The Building Official They also serves as the secretary of the Building Appeals Board.

**1.5.7 Public Works.**

The Director of Public Works (DPW) reports to the County Administrator and directly supervises all subordinate staff. The DPWDireector is responsible for the County's Waste Management and Grounds Maintenance. The DPWDireector serves as the County's responsible official on VDEQ solid waste permits and manages the landfill's separate enterprise fund.

**1.5.8 Public Safety.**

The Director of Public Safety (DPS) reports to the County Administrator and directly supervises subordinate Department Heads and an administrative assistant. In the absence of Department Heads, the DPS directly supervises all subordinate staff and is responsible for the departments of Fire Response and Volunteers, Emergency Rescue, and 911 Communications. The DPS serves as clerk to the Emergency Services Council.

**1.5.9 Information Technology.**

The Director of Information Technology (DIT) reports to the County Administrator and directly supervises subordinatesubordinates staff. The DIT is responsible for the connectivity of telephone and internet service for all positions and locations receiving County funds. The DIT is responsible for the maintenance and accessibility of all electronic records, audio/visual/computing/ communications equipment, specialized software and the County's internet presence. Some organizations retain their own IT support for specialized software or equipment.

**1.5.10 Recreation & Parks.**



The Director of Recreation & Parks (DRP) reports to the County Administrator and directly supervises subordinate Department Heads and an administrative assistant. In the absence of Department Heads, the DRP directly supervises all subordinate staff and is responsible for the County's recreational programs, activities and equipment, but not necessarily the facilities involved. The DRP serves as clerk to the Recreation and Parks Board.

**1.5.11 Human Resources.**

The Director of Human Resources Coordinator (DHRHRC) reports directly to the County Administrator. The DHRHRC is responsible for carrying out all employee policies and human resource functions. The DHRHRC advises and serves on County committees as needed.

**1.5.12 Museum.**

The County funds the position of the County Museum Coordinator (CMC) whose work is performed under the general direction of the County Administrator. The CMC also receives direction from the Amherst County Historical Society. The CMC follows County personnel policies and is responsible for running the museum, conducting its programs, performing fundraising for the Historical Society, and other duties as assigned by the Historical Society.

**1.5.13 Library.**

The Director of the Library reports to the Library Board and the County Administrator. The director is responsible for managing of programs, coordinating staff, and maintaining collections at both County libraries. The Director also serves as the secretary of the Library Board.

**1.5.14 Maintenance.**

Day to day operations of the maintenance department are overseen by two Maintenance Co-Supervisors. There are three maintenance workers employed by the County. Their supervisor retired several years ago and was not replaced. By custom and practice, they who report directly to the Deputy County Administrator but generally operate independently to complete their requested work projects, prepare budget requests and otherwise maintain County structures. They also work closely with the Deputy County Administrator/Purchasing Officer to obtain necessarythe supplies and equipment they need.

**1.5.15 CSA Coordinator.**

The State Office for Families and Children Services helps to fund the Comprehensive Services Act Coordinator~~coordinator~~ for the County to oversee the application of state CSA funding to families and children in need in Amherst County. The CSA Coordinator works closely with the Department of Social Services andbut is supervised by the County Administrator.

**1.5.16 Authorities, Boards, Commissions, Councils and Committees.**



These entities are managed and supported as described in ACR 1-3, Boards, Commissions, Councils and Committees Created by the Board of Supervisors, to increase the effectiveness of local government. Their specific areas of responsibility and authority are described in each body's Board-approved charter. Several are governed by state statutes. Some of these organizations hire and oversee their own Directors and staff. All follow County personnel policies except where they expressly deviate per charter or cooperative agreement. The organizations include:

Agriculture Committee  
Amherst County Broadband Authority Board  
Amherst County Service Authority Board  
Board of Zoning Appeals  
Building Committee  
Economic Development Authority Board  
Emergency Services Council  
Library Board  
Planning Commission  
Recreation & Parks Board  
School Board  
Social Services

#### 1.5.17 Constitutional Officers.

The constitutional officers (Sheriff, Treasurer, Commissioner of Revenue, Commonwealth's Attorney and Clerk of Court) are elected positions with statutory responsibilities and authority independent of the Board of Supervisors. The Registrar is appointed by the Electoral Commission. Portions of their budgets are funded by the County so there is a supportive relationship between them and the County Administration. County employees serve and assist the Constitutional Officers and their staff to the same degree of effort as they do each other.

### 1.6 BULLETIN BOARDS

Bulletin boards are maintained in convenient locations throughout County worksites and may be used for important communications by the County. Use of these bulletin boards is restricted to County related business.

Information regarding policies, services offered, and announcements may be posted on bulletin boards, and therefore, it is a good habit to look at the boards often. Employees are expected to be familiar with the information that is posted on the bulletin boards.

If anyone has an item they would like to have posted, contact Human Resources ~~the County Administrator office~~ for consideration. Unauthorized postings will be removed.

## 2. QUALIFICATIONS FOR EMPLOYMENT

### 2.1 EQUAL EMPLOYMENT OPPORTUNITY AND ACCOMMODATION

It is the policy of Amherst County 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, or marital or pregnancy status. Amherst County is an equal opportunity employer that strives to adhere to the provisions of the Equal Opportunity Act with the goal of maintaining and promoting equal employment opportunity for all employees and applicants for employment.

2.1.1 This policy applies to every aspect of employment practices including, but not limited to the following:

2.1.1.1 Recruiting, hiring and promoting in all job classifications without regard to race, color, religion, sex, age, national origin, political affiliation, ~~or~~ disability, or marital or pregnancy status except where such a factor can be demonstrated as a bona fide occupational qualification.

2.1.1.2 All decisions for hiring or promotions shall be based solely upon each individual's qualifications for the position to be filled.

2.1.1.3 Other personnel actions such as compensation, benefits, transfers, layoffs, training, assignments, will be administered without regard to race, color, religion, ~~national origin~~, sex, age, national origin, political affiliation, ~~or~~ disability, or marital or pregnancy status.

2.1.1.4 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 or if the employee poses a direct threat to the health and safety of himself or others.

2.1.1.5 Reporting Discrimination

All employees have the right to work in a workplace that is free of discrimination. If you believe that another employee or business partner of the County has violated this policy, you should report the incident to your Department Head. If you have a problem discussing this issue with your Department Head, contact the County Administrator or Human Resources Coordinator.

All complaints will be thoroughly investigated. Any business partner found to have violated this policy may be subject to termination of business dealings.

## 2.2 OUTSIDE EMPLOYMENT

2.2.1 Amherst County considers itself to be the primary employer for all employees who are not temporary or relief, and requires that activities away from the job must not adversely affect the employee's primary job performance or compromise the County's interests through conflicts of interest, or the appearance of conflicts of interest.

2.2.2 Before seeking or accepting outside employment, employees are encouraged to discuss such employment with their Department Head. Employees are cautioned to carefully consider the demands that such additional employment will create. Outside employment



will not be considered an excuse for poor job performance, absenteeism, tardiness, refusal to travel, or refusal to work overtime or different hours.

2.2.3 The employee shall notify their Department Head **in writing** when they are involved in outside employment. Employees who have a secondary job at the time they begin working for the County must notify their Department Head of such employment on the date of hire.

2.2.4 In addition, employees are not to conduct any business related to outside employment during work time paid by the County.

## 2.3 PHYSICAL STANDARDS

Applicants for employment and employees may be required to have a physical examination at any time and, (as a condition to employment) may be required to meet the physical standards, with or without accommodation, established for the position for which they apply.

## 2.4 EMPLOYMENT INVESTIGATIONS

2.4.1 Amherst County is committed to employing only U.S. citizens and aliens who are authorized to work in the U.S. The County does not discriminate on the basis of citizenship or national origin. In compliance with the Immigration Reform [and](#) Control Act of 1986, each new employee, as a condition of employment, must complete an Employment Eligibility Verification Form (Form I-9) and present documentation establishing identity and eligibility to work in the U.S. as well as re-certification documents that may be required, in accordance with the law, at a later date. Failure to provide the proper documentation in accordance with the Act will result in the withdrawal of the offer of employment or termination of employment.

2.4.2 Per federal law, all employees of the County must be entered into the eVerify system within three business days of county employment. The completed I-9 form and copies of the identity documentation provided by the new employee must be forwarded to Human Resources within three business days of the employee's start date.

2.4.32.4.2 When required by a department, an applicant may be fingerprinted to determine his criminal record, if any, prior to being considered for employment or after hire date as may be required to comply with standards as set forth by local, state, or federal government. All pre-hire inquiries will be limited to those applicable to the position for which the applicant is applying and will be job related.

2.4.42.4.3 All ~~final candidates~~[applicants](#) will be subject to a criminal background check, drug test, and reference checks. Applicants may be subject to optional tests considered necessary for the position applied for, including a Department of Motor Vehicle record check, a polygraph examination, psychological tests, educational background check, credit reports where appropriate, and other bona-fide pre-employment investigations.

2.4.52.4.4 Various departments, where the handling of cash is necessary, may periodically require employee credit checks at a Department Head's recommendation, if approved by the County Administrator.

2.4.62.4.5 Seasonal and temporary employees will be tested as necessary for the position.

## **2.5 FORM OF APPLICATION**

All applicants for employment must fill out and furnish complete information on the application form established for the class of positions for which they apply. Such forms shall include information relative to residence, training, education, experience, references, and other pertinent information, ~~and may require certificates of one or more examining physicians, a photograph, and fingerprints.~~

## **2.6 OTHER STANDARDS FOR EMPLOYMENT**

Where other standards or requirements for a particular position are established, all applicants shall be required to meet those standards as condition of employment.

## **2.7 RESIDENCY POLICY**

Those persons employed as Department Heads or higher may be required to reside in Amherst County as determined on a case by case basis by the County Administrator.

## **2.8 CODE OF CONDUCT FOR PUBLIC SERVICE TO AMHERST COUNTY**

Amherst County requires that employees follow this "Code of Conduct for Public Service to Amherst County," reflecting the highest ethical standards and promoting public confidence in County government. This policy is not intended to supersede more stringent codes of conduct as required by professional standards or law and adopted by individual departments or offices.

This Code shall be operative in all instances covered by its provisions except when superseded by an applicable statutory or other provision and statutory or other action is mandatory, or when the application of a statutory or other provision is discretionary, but determined to be more appropriate or desirable.

The effective operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made through the proper channels of the governmental structure; that public office not be used for personal gain; and that the public has confidence in the integrity of its government. The purpose of this Code is to establish standards of ethical conduct for employees by setting forth those acts or actions that are incompatible with the best interests of the County. The provisions and purpose of this Code and accompanying rules and regulations are established in the best interests of Amherst County.

### **2.8.1 Responsibilities of Public Office:**

Public employees are agents of the citizens and are entrusted to pursue the public good at all times. As such, they are expected to display the highest degree of integrity and are bound to uphold the Constitution of the Commonwealth of Virginia and to carry out impartially the laws of the nation, state, and County; thus fostering respect for all government. They are bound to observe in their official acts the highest ethical standards and to discharge faithfully the duties of their office regardless of personal considerations with courtesy and respect, always recognizing that the public interest must be their primary concern.



2.8.1 Dedicated Service:

All County of Amherst employees are expected to be loyal to the objectives expressed by the electorate through the Board of Supervisors. Employees shall adhere to the rules of work and performance established as the standard for their positions. Employees shall not exceed their authority, breach the law or ask others to do so, and shall work in full cooperation with other employees and departments unless prohibited from so doing by law or by officially recognized confidentiality concerns.

2.8.3 Fair and Equal Treatment:

No employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

No employee shall use or permit the use of County-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally, or are provided as public policy for the use of such employees in the conduct of official business.

2.8.4 Conflict of Interest:

All employees are subject to the applicable requirements of the Government Conflicts of Interest Act. Employees are also bound by the additional guidance outlined below:

2.8.4.1 Incompatible Employment:

No employee shall engage in or accept other employment or render services for private interests when such employment or service is incompatible with the proper discharge of their official duties or would impair their independent judgment or action in the performance of his official duties. With prior notification to their Department Head's, employees may engage in other employment that does not interfere with or present a conflict of interest with County employment;

2.8.4.2 Disclosure of Confidential Information:

No employee shall, without proper authorizations, disclose confidential information concerning the property, government, or affairs of the County.

2.8.4.3 Gifts and Favors:

No employee shall accept any gift or favor of more than nominal value, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation, intended to, or which may, influence him in the discharge of his duties.

2.8.5 Whistle Blower Protection

Employees are expected to report instances or wrongdoing or abuse committed by governmental agencies or independent contractors of governmental agencies. Employees who disclose information about suspected wrongdoing or

abuse shall do so in good faith and upon reasonable belief that the information disclosed is accurate. Per the provisions of The Fraud and Abuse Whistle Blower Protection Act (Code of Virginia §§2.2-3009 et al.), ~~no employer may~~ the County cannot discharge, threaten or otherwise discriminate or retaliate against a whistle blower. Employees who feel action has been taken against them due to their status as a whistle blower may report such actions to the County Administrator or the Director of Human Resources Coordinator.

## 2.9 DRESS CODE

Amherst County is a public service delivery organization and expects all employees to dress appropriately for a professional business environment and in keeping with their work assignment. Public image plays an important role in developing and maintaining support for the organization. To maintain the confidence and respect of the citizens of Amherst County, each employee must exercise good judgment and professional decision-making in choosing workplace attire. Appropriate attire for the workplace is ~~ultimately a management decision made in the discretion of the Department Head.~~

### Objective

To establish clear guidelines regarding employee attire, taking into account the variety of work assignments.

#### 2.9.1 General Guidelines:

The following guidelines establish the general expectations regarding employee attire. Every employee is expected to exercise good judgment in dressing appropriately for their work assignment. The following list is not intended to include every possible scenario but provides guidelines for employee and supervisory decisions. The department head is responsible for making determinations regarding appropriate attire for his or her department.

- 2.9.1.1 Clothing, jewelry, and accessories must not create a safety hazard or an uncomfortable work environment for the employee, their co-workers or others;
- 2.9.1.2 All clothing must be in good condition without holes, excessive wear, or staining from use or design;
- 2.9.1.3 Clothing shall not be overly casual or revealing, display implied or stated profanity, advertisements or logos for alcohol, tobacco products and/or illegal, racial, or sexual connotations;
- 2.9.1.4 Political endorsements may not be worn on clothing, badges, or any other ways that are visible to the public;
- 2.9.1.5 Employees shall be clean, well groomed and demonstrate acceptable personal hygiene;
- 2.9.1.6 Employees shall not wear jewelry in facial or tongue piercing(s);

- 2.9.1.7 Excessive or offensive (profanity, nudity, illegal acts, racial/ethnic slurs) tattoos must not be visible;
- 2.9.1.8 Appropriate footwear must be worn;
- 2.9.1.9 Due to allergies and sensitivities of co-workers and the public, employees shall refrain from wearing or using products containing fragrances.

#### ~~2.9.2 Prohibited Clothing:~~

~~The following clothing is not acceptable for employees at any time and shall not be worn except in the case of approved field/operational attire or as noted in the Exceptions section:~~

- ~~2.9.2.1 Leggings (except underneath an appropriate lower body garment such as skirts, shorts, or pants);~~
- ~~2.9.2.2 Excessively short skirts and shorts;~~
- ~~2.9.2.3 Bedroom slippers;~~
- ~~2.9.2.4 Flip-flops;~~
- ~~2.9.2.5 Sweat Pants;~~
- ~~2.9.2.6 Jogging Suits;~~
- ~~2.9.2.7 Tank Tops, Halter Tops, Tube Tops;~~
- ~~2.9.2.8 Head gear worn indoors (hats, caps, headphones, bandannas, etc.);~~

#### 2.9.22.9.3 Direct Service Delivery Assignments:

Employees working in direct service delivery assignments, such as uniformed public safety positions, public works, inspections, or other operational field capacities may be issued workplace uniforms that shall be worn while performing official duties. The style and material of the uniforms shall be determined by the department. When uniforms are not issued, departments shall determine the appropriate attire for field or direct service delivery staff, taking into account the general guidelines of this policy.

Employees shall not post pictures showing themselves in uniform or links to such pictures on any non-County Internet website or electronic medium.

#### 2.9.32.9.4 Administrative Assignments:

The County supports "business casual" dress Monday through Thursday for administrative employees, i.e. those employees working in an office environment. Business casual is a form of attire that is more traditional and typically includes slacks and shirts/sweaters or suits for men and slacks/skirts with blouses/sweaters and dresses or suits for women. Supervisors and Department Heads retain the right to require more formal business-like attire based on the needs of the department or division. Business



casual does not include blue jean type jeans pants, t-shirts, sweatshirts, ~~or~~ bib pants/overalls or other types of clothing intended for leisure or personal work activities.

The County also supports “casual” dress on Fridays (or the last workday of a shortened workweek). Casual dress is a form of attire that is more relaxed and normally associated with leisure time.

2.9.42-9.5 Exceptions:

Management, including first line supervisors, shall retain the right to consider unique situations and may approve alternate employee attire for a variety of reasons.

2.9.52-9.6 Consequences:

Employees are expected to abide by the provisions of the dress code policy and shall be held accountable for decisions that do not meet the guidelines. When an employee’s attire does not meet expectations, the immediate supervisor shall first discuss the matter with the employee to ensure that the employee understands the policy and its application. If the employee refuses to change their attire and/or fails to comply with the dress code, the supervisor may initiate disciplinary action in accordance with Amherst County’s disciplinary policy.

## **2.10 ANTI-NEPOTISM POLICY**

- 2.10.1 Except as provided herein, no applicant shall be hired, reinstated, reemployed, transferred, promoted, or demoted to a position which places them in a direct supervisory role with a family member.
- 2.10.2 This prohibition may be extended to positions in which the duties involve access, review, verification, authorization, or approval of the transactions of family members in financial, employment, purchasing, or other sensitive matters, even though the respective functions are in different departments. Such positions will be identified by the affected Department Head or designee, with the approval of the County Administrator.
- 2.10.3 For the purposes of this anti-nepotism policy, “family member” is defined as spouses, parents, in-laws, children, and siblings, including step-parents and siblings, half-siblings, and including grandparents and grandchildren, and aunts, uncles, nieces and nephews, and first cousins. Such relationships include those legalized by adoption.
- 2.10.4 If a change occurs which causes employees to come into conflict with this policy, one of the employees shall be transferred to a vacant position, if available. In the absence of an agreement, by the affected parties, the employee with the lower (pay) grade or if the same grade, the employee with the fewest years of County service, will be transferred.
- 2.10.5 The Supervisor or Department Head shall ensure that this policy is enforced when making recommendations for employment, promotions, transfers or demotions.
- 2.10.6 The County Administrator or Board of Supervisors may approve written requests to interpret or waive this policy, when it is in the best interest of the County to do so.

## **2.11 ATTENDANCE**



At all hours assigned, every employee is expected to be on the job. Commitments to our public customers and peers require that we have a reliable work force that we can count on to get the job done. Excessive absences or tardiness may lead to disciplinary action. All employees shall, in the event of a sick leave absence, notify their immediate supervisor as soon as possible prior to shift time. Failure to notify a sick leave absence, as required, may subject the employee to disciplinary action. When requesting leave or reporting an absence, **the employee must personally contact the supervisor or designee.**

## 2.12 RELEASE OF INFORMATION

The Human Resource office treats information provided to it by employees as confidential. Requests for employment information shall be forwarded to the Human Resources Department for appropriate response, in accordance with relevant laws and regulations. Requests for information concerning County employees are often from credit bureaus, individual employers and others. The following information is given in response to such requests:

- 2.12.1 Verification of name,
- 2.12.2 Verification of employment,
- 2.12.3 Present employees-verification that the person is employed by the County and the job title,
- 2.12.4 Former employees-verification of dates of employment and the job title, **not** including the reasons for separation,
- 2.12.5 Salaries of employees who earn in excess of \$10,000 annually are a matter of public record and must be released upon request, and
- 2.12.6 Additional information may be released upon presentation of a valid subpoena or court order.

## 2.13 EMPLOYEE FILES

- 2.13.1 Amherst County maintains an employment record on each employee covered by this regulation. Constitutional Officers and their appointees, and employees of separate entities such as ACSA, Department of Social Services, Amherst County Library maintain a file on each of their employees. The Amherst County Human Resources Department maintains limited personnel records on the employees of these departments in order to comply with federal and state law and administer worker's compensation, payroll and benefits.
- 2.13.2 The employment record must include such information as the employee's job application, possible resume or other supporting documents; records of training; documentation of performance appraisals; and salary changes. Amherst County will comply with all applicable laws regarding an employee's access to their employment record.
- 2.13.3 Employees are responsible for ensuring the accuracy of their employment records. Employees must contact~~Contact~~ Human Resources to obtain the proper form if you need to make anyan update to your marital status or number of dependents is needed. Correct

information is essential to proper withholding of taxes, benefit enrollment and delivery, and other important matters.

- 2.13.4 Personnel file access by current and former employees will be permitted upon request within three days of the request. Personnel files are the property of the County and not the employee. Employee files may not be removed from the office in which they reside.
- 2.13.5 Representatives of Government or Law Enforcement Agencies in the course of their duties may be granted access to file information. This decision will be made at the discretion of the County Administration in response to a valid subpoena, valid court order, law enforcement investigation, or other legal request.

### 3. APPOINTMENTS

#### 3.1 FILLING OF VACANCIES

Amherst County endeavors to employ the best-suited person for each position and all applicants (external or internal) are required to meet the minimum ~~standards of~~ requirements for the position as set forth in the job description.

- 3.1.1 Vacant positions may be filled by recruitment from inside and/or outside sources as determined appropriate in coordination with the selecting Department Head. Vacancies may also be advertised with the local employment commission, newspapers, private recruiting firms, colleges and other sources as the Human Resources Department and County Administrator deem appropriate.

The County supports cross training, job rotation and promotion from within and may confine competition for vacant positions to employees of the County workforce or a specific department if determined to be in the best interest of the County.

The Department Head shall provide the methods and means by which interested parties and current employees may apply for positions under recruitment, except that all applications shall be made using ~~the required a common~~ County application.

- 3.1.2 The County relies upon the completeness and accuracy of information contained in the County employment application, as well as the accuracy of other data presented throughout the selection process and during County employment. Therefore, applicants and employees are hereby notified: All employment information shall be current, accurate and complete, to the best of the applicant's knowledge. Applications and all applicant information must be directed to Human Resources Department.

- 3.1.2.1 Any misrepresentations, falsifications or material omissions on the County application may result in the County's exclusion of the individual from further consideration for employment.

- 3.1.2.2 A resume only will not substitute for the County application form; however applicants may supplement their application packet with a resume. The County will accept applications for employment only for specific positions in which openings exist.



- 3.1.2.3 If there are not sufficient qualified candidates at the closing date, the position can be re-opened and re-advertised after discussing strategic staffing options with Human Resources or the County Administrator.

## **3.2 TYPES OF EMPLOYEES**

All employees at the time of hire are designated as regular full-time employees, regular part-time employees, temporary, or seasonal employees. Employees will also be designated as hourly or salaried and as exempt or non-exempt under the Fair Labor Standard Acts overtime provisions.

### **3.2.1 Regular Full-Time**

Regular full-time employees are employed in positions with a standard work schedule of 37.5 or more hours per week. Employees in regular full-time positions are eligible to participate in all ~~county~~ County benefits.

### **3.2.2 Regular Part-Time**

Regular part-time employees are employed in positions with a standard work schedule which is less than full-time status. Employees in regular part-time positions who average 30 or more hours per week during the 12 month measurement period designated by the County are provided health insurance coverage on the same basis as a regular full-time employee and are eligible to participate on a voluntary basis and at their own cost in other health related plans offered by the County. Regular part-time employees with a standard work schedule of at least 20 hours and up to 30 hours per week are eligible to participate in the various County health plans on a voluntary basis at their own cost. Regular part-time employees working a standard work schedule of less than 20 hours per week are not eligible for ~~county~~ County benefits.

### **3.2.3 Temporary**

Temporary employees are hired for a specific time period, usually to accomplish a specific project or projects or to fill in during a regular employee's absence. Temporary employees may work full or part-time. Temporary employees are not eligible for County benefits. In compliance with the provisions of the Affordable Care Act (ACA), a temporary employee who works at least 1500 hours during the twelve month measurement period designated by the County must be provided with health insurance coverage.

### **3.2.4 Seasonal**

Seasonal employees are hired for limited periods of time during periods of increased need. Seasonal employees may work full or part-time and may resume their positions as needed. Seasonal employees are not eligible for County benefits. In compliance with the provisions of the Affordable Care Act (ACA), a seasonal employee may not work more than 1500 hours during the twelve month measurement period designated by the County.

## **3.23.3 NEW EMPLOYEE ORIENTATION**

The Department Head will have overall responsibility for new employee orientation. New employees will complete appropriate payroll and benefit paperwork on the first day of employment. The Director shall refer newly hired employees to attend benefits orientation with ~~the Accounting Department and~~ Human Resources within three business days of shortly after they report reporting to work, and to schedule delivery of any required forms.

### **3.33.4 COUNTY IDENTIFICATION**

Except where required by federal or state law or to assist in protecting the safety of citizens, the~~The~~ County does not issue a County identification card or name tag to employees.

## **4. COMPENSATION**

### **4.1 PAY PHILOSOPHY**

The policy of Amherst County is to provide fair and equitable compensation to all of its employees. Compensation must be competitive within our regional marketplace for labor and based on job class requirements and the availability of potential qualified candidates. The County seeks to maintain a competitive pay structure that recognizes fiscal constraints. The County intends to implement an employee compensation system that considers individual performance and personal professional progression. The County Administration is charged with providing consistent administration of pay policies and procedures among all departments and ensuring that the compensation program is understandable to employees, Department Heads, and the Board of Supervisors.

### **4.2 BASE PAY COMPENSATION PROGRAM OBJECTIVES**

- 4.2.1 Establish pay levels for position and pay practices that are market competitive so that the County may attract and retain qualified individuals to achieve operating objectives.
- 4.2.2 Provide Department Heads with a Compensation Policy to help them obtain a return on the County's investment in human capital.
- 4.2.3 Provide equal pay for equal work without regard for race, religion, color, sex, age, or national origin with both federal and state law.

### **4.3 JOB ANALYSIS**

A Job Analysis is used when a new job is being created or if an existing job has substantially changed. The process of job analysis collects, documents, and organizes the critical pieces of information about a job. Job Analysis also determines whether the job is classified as non-exempt or exempt according to the Fair Labor Standards Act. Job Analysis also helps determine the labor grade of the position.

#### **4.3.1 Job Analysis Questionnaire**

A Job Analysis Questionnaire will be completed for each new position or a substantially changed position. The questionnaire identifies the key responsibilities and minimum requirements such as education, experience and special knowledge and skills which are



necessary to perform the job as well as the physical activities and the environmental conditions of a particular job.

#### 4.3.2 Instructions for completing the Position Analysis Questionnaire (PAQ)

The employee in the job being evaluated and/or the Department Head will need to complete a PAQ.

The Department Head reviews the PAQ to ensure accuracy.

After approval, the PAQ is to be submitted to Human Resources for analysis. An outside firm may be used to assist with analysis/pay grade determination etc.

The approved Job Summary and any supporting material are used to determine the appropriate Pay Range for a particular job.

#### 4.4 ADDING A NEW POSITION

A Department Head may propose a new or updated Job Description to the [Director of Human Resources](#) ~~Coordinator~~. The [Director of Human Resources](#) ~~Coordinator~~ will analyze against policy and recommend changes to the County Administrator.

To request a new position, the Employment Requisition Form must be completed by the Department Head to determine if the request has merit and is budgeted. Once completed, submit to the County Administrator. The Department Head will attach the Position Analysis Questionnaire detailing the duties and responsibilities of the new position.

#### 4.5 CHANGING A CURRENT POSITION

If a position's job description or pay range is no longer reflective of the job duties or competitive market rates, the following should occur:

4.5.1 The Department Head will review the position with the County Administrator and Human Resources to determine if the change has merit.

4.5.2 If it warrants a change, the job description will be updated/approved.

4.5.3 The Human Resources Department will conduct a local Market Analysis.

4.5.4 If the Market Analysis indicates an increase in the Market Rate, the County Administrator will determine the most appropriate pay range.

4.5.5 The County Administrator will compare the position with other positions in the pay range to ensure internal equity. The employee may receive a pay increase as a result of upgrading the responsibilities and pay range of the position.

#### 4.6 JOB DESCRIPTION/SUMMARY

The Job Description/Summary is a document that summarizes the general duties, responsibilities, level of skill, and education required for a particular job. It will include:

- 4.6.1 A summary stating the overall purpose of the job;
  - 4.6.2 A list of major duties and responsibilities;
  - 4.6.3 Education experience, special knowledge and skills required to perform the duties;
  - 4.6.4 A disclaimer "not all inclusive in terms of work detail, perform other duties as requested";
  - 4.6.5 Note the Physical/Environmental requirements of the job (American Disabilities Act);
  - 4.6.6 Gender-neutral terminology, rather than "he-she";
  - 4.6.7 Base the level of education, experience, and skills needed to perform the "minimal functions" of the job at a competent level, not at an unrealistically high level;
  - 4.6.8 The Job Description should be reviewed by the Department Head periodically and kept current to ensure accuracy of the position. At times the Job Description will not encompass all duties required to perform major duties and responsibilities.
- 4.6.9 An updated Job Description will be presented to each employee during their annual Performance evaluation. Employees are required to review the duties and responsibilities of the position and sign the Job Description indicating that they understand the requirements of the position.

#### **4.7 WAGE COMPARISON**

Approximately every five years the County's jobs are compared to similar jobs in the local area as our market analysis. This process allows the County to establish a level of compensation appropriate for each position. The Board of Supervisors will determine whether the pay range should be reviewed more frequently than 5 year intervals. The Human Resources Department may bring wage issues before the board of supervisors if issues arise within this 5 year interval.

#### **4.8 PAY PROCESS**

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

In addition to required deductions for federal and state income tax, Social Security and those required by court orders, such as garnishments and child support payments, an employee may also authorize other County approved deductions, such as contributions for Flexible Spending Accounts, deposits in the Credit Union, Optional Life Insurance, etc.

The County requires Direct Deposit/ Automatic Payment of pay through qualified financial institutions. All **County** employees must participate in Direct Deposit or participate in the 'MyLink' pay card program.

Upon hire, the employee shall complete and submit to the Human Resources Department ~~or the Accounting Department~~ authorization for direct deposit accompanied with a voided check, or a direct deposit/automatic payment information form from your financial institution or complete a 'MyLink' application.

Employees will receive their net pay on the last working day of the month, after all mandatory or voluntary withholdings and deductions are made.

## 5. CALCULATING PAY OF EMPLOYEES

### 5.1 PAY GRADE

A pay grade is a level within the salary schedule into which jobs with similar levels of authority and responsibility are placed for compensation purposes. Pay grades have a minimum rate and a maximum rate that defines the range of pay the County considers for a particular job.

AMHERST COUNTY WAGE STRUCTURE				
GRADE		MIN		MAX
1		20,997		35,645
2		22,727		38,584
3		24,601		41,764
4		26,629		45,207
5		28,824		48,934
6		31,200		52,967
7		33,772		57,334
8		36,556		62,060
9		39,569		67,175
10		42,831		72,713
11		46,361		78,707
12		50,183		85,195
13		54,320		92,217
14		58,797		99,819
15		63,644		108,046
16		68,890		116,953
17		74,569		126,593

### 5.2 BASE ADJUSTMENTS

The County will adjust its grades or pay ranges based on its market analysis. The County may also consider the Consumer Price Index (CPI) or other factors when adjusting the pay scale.

### **5.3 POSITION IN PAY RANGE**

5.3.1 Depending on individual experience, education level, performance, negotiated entry salary, range movement, and the funding available, the goal of the County is to compensate employees at a level commensurate with the market analysis average for their position description. Recognizing that market averages are dynamic, numerous factors may influence actual pay of an individual employee including, but not limited to, experience, education, performance, negotiated entry salary and available funding.

5.3.2 The County Administrator is charged with implementing the pay philosophy of paragraph 4.1 as the Board of Supervisors provides means to do so. The Administrator has authority to make salary changes to individuals' (other than the County Attorney and Constitutional Officers) pay so long as there is no increase in the overall personnel budget as approved by the Board of Supervisors. Any salary changes will be made in consultation with the Department Head.

### **5.4 EMPLOYEES HIRE RATE**

5.4.1 Generally, a new inexperienced employee will be paid the minimum rate of the pay for their labor grade. The minimum rate for each labor grade is based upon the assumption that a new employee meets the minimum qualifications for the position. When a new, inexperienced employee exceeds the minimum qualifications, their supervisor may request a salary at a higher level within the range.

5.4.2 Employees taking positions above an entry level will be offered salaries commensurate with their experience, skill, education and qualifications. Their supervisors may request merit increases to their salaries based on significant increases in their duties, experience, education, or performance which results in benefit to the County.

5.4.3 Newly elected or re-elected Constitutional Officers, or interim appointees fulfilling the term of another, whose salaries are set by the State Compensation Board (SCB) and who were previously employed by the County and are entitled to participate in VRS Plan 1, will receive the same VRS Plan 1 rate of contribution as other County employees as a local supplement to their SCB salary. (Book 34, Page 1275)

### **5.5 REHIRED EMPLOYEES**

A rehired employee shall be paid at a salary rate within the approved salary grade for the position in which they were rehired. Rehired employees separated for less than one (1) year that also left the County in good standing, are eligible to return at the pay equal to that of which they were previously paid, and may accrue leave at the same rate as when they separated with the County.

### **5.6 CONSTITUTIONAL EMPLOYEES**

The pay of appointees of constitutional officers are governed by the personnel agreements between the County and the constitutional officers.

### **5.7 PROMOTIONS/DEMOTIONS/TRANSFERS**



#### 5.7.1 Promotion

A promotion is when an employee moves to a job in a higher pay grade. A promotional increase is not reduced by any merit increase that may be awarded at the same time.

A one (1) grade promotion earns an increase in pay of a minimum of 5% and a maximum of 10%.

A two (2) or more grade promotion earns an increase in pay of a minimum of 10% and a maximum of 15%.

The County Administrator must approve any exceptions in advance of the promotion.

Any and all promotions must be approved by the County Administrator or a representative of his choosing.

#### 5.7.2 Demotion

A demotion is when an employee moves to a lower pay range. At the time of the demotion a performance appraisal must be completed. An employee's pay is reduced by at least 10%.

Voluntary Demotion:

A voluntary demotion may occur if an employee asks to be assigned to a lower level position or, through performance counseling, the Department Head suggests that the employee move to a lower position to be successful based on performance.

Involuntary Demotion:

An employee's position may be eliminated by the County and they are offered a different position, or due to performance issues, the employee is involuntarily moved to a lower position.

#### 5.7.3 Transfers

When an employee moves to a new position in the same pay grade there will not normally be an increase or decrease in the employee's pay rate without a significant change in the level of duties.

### 5.8 SALARY ADJUSTMENTS/FORM

A salary adjustment form needs to be completed on any merit, promotion or transfer by the employee's supervisor. The Department Head must approve the request before submitting it to Human Resources or the County Administrator. It will then be submitted to Accounting/Payroll for processing.

### 5.9 OVERTIME COMPENSATION

It is the policy of the County to adopt and implement the provisions of the Fair Labor Standards Act (FLSA) as the fundamental wage and hour policy of the County. Further, it is the policy of the County that any overtime work necessary for the continued effective operation of the County should be managed in the most efficient and economical manner possible. Every attempt will be made to minimize overtime work and all overtime worked by non-exempt employees must have prior approval by the Supervisor and/or Director of the department.

All County Departments have established working hours as required by workload, production flow, service needs, and the efficient management of personal resources. In addition, to these established work hours, certain situations may occur requiring overtime work. All positions in the County shall be designated as exempt or non-exempt. Employees in exempt positions are not subject to the provisions of FLSA.

FLSA requires that non-exempt employees receive overtime compensation for hours worked in addition to regular hours. However, the compensation may be in the form of compensatory time earned as opposed to direct cash payment. The limits placed on the amount of compensatory time a non-exempt employee can earn in lieu of cash overtime payment are noted in the Human Resources Regulation, Section 5.10. All compensatory time accrued by employees in non-exempt positions must be taken or paid when the employee separates from County employment.

It is the County's policy to comply with the salary basis requirements of the FLSA. Therefore, the County prohibits all Department Heads or their designees from making any improper deductions from the salaries of exempt employees that violate the FLSA.

#### **5.10 COMPENSATORY TIME OFF**

Compensatory time (comp time) is leave credit earned by a non-exempt employee when compensable overtime hours are worked and are not compensated in cash. Compensatory time may be given to those non-exempt employees who work overtime and with whom the County has a prior agreement or understanding that the employee will accept compensatory time in lieu of cash payment for overtime.

In order to receive compensatory time off, the employee must work more than their normal work week. Time taken for a as-holiday, sick leave, personal leave, annual leave, and compensatory time cannot be counted toward this time until the normal work week has been worked, with exceptions for certain positions as outlined by the FLSA, as referenced in Section 6.14 of the Human Resources Regulation as it applies to Fire and EMS employees

Compensatory leave shall be given in fifteen (15) minute increments.

Compensatory time or pay for employees of the Department of Public Safety (Fire and EMS only) shall be determined in accordance with 6.14 of the Human Resources Regulation. Compensatory time or pay for Sheriff's Office employees shall be determined in accordance with their Departmental Policy Number 403.

#### **COMPENSATORY TIME/OVERTIME.**

The work period for full-time, non exempt County employees is seven consecutive days Sunday through Saturday. However for some departments the work week may vary. The hours typically worked during that period are 37.5 hours Monday through Friday. Hours worked during a period in excess of 37.5 but less than 40, are compensated at the employee's regular rate of pay.

Compensatory pay for greater than 40 hours per week is one and one-half times the employee's regular rate of pay.

Hours worked in excess of 40 hours per work period constitutes "overtime work". The County may compensate overtime work with compensatory time or compensatory pay. The County's ability to choose either approach or a combination of both approaches is an express condition of employment. By acknowledging receipt of this regulation, County employees knowingly and voluntarily agree to this condition of employment.

Compensatory time is one and one-half hours of leave for each hour of overtime work. An employee may not accrue more than 240 hours of compensatory time (which represents not more than 160 hours of actual overtime worked).

FLSA requires a prior agreement or understanding before compensatory time may be given to employees in lieu of cash payment for overtime. To satisfy this requirement each non-exempt employee must sign the Amherst County Compensatory Time Agreement Form.

If the employee is paid time and a half compensation for accrued compensation time, such compensation shall be paid based on the regular pay rate the employee is earning at the time payment is made.

Upon termination of employment, the employee will be paid for any unused compensatory time as indicated above based on their current rate of pay.

Compensatory leave may be used at the employee's request in lieu of vacation and sick leave. When available, accumulated compensatory leave should be used prior to the usage of vacation time.

#### **5.11 DETERMINING EXEMPT OR NON-EXEMPT STATUS**

The County Administrator with the assistance of the [Director of Human Resources Coordinator](#) will be responsible for making sure this determination is properly made as defined by specific guidelines of the FLSA.

#### **5.12 WORK SCHEDULE**

General administrative hours during which County [offices](#) ~~Offices~~ are open to the public , and during which employees must be at work are Monday through Friday: 8:30<sub>am</sub> to 5:00<sub>pm</sub>. All employees not subject to an alternative work schedule will work at least a 37.5 workweek.

Individual departments and work groups such as Department of Public Safety, Public Works, Sheriff's Office and the Service Authority are subject to alternate work schedules.

#### **5.13 MEAL TIME**

Meal times will vary by department. During meal times, [a non-exempt-the](#) employee cannot perform any duties unless they are compensated.

#### **5.14 BREAKS**

Morning and afternoon breaks of paid 15 minutes are provided each employee.



## 5.15 TRAINING AND SEMINARS

Generally, time spent attending employer-sponsored lectures, meetings and training programs must be counted as hours worked if conducted during working hours, or if attendance at the specific training/seminar is made mandatory by the department.

## 5.16 COMMUTING TIME

Employees are not paid for time spent walking, riding, or traveling to and from their residence and work. However, any time spent traveling during the normal work hours as part of an employee's principal activities is normally included as hours worked. This travel normally encompasses travel from one place of duty to another.

## 5.17 PROBATIONARY PERIOD

The normal probationary period is (6) months but the probationary period may be extended if approved by the Department Head and the County Administrator not to exceed twelve (12) months, during which an employee is required to demonstrate by actual performance, fitness for the appointed duties, and general fitness and suitability as a public employee. Employees dismissed during their probationary period do not have the right to use the appeal procedure outlined in Section 15 of the Human Resources Regulation.

## 5.18 REPORTING TIME

The County's regular pay period is the calendar month. The normal pay day is the last working day of the month.

### 5.18.1 Full Time

Full time Those employees who work ~~more than twenty-nine (29)~~ 37.5 or more hours per week and are typically paid on a salaried basis. ~~are eligible for all County benefits.~~

### 5.18.2 Part Time

Part-time employees ~~Those employees who~~ work less than full-time ~~twenty-nine (29)~~ hours or fewer per week ~~are not eligible for County benefits~~ and are typically paid on an hourly basis.

### 5.18.3 Timekeeping

Non-exempt employees must keep records of all their time worked and not worked during working hours. Time sheets must be fully completed and submitted on the due date or the employee's payroll may be delayed. Work from home or hours worked outside an employee's normal schedule require advance approval from the employee's supervisor. Any employee found to be falsifying time records shall be subject to disciplinary action.

## 5.19 EMERGENCY SERVICE

County employees have a special responsibility to the citizens of Amherst County. As part of this responsibility, service outside of the normal working hours may be required during a state of emergency. All County employees should be prepared to receive special assignments during an emergency. When an emergency results in overtime work, employees will be compensated in accordance with the overtime provisions.

## **5.20 NOTIFICATION OF ABSENCE**

If circumstances arise which cause an employee to be late in reporting to work, the employee personally must notify their supervisor as soon as they become aware of the delay. For any absence of more than three days due to illness the supervisor may require a note from a physician certifying the necessity of their absence. Failure to notify one's supervisor as described above is grounds for termination.

## **5.21 DEDUCTIONS**

The payroll clerk is authorized to make established deductions from an employee's gross pay to cover mandatory and optional deductions elected by an employee. If an employee believes that a deduction is improper, they should immediately report this to their supervisor. If it is determined that the deduction is improper, the employee will be promptly reimbursed.

## **5.22 TERMINATION OF EMPLOYMENT**

On termination of employment, the payroll clerk shall deduct and withhold from the final pay check of any employee any amount owed the County in payment for unearned leave, group insurance, unreturned equipment (including keys, cell phones, computers, and other County property) or any other indebtedness to the County. It is the supervisor's responsibility to notify the payroll clerk of the termination in time to issue the final paycheck. The final paycheck is a paper check and not a direct electronic deposit.

## **5.23 PERFORMANCE MANAGEMENT**

It is the County's policy to pay employees for satisfactory performance towards the goals of the County and goals set for them by their supervisor. Overall, the Performance Management Program defines what the County expects from employees.

The Value of Performance Management Program

Providing honest, direct and consistent feedback.

Rewarding employees for their performance through merit increases.

Improving performance and productivity.

Strengthening work relationships and improving communications between employees and Department Heads.

Assisting employees in recognizing their strengths and areas for growth and development.

### **5.23.1 Appraisal**

Appraisal is a process that is used to measure performance, motivate, develop and retain employees.

#### 5.23.2 Performance Appraisal

Although it is expected that the evaluation of job performance will be an interactive, on-going process, employees are formally evaluated during their probationary period, and thereafter annually. During the probationary period, the employee's work performance and progress will be evaluated to determine if they are qualified and meet the County expectations to perform their assigned job. An appraisal will be conducted and reviewed with the employee. The purpose of the probationary period is to provide an opportunity to demonstrate their ability and qualification to do the job. Separations may be effected by either the County or the employee at any time during the probationary period.

Annual performance appraisals are generally conducted during the every January/February timeframe. The purpose of annual performance reviews is to give both the employee and the supervisor an opportunity to review the employee's performance and identify areas of strength, areas needing improvement, expectations going forward and the individual development plans for employees. Reviews will be based on an employee's overall performance in relation to their job responsibilities and will also take into account their conduct, demeanor, and record of attendance including tardiness.

An annual feedback evaluation is also conducted by immediate supervisors for each employee during the July/August timeframe. The purpose of the annual feedback evaluation is to give the employee the same information, but at the mid-year point so there is time for the employee to make improvement or other changes prior to the annual performance review. The feedback is not retained in the employee's official personnel file. It is only retained by the Supervisor for use in preparing the annual performance appraisal.

Performance appraisals are confidential. The contents of performance appraisals shall be made available only to the employee being evaluated, the Supervisor, Department Head, Human Resources, and the County Administrator. The failure to maintain the confidentiality of this information may result in disciplinary action.

Performance appraisals do not automatically include salary adjustments. Each year, the County Administrator and Human Resources Department, in conjunction with the Board of Supervisors, will determine the extent to which the County will participate in a merit increase program. Any salary reviews conducted must comply with the guidelines set by the County Administrator and the Board of Supervisors.

In addition to the regular performance appraisal described above, Department Heads or supervisors may conduct a special written performance appraisal at any time when there is a significant change in the employee's performance.

The performance appraisal form is completed by the employee's supervisor and forwarded to the Department Head who then reviews it with the supervisor. The supervisor should obtain input from employees on accomplishments or other matters that could be included in the appraisal. Following the review by the Department Head, the employee, and their immediate supervisor then review and discuss the performance



appraisal along with any other documentation prepared by the supervisor before the review is made a part of the employee's record. If an employee disagrees with any statement in their appraisal, they may submit a written statement. This statement shall then be attached to the appraisal form and forwarded to the County Administrator for inclusion in the record. The supervisor shall give a copy of the appraisal to the employee.

When an employee's performance is unsatisfactory, every effort will be made to help the employee correct the deficiency by putting the employee on a Performance Improvement Plan.

This plan is designed for the employee to demonstrate, on an immediate and sustained basis, an improvement in their performance. In addition, a reasonable and attainable timeframe will be established for the employee to bring their performance to a minimum satisfactory level.

In the event the employee is unable to perform their job duties at a satisfactory level, within the established timeframe, additional action will be taken.

- 5.23.3 If an employee has not received a performance appraisal in accordance with the above time frames, they should notify their supervisor and the Department Head in writing. This will help to ensure that the performance appraisal process is administered in a timely manner. If written notification does not result in a performance appraisal the Human Resources Department should be contacted.

## 6 EMPLOYEE LEAVE

Only full time employees are eligible ~~for to earn or take vacation, sick, personal, or compensatory~~ leave benefits. Leave taken should be rounded up or down to the closest fifteen minute interval.

### 6.1 VACATION LEAVE

Employees begin accruing vacation at the end of the first full month of employment, but it cannot be taken until after the probationary period ends. Accrued vacation~~Vacation~~ leave will be paid upon separation during the probationary period.

Retroactively to the date of employment, vacation is ~~accrued~~accumulated at a rate of one work day/month, for each of the months ~~in~~of the probationary period. At the end of the probationary period, annual leave continues to accrue at a rate of one work day/month, until January of the year following the end of probation date. Beginning the following January 1<sup>st</sup>, vacation is accrued, as described in the table below~~follows~~. The maximum vacation carry over to the next calendar year is listed in each table based on annually scheduled hours.

VACATION	Hours/Days	7.5	8	10	12	24
	Hours/Yr	1950	2080	2080	2184	2912
	Accrual Hours	7.5	8	8	8.4	11.2
After 6 Months - 4 Years	12 Days	90	96	96	100.8	134.4
5-9 Years	15 Days	112.5	120	120	126	168
10-14 Years	18 Days	135	144	144	151.2	201.6
15-19 Years	21 Days	157.5	168	168	176.4	235.2
20 or more Years	24 Days	180	192	192	201.6	268.8
<b>Maximum Carry over to next year</b>	<b>42 Days</b>	<b>315 Hours</b>	<b>336 Hours</b>	<b>336 Hours</b>	<b>353 Hours</b>	<b>471 Hours</b>

Each employee's supervisor will consider and respond to the employee's vacation request according to the staffing needs of the department and grant vacation leave to the employee when requested, if possible. Some Departments may need to approve vacation in blocks of time, such as for one week.

If a holiday is observed during an employee's vacation leave, it is not counted as a vacation day.

**Final vacation compensation on separation from Amherst County employment is limited to the maximum carry over stated above.**

On rare occasions, as a recruitment tool, a prospective employee may be granted service credit, for vacation leaves allotment purposes, if they have prior governmental service, or when in the opinion of the Department Head such a service credit is appropriate. Granting an additional service credit at the time of a new hire is at the discretion of the County Administrator.

## 6.2 SICK LEAVE

When an employee is absent for sick leave they shall inform their supervisor at the earliest possible time.

If an employee is away from work for three (3) or more consecutive work days, the employee may be asked to provide a doctor's statement or may be asked to provide a written release from his physician to return to work. An employee must keep his supervisor informed of his work status through regular contact.

An illness, injury, or medical condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or an incapacity that lasts more than three consecutive work days may be considered a serious health condition and may be subject to the requirements of the Family Medical Leave Act (FMLA). The County may also designate leave as FMLA leave without a request from the employee.



A request for extended sick leave use may require verification by the Department Head and/or the County Administrator such as a certificate of a physician describing the disability, stating that the employee was unable by reason of the disability to be on duty during the entire period covered by the application and where extended absence is indicated, the probable duration of the disability.

Sick leave accrual is based on the length of continuous full time service and the hours of annually scheduled work. Employees begin accruing sick leave from the date of employment, but it cannot be taken until after the probationary period ends. Accrued sick leave will not be paid upon separation during the probationary period. Upon completion of the probationary period, Beginning with the seventh month of employment, sick leave continues to accrue at a rate of one work day/month, until January of the year following the end of probation date-year. (Sick leave accrual for fire and rescue employees during this period is described in section 6.14.6). Beginning ~~the following with that~~ January 1<sup>st</sup>, sick leave credits are accrued as ~~described shown in the table~~ below.

\*\*\* Hybrid employees will accrue sick leave as shown in Section 8.4, they will not accrue sick leave at the rate shown below. \*\*\*

SICK LEAVE	Hours/Days	7.5	8	10	12	24
	Hours/Yr	1950	2080	2080	2184	2912
	Accrual Hours	7.5	8	8	8.4	11.2
<del>6 Months—1 Year</del>	<del>6 Days</del>	<del>45</del>	<del>48</del>	<del>48</del>	<del>50.4</del>	<del>67.2</del>
<del>01-3 Years</del>	<del>1210 Days</del>	<del>9075</del>	<del>9680</del>	<del>9680</del>	<del>100.884</del>	<del>134.4112</del>
<del>4-5 years</del>	<del>1615 Days</del>	<del>120112.5</del>	<del>128120</del>	<del>128120</del>	<del>134.4126</del>	<del>179.2168</del>
6-9 years	20 Days	150	160	160	168	224
10+ years	60 Days	450	480	480	504	672
Maximum Carry over to next year	60 Days	450 Hours	480 Hours	480 Hours	504 Hours	672 Hours

The absence of an employee for the reasons stated shall be a charge against earned sick leave credits:

- 6.2.1 An illness, condition, or non-work related injury incapacitating the employee to perform his duties;
- 6.2.2 An exposure to a contagious disease such that presence on duty would jeopardize the health of fellow employees or the public;
- 6.2.3 Appointment for examination and treatment related to health when such appointment cannot reasonably be rescheduled during non-work hours; on the basis of the availability of local resources in the area of employment, the County Administrator may establish limits upon the charge of sick leave for keeping such appointments;
- 6.2.4 Illness, hospitalization or death in the immediate family.

The “immediate family” includes: the employee’s parents and/or spouse’s parents, grandparents and or spouse’s grandparents, wife, husband, children, grandchildren, brother or sister, equivalent in-law and step-relations, and any relative living in the household of the employee. An employee may use up to five (5) days of sick leave in cases of death in the immediate family; additional days will be at the discretion of the Department Head.

#### 6.2.5 Final Sick Leave Settlement

Upon retirement with ten (10) or more years of service, an employee shall be paid their hourly rate, up to a maximum of \$1,250 for unused sick leave or \$2,500 for twenty (20) or more years of service.

#### 6.2.6 Donation of Vacation Leave

Employees may voluntarily donate vacation leave to another employee who has exhausted their sick and vacation leave due to an extended non-job related accident or illness, or for an emergency situation. Only Vacation Leave can be transferred or donated to another employee for use as sick leave. All such requests for donated leave must be approved by the County Administrator.

### 6.3 SHORT TERM DISABILITY

When a full-time non-hybrid employee is continuously disabled for one (1) month and has used up all sick leave, an employee may be eligible for a maximum of two (2) additional months of fifty percent (50%) of pay in a calendar year. Short term disability benefits are not available for the first (1st) month of disability. To qualify for short term disability benefits, the employee must supply written information from his/her physician to his/her supervisor and have a written release to return to work. In no instance may any employee receive sick leave pay at the same time they are drawing employer provided disability benefits.

### 6.4 INJURY LEAVE

Injury leave may be taken due to an employee’s incapacity to work as a result of an injury or illness that occurred during the course of an employee’s job performance, which illness or injury is deemed compensable as a Worker's Compensation Claim.

**Should the absences continue for more than seven (7) days, the employee will be placed on leave without pay.** (See section 18.4 Workers’ Compensation and Family and Medical Leave as described below in this section.)

### 6.5 PERSONAL LEAVE

Personal excused absences, whether paid or unpaid, are defined as those which result from personal reasons other than the illness of the employee. Except in the case of a bona fide emergency, an employee should obtain prior approval from his supervisor for the excused absence. An employee may be granted up to two (2) days to be used for any reason except the illness of the employee.



Employees may also be granted up to an additional three (3) days personal business leave. Personal business leave is intended to give the employee an opportunity to conduct certain business essential to their everyday life that cannot be readily done at any other time than during normal working hours. [This may include doctor or other health related appointments.](#)

Unused personal leave is not compensable for any reason and may not be carried forward from year to year. [Probationary employees may be granted personal leave and personal business leave.](#)

Personal Leave and Personal Business Leave	Hours/Days	7.5	8	10	12	24
	Hours/Yr	1950	2080	2080	2184	2912
	Accrual Hours	7.5	8	8	8.4	11.2
Personal Leave	2 Days	15 Hours	16 Hours	16 Hours	24 Hours	48 Hours
Personal Business Leave	3 Days	22.5 Hours	24 Hours	24 Hours	36 Hours	72 Hours

## 6.6 INCLEMENT WEATHER

In the case of inclement weather, every employee is expected to report for work. Those who cannot report to work may use available leave to cover scheduled hours; however, approval from the employee's immediate supervisor is needed prior to not reporting. County offices and departments may be closed at the discretion of the County Administrator. Non-essential personnel are responsible for determining their own safety and whether or not to report to work regardless of when the building/department is open.

## 6.7 COURT LEAVE

An employee who is summoned to serve as a juror, subpoenaed as a witness or party in relation to the performance of his job or is involved as a witness to a crime, except as noted below in section 6.7.2, shall be granted sufficient paid time off to perform such duties. Such time will qualify as court leave.

6.7.1 Court Leave Procedures: An employee who is required to be absent from work because he has been summoned as a juror or subpoenaed as witness must provide his supervisor with a copy of the summons or subpoena as soon as it is received. Upon returning to work after any absence for jury duty, the employee must provide the supervisor with a certificate from the clerk of court that verifies the service.

6.7.2 Absences Due to Other Court Appearances: Employees must charge absences due to court appearances that are outside of the areas outlined above, or due to an employee's personal business involving court appearances, to appropriate paid leave (i.e. compensatory leave, personal leave, annual leave).

6.7.3 Some examples of situations which do not qualify for paid court leave are:

- Child Support Cases
- Divorce Proceedings
- Civil court summons for non-job related civil action



Employee charged with violating the law unrelated to their job

## **6.8 MILITARY LEAVE**

### **6.8.1 Eligibility**

Regular full-time employees, including those serving a probationary period, are eligible for military leave with or without pay. Under the Federal Uniformed Services Employment and Reemployment Rights Act of 1994 and Section 44-83 and 44-93 of the Code of Virginia, temporary and part-time employees are not eligible for military leave.

### **6.8.2 Military Leave With Pay**

6.8.2.1 Employees who are former members of the armed services or members of the organized reserve forces of any of the armed services of the United States, National Guard, or naval militia shall be entitled to a military leave of absence, with pay, for the purpose of federally funded military duty to include training duty. This leave shall not exceed 15 workdays each federal fiscal year, October 1 – September 30.

6.8.2.2 Non-exempt employees requiring more than 15 workdays shall be granted the time off for the performance of such duty. Such absences shall be without pay or, at the option of the employee, may be charged to annual or compensatory leave balances.

6.8.2.3 Employees who are called forth by the Governor pursuant to the Code of Virginia shall be entitled to leave with pay for the period of the ordered absence.

6.8.2.4 Employees returning from military leave with pay are required to return to work the first regularly scheduled workday after the end of duty, allowing for reasonable travel time and any required rest period.

6.8.2.5 All paid military leave will be based upon Virginia Code § 44-93.

### **6.7.3 Military Leave Without Pay**

6.8.3.1 Any eligible employee who leaves County service as a result of volunteering for military service or being drafted into the armed services of the United States during time of war or other national emergency, as determined by the Board of Supervisors, shall be placed on military leave without pay commencing on the first business day following the last day of active employment with the County.

6.8.3.2 Leave shall only be granted for active military service for those dates stated on the employee's military orders.

6.8.3.3 Status of benefits for employees on Leave Without Pay for Active Military Service

Service Credit:

An employee on extended leave without pay due to active military service shall be treated as though he was continuously employed for purposes of determining benefits based on length of service, such as the annual leave accrual.

**Compensatory Leave:**

Any compensatory leave balance shall be paid in accordance with policy at the time the employee is placed on military leave without pay.

**6.8.3.4 Reinstatement upon completion of Military Service**

Conditions – Upon satisfactory completion of active military service, the employee is entitled to reinstatement to their former position or to a position of like status and pay, provided that:

The employee makes application to the County Administrator not later than 90 days after the date of honorable discharge or separation under honorable conditions.

The employee presents a certificate showing satisfactory completion of military service.

The employee is still physically and mentally qualified to perform the duties of their position.

**6.8.3.4 Reinstatement may not be possible when:**

The employee's former position has been abolished prior to the time of reinstatement. The employee may be placed in a position of comparable status and pay to the one previously held.

If a position of comparable pay and status is not available, the employee shall be considered affected by a reduction in force and the provisions of the County's Layoff Policy shall apply.

**6.8.4 Employee Notification Requirements**

6.8.4.1 Requests for Military Leave shall be made in writing and submitted with copies of the employee's official military orders to the Department Head. The employee shall notify his Department Head of the military obligation as far in advance as possible. A minimum of two weeks advance notice is required except for an emergency call-up. In the case of emergency call-up, the employee shall notify the Department Head as soon as possible.

6.8.4.2 The leave request and supporting military orders shall be forwarded to the Human Resources Department or the County Administrator.

**6.9 LEAVE WITHOUT PAY**

6.9.1 Leave of absence without pay may be granted for:

Educational leave in excess of such leave allowable with pay;  
Courses of study.

Military leave in excess of such leave allowable with pay.

Purposes of annual and sick leave, in excess of accumulated leave.

Purposes of disciplinary actions.

6.9.2 Leave of absence without pay for up to one calendar month may be granted by the Department Head. Leave of absence without pay for more than one calendar month must be approved by the County Administrator and the Department Head.

6.9.3 Any employee returning from leave of absence without pay during, or at the end of the period for which the leave was granted shall be entitled to reinstatement; failure to return at the end of the period for which the leave was granted shall be treated as having resigned from employment.

6.9.4 Unpaid leave may not be taken until all available vacation and compensatory leave has been used.

**6.10 ADMINISTRATIVE LEAVE**

Administrative leave is assigned at the discretion of the County Administrator, Board of Supervisors, or Constitutional Officers.

Administrative leave may be with or without pay.

If administrative leave is granted while employee is in any other prior approved leave status (e.g., vacation, sick, military, etc.), the administrative leave will begin after the approved leave is completed.

**6.11 HOLIDAYS**

6.11.1 The County observes the following holidays:

The first day of January (New Year's Day);  
The Friday before the third Monday in January (Lee Jackson Day);  
The third Monday in January (Martin Luther King's Birthday);  
The third Monday in February (Presidents Day);  
The last Monday in May (Memorial Day);  
The fourth day of July (Independence Day);  
The first Monday in September (Labor Day);  
The second Monday in October (Columbus Day);  
The eleventh day of November (Veterans Day);  
The fourth Thursday in November (Thanksgiving Day);  
The Friday-after Thanksgiving Day; and  
The twenty-fifth day of December (Christmas Day)  
Any other day so appointed by the Board of Supervisors or Governor.



6.11.2 If a holiday falls on a Sunday, the Monday next following shall be observed as a holiday.  
If a holiday falls on a Saturday, the Friday preceding shall be observed as a holiday.

6.11.3 If the nature of the services of a department require that it operate on established holidays, and if an employee is required to work, compensatory time shall be provided to full-time employees, with the exception of Fire and Rescue Personnel, working on the designated holiday. (Fire and Rescue personnel are covered in Section 6.15.7)

## **6.12 PAY IN LIEU OF EARNED LEAVE AT TERMINATION**

Employees who give, and work, a two-week period of notice as defined in section 7.1, (or, if instructed, take pay in lieu of notice) are entitled to be paid for any roll over and earned vacation and compensatory leave time.

## **6.13 CIVIC AND VOLUNTEER LEAVE**

Amherst County encourages its employees to become active in civic and volunteer activities. Absence from work for volunteer activities must have prior approval from the employee's immediate supervisor. No non-exempt County employee shall be permitted to do volunteer work for the County which is comparable to the work for which he is paid. In order to participate in civic and volunteer opportunities during working hours prior approval is needed when hired by the County or when the employee elects to join the volunteer organization. Restrictions and scheduling related to the activity will be imposed by the County Administrator based upon the requirements of the County position.

Time missed from work for volunteer activities exceeding eight (8) hours per month will be charged against vacation or accumulated compensatory time.

## **6.14 FAMILY AND MEDICAL LEAVE**

Employees are entitled to participate in the benefits of the Family and Medical Leave Act ("FMLA"). FMLA leave may be unpaid leave.

### **6.14.1 Eligible Employees**

To be covered under the FMLA, an employee must have worked for the County for twelve (12) months and must have worked at least 1,250 hours within the twelve (12) months preceding the start of the leave. Part-time and temporary employees who meet these requirements are eligible for FMLA leave.

### **6.14.2 Purposes For Which FMLA May Be Taken**

To care for an employee's child after birth or for the placement with an employee of a child for adoption or foster care (provided that the leave is requested and used within twelve (12) months of the birth, placement, adoption or foster care).

To care for an employee's spouse, child or parent (does not include in-laws) who has a serious health condition.

When the employee is unable to work because of 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 three consecutive days and involving continuing treatment by a health care provider. Continuing treatment involves two or more treatments (or one treatment when the condition is such that continuing follow-up is or will be required) by a healthcare provider, pregnancy, prenatal care or other chronic or long-term serious health conditions.

To qualify for leave due to the serious health condition of a family member, the family member must be incapable of self-care. To qualify for leave due to the serious health condition of 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.

Employees are required to obtain a health care provider certification for all absences for which FMLA leave is being requested. A chronic or long-term health condition or pregnancy does not require a visit to the health care provider for each absence; however, a statement by the health care provider that the absence was due to the chronic condition or pregnancy may be requested by the County at its discretion.

#### 6.14.3 FMLA Benefits

An eligible employee is entitled to up to twelve weeks of time off from work~~unpaid leave~~ during a twelve-month period. The twelve-month period is calculated on a rolling basis~~12 month period~~ starting with the onset of the condition that arises. Time off from work for other qualifying serious medical conditions that arise during the twelve month period counts toward the twelve week total.

Employees will be required to use accumulated paid leave (sick, compensatory, annual, etc.) on an hour for hour basis concurrent with the FMLA leave. If FMLA leave is exhausted before the end of the twelve-month period, the employee will not be entitled to further FMLA leave during this period.

Employees with military family members shall be eligible for leave entitlements for eligible specified family members:

Up to 12 weeks of leave for certain qualifying exigencies arising out of a covered military member's active duty status, or notification of an impending call or order to active duty status, in support of a contingency operation.

Up to 26 weeks of leave in a single 12-month period to care for a covered service member recovering from a serious injury or illness incurred in the line of duty on active duty. Eligible employees are entitled to a combined total of up to 26 weeks of all types of FMLA leave during the single 12-month period.

An employee is required to request FMLA leave in writing at least thirty days before the leave is to commence if the need for leave is foreseeable. In circumstances when the leave is not foreseeable thirty days in advance, an employee must request the leave as soon as practical. The County may designate leave as FMLA leave without a request from an employee.

FMLA leave taken for a serious health condition of the employee or family member may be taken intermittently or on a reduced-hours basis.

FMLA leave taken for birth, adoption, placement or foster care cannot be taken intermittently unless approved in advance. If both spouses work for the County, the total FMLA leave that may be taken for this event by both employees is twelve weeks, pro-rated between employees as the spouses choose. FMLA leave taken for the birth, adoption, placement or foster care of a child must be taken within twelve months following the event.

Should the County obtain information that the employee was not FMLA eligible or the event did not qualify under FMLA, the designation of FMLA leave, previously given, may be withdrawn.

#### 6.14.4 Job Restoration

Upon return from 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. If an employee is unable to return to work after the FMLA leave benefits have been exhausted, the employee will not have a right to return to their position even if there are unused accrued leave balances.

Key employees are entitled to FMLA leave but are not entitled to job restoration if re-employment after the conclusion of the leave will cause a substantial and grievous economic injury to the County. A key employee is a salaried employee who is among the highest paid ten percent of the County's workforce. A key employee will be notified in writing of their 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 they receive notice that they are a key employee, the employee will be given a reasonable time to return to work before losing the right to unqualified job restoration.

#### 6.14.5 Health Benefits

If paid leave is used for FMLA purposes, an employee will maintain the same benefits as if working. If the employee is on leave with pay, continuation in the health care plan is permitted, provided that the employee continues to pay for their share of premiums. If the employee fails to make their premium payments, the employee will be provided written notice of this failure and will be given additional fifteen 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 the County for the County's share of the health care premiums paid.

### 6.15 FIRE AND RESCUE SCHEDULE, COMPENSATION, AND LEAVE

#### 6.15.1 Personnel affected:

EMT/Firefighter and ALS/Firefighters



6.15.2 Work Schedules:

Day shift (8 hour Monday – Friday)  
24-hour shift (28-day cycle)

6.15.3 Switching an employee from one schedule to another (other than a temporary switch for staffing or other short term need) will only be allowed at the beginning of a County pay period. Schedules will only be changed when the employee is to remain on the new schedule for a period longer than 90 days

6.15.4 Hours worked and hourly rate:

Day shift: 2080 hours/year. Hourly rate = annual salary/2080  
24-hour shift: 2912 hours/year. Hourly rate = annual salary/2912

6.15.5 Compensation for additional hours

Personnel assigned to the day shift shall be compensated for hours worked over 40 per week at an overtime rate of 1.5 times hours worked.

24-hr shift personnel work, on average, 56 hours per week (2912 per year). The additional *regularly scheduled* hours above 212 per 28-day cycle shall be compensated at an overtime rate in the form of pay.

*Example: A 24-hr shift employee works 4 weeks at 56 hours/week in the current 28-day cycle for a total of 224 hours in the cycle. The 12 additional hours above 212 for the cycle are compensated at a total rate of 1.5 times the regular hourly rate.*

Any additional hours above 212 that are not considered regularly scheduled shall be compensated at an overtime rate of 1.5 times hours worked.

For those employees who have regularly scheduled hours above 212 in a 28-day cycle, used sick leave and annual leave will count towards total hours worked for overtime computations for regularly scheduled hours above 212 only. Hours worked outside of those regularly scheduled are considered overtime and paid at time and one half only if hours physically worked for the 28-day cycle total more than 212.

6.15.6 Leave accrual, use and adjustments.

Annual leave shall be accrued at the following rates:

Day Shift: 8 hours/month  
24-hr shift: 11.2 hours/month

Annual leave will be adjusted for years of service based on County Policy  
Sick leave shall be accrued at the following rates:

Day Shift: 8 hours/month  
24-hr shift: 11.2 hours/month

Sick and annual leave shall be used on an hour for hour basis.

*Examples:*

*24-hr employee calls in sick for an entire shift = 24 hours of sick leave used.*

*Day shift employee calls in sick for an entire shift = 8 hours of sick leave used.*

#### 6.15.7 Holidays

County personnel receive the benefit of paid holidays per year as outlined in Section 6.11.

Day shift personnel: Day shift personnel shall receive a combination of paid time off and additional compensation for holidays physically worked based on volunteer staffing needs. A holiday for day shift personnel shall be 8.0 hours and is paid at 1.0 times the regular hourly rate.

*Example: A day shift employee is asked to work on Columbus Day, as enough volunteers are not available to staff the station. The employee is compensated for this holiday in addition to their normal salary at a rate of one time the regular hourly rate for each hour worked.*

Twenty four hour personnel shall be compensated 11.2 hours of additional straight pay for each County holiday regardless of whether the holiday is physically worked or not.

## 7 SEPARATIONS AND DISCIPLINE

### 7.1 DISCIPLINARY POLICY

Upon accepting a position with a County department, employees are expected to complete their assigned duties efficiently, to be punctual and maintain good attendance, and to maintain satisfactory work performance. Failure to meet these standards may result in disciplinary action.

The County operates under a progressive disciplinary process that is designed to guide and improve employee performance. County management will adhere to the disciplinary policy to the greatest extent possible, but may terminate an employee for any reason without any prior warning, except that the County will not fail or refuse to appoint or hire, or discharge any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions or privileges of appointment or employment, on the basis of race, color, religion, sex, age, national origin, political affiliation, disability, or marital or pregnancy status.

There are four disciplinary steps, outlined below. County management may combine or skip steps depending on the facts of each situation and the nature of the offense. Factors that will be considered in applying discipline include whether the offense is repeated despite coaching, counseling or training; the employee's work record; and the impact the offense has on County operations, other employees, and customers.

### 7.2 DISCIPLINARY STEPS

#### 7.2.1 Step 1: Counseling and verbal warning

A verbal warning from the immediate supervisor will explain the nature of the offense, and will describe expectations and next steps. The immediate supervisor may document the verbal warning in writing.

#### 7.2.2 Step 2: Written warning

A written warning documenting an offense may be connected to a matter on which the employee has received a verbal warning, or it may be for a matter which the immediate supervisor or department head deems a serious first offense. At Step 2, the immediate supervisor will meet with the employee to discuss the offense, as well as any prior relevant warnings or corrective action plans, and expectations. The immediate supervisor will outline the consequences of further offenses or continued failure to meet expectations.

A written Performance Improvement Plan (PIP) may be issued within five business days of a written warning. A warning stating that the employee may be subject to additional discipline up to, and including termination, if immediate and sustained corrective action is not taken, may be included in the written warning.

#### 7.2.3 Step 3: Suspension and final written warning

There may be performance, conduct or safety incidents so problematic and harmful that the most effective action is the temporary removal of the employee from County premises. When immediate action is necessary to ensure the safety of the employee or others, the department head with the approval of the County Administrator may suspend the employee pending the results of an investigation. The County Administrator and Human Resources shall be notified of all impending suspensions.

Nonexempt/hourly employees may be suspended without pay in day-long increments, and may not substitute or use an accrued paid vacation or sick day in lieu of the unpaid suspension. Exempt employees may be suspended without pay only in week-long increments. Pay may be restored to the employee if an investigation absolves the employee.

A final written warning documenting an offense may be connected to a matter for which the employee has received a previous warning, or, if it is a sufficiently severe offense, it may be issued on the first occurrence of an offense.

#### 7.2.4 Step 4: Termination of employment

The most serious step in the progressive discipline procedure is termination of employment. County management generally will provide warnings and a final written warning or suspension from the workplace before terminating employment, but may terminate employees without prior notice or disciplinary action. The County Administrator must approve any termination of County employment.

#### 7.2.5 Resignation with pending termination

An employee who wishes to resign during the termination process may do so by submitting a letter of resignation to Human Resources. If the letter of resignation is



accepted in lieu of termination, the matter nevertheless will be treated as a termination for cause for purposes of defending any claim for unemployment compensation benefits.

### **7.3 OFFENSES SUBJECT TO WRITTEN WARNINGS AND SUSPENSION**

The following are examples of offenses typically addressed through the use of written warnings and suspension.

7.3.1 Rudeness, in person or on the telephone, to the public or co-workers.

7.3.2 Careless workmanship or negligence of a minor nature.

7.3.3 Careless use of County property resulting in possible or actual damage.

7.3.4 Failure to observe safety practices including failure to use safety equipment.

7.3.5 First instances of tardiness or absenteeism.

7.3.6 Absence from the work station or department without permission.

7.3.7 Horseplay, pranks or non-work related activities during working hours.

7.3.8 Inappropriate or obscene language.

7.3.9 Inappropriate use of County-owned or leased vehicle including conviction of a minor moving violation.

7.3.10 Delay or failure to carry out assigned work or instructions in a reasonable period of time, including failure to cooperate with corrective action pursuant to the disciplinary policy.

7.3.11 Conduct having an adverse effect on the County's interest or on the confidence of the public in County government that does not result in serious consequences.

7.3.12 Disruptive behavior.

7.3.13 Failure to attend scheduled meetings or training sessions.

### **7.4 OFFENSES SUBJECT TO IMMEDIATE TERMINATION**

The following are examples of offenses so significant, disruptive, or dangerous that they may result in immediate suspension or dismissal.

7.4.1 Inappropriate use of electronic equipment of systems including the Intranet, Internet, e-mail systems or personal communication equipment.

7.4.2 Conviction of a felony or a misdemeanor.

7.4.3 Insubordination or refusal to follow management directions.

7.4.4 Gross negligence, or incompetence or inefficiency in the performance of work duties.

- 7.4.5 Unauthorized use of County documents, records, or confidential information.
- 7.4.6 Taking for personal use from any person any fee, gift, or other valuable thing in the course of work or in connection with it, when such gift or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than that accorded other persons, or accepting any bribe, gift, token, monies, or other official acts, or engaging in any action of extortion or other means of obtaining money or other things of value through the employee's position in the County.
- 7.4.7 Willful failure to fulfill work responsibilities.
- 7.4.8 Chronic or habitual absenteeism, or unexcused tardiness.
- 7.4.9 Major violation or disregard of established safety rules.
- 7.4.10 Dishonesty, deliberate misrepresentation, falsification or concealment of a material fact in connection with any official document.
- 7.4.11 Actual or attempted theft.
- 7.4.12 Fraud, specifically action characterized by deceit, concealment, or violation of trust perpetrated to obtain money, property or services, to avoid payment or loss of services or to secure personal or business advantage or other benefit.
- 7.4.13 Threatened or actual physical violence or verbal abuse.
- 7.4.14 Disorderly or immoral conduct while on County premises or on County business.
- 7.4.15 Sleeping during work hours, except where authorized as part of departmental operations.
- 7.4.16 Sexual, racial, or any other form of harassment.
- 7.4.17 Criminal or illegal activity that adversely affects the safe and effective operation of the County.
- 7.4.18 Use of County property for personal benefit.
- 7.4.19 Possession of unlawful explosives, firearms, or any other unlawful weapons during working hours.
- 7.4.20 Refusal to submit to a required alcohol or controlled substance test.
- 7.4.21 Unauthorized use, consumption, possession, sale of alcoholic beverages or controlled or illegal substances while on County premises or while conducting County business, or reporting to work after having made such unauthorized use, consumption, possession, or sale.
- 7.4.22 Leaving the premises of the assigned work station or department during work hours without authorization.

## 7.5 IMPLEMENTING DISCIPLINARY ACTION



#### 7.5.1 Investigation

An employee who has actual knowledge or a reasonable suspicion that another employee should be made subject to the disciplinary policy shall notify County management (the immediate supervisor, department head, County Administrator or Human Resources) as soon as possible and shall not discuss the matter with others. Upon receiving a report of a violation of the law, or a violation of a County policy or procedure, or any other report of an offense, the appropriate County manager will investigate to ascertain the facts relative to the circumstances surrounding the alleged offense. If the investigation determines that the allegations are founded, the immediate supervisor will initiate disciplinary action.

#### 7.5.2 Documentation

Offenses resulting in a written warning shall be documented using the Amherst County Disciplinary Action Form which shall describe the offense and the corrective action being taken, as follows:

##### Offense:

Describe the offense in complete and explicit terms, including dates, names, places, events, and witnesses.

##### Violation:

Describe the expectation or standard relating to the offense, and reference previous offenses, if any.

##### Impact on Operations:

Cite the adverse effect of the offense on County operations, identifying effects such as real or potential damage to County property, and real or potential harm to citizens or co-workers.

##### Corrective Action:

Provide specific suggestions or directives for the employee to correct the behavior. Outline directions on the proper behavior or level of conduct expected to be followed in the future. Identify corrective actions that the employee will be required to complete such as additional training, referral to the Employee Assistance Plan ("EAP"), or a performance improvement plan.

##### Personnel Record:

The completed and signed originals of all written disciplinary action must be forwarded to Human Resources for inclusion in the employee's official personnel file. The employee has the right to receive a copy of any documents in their personnel file. Employees shall be provided with a copy of any documents that could lead to adverse action prior to it being placed in the personnel file. The employee may respond in writing to the action and have the response included in the personnel file.



Appeal Process:

Employees may grieve eligible disciplinary actions, in accordance with the Amherst County Grievance Procedure found in Section 15.

7.5.3 General Process

The employee will be provided copies of all disciplinary documents. The employee will be required to sign copies of any disciplinary documents attesting to his or her receipt of the notice and his or her understanding of the offense and of the corrective action described. The employee may respond in writing to any disciplinary action; any such response supplied to County management within five business days of the action shall be included in the employee's personnel file. Any employee's refusal to sign a disciplinary document will be confirmed by a witness's statement appended to the document.

7.5.4 Confidentiality and Retaliation

Confidentiality is of critical importance in handling allegations implicating the disciplinary policy, and all participants shall keep the details and results of the investigation, as well as the identities of involved employees, confidential to the extent permitted by law. Persons retaliating against individuals for reporting information to County management, or for cooperating, giving testimony, or participating in any manner in the County's investigation or the disciplinary proceeding are subject to disciplinary action.

7.6 TERMINATION PROTOCOL

Prior to an involuntary termination of employment, the department head in consultation with Human Resources and the County Administrator will assess the employee's potential demeanor in deciding how and when to terminate the employee. This assessment will determine whether the act of termination has the potential to subject other employees or bystanders to physical or verbal abuse or other disruptions in the workplace. In the event there is a potential for disruption, County management may request the assistance of Sheriff's Office personnel.

7.7 NON-DISCIPLINARY SEPARATION POLICY

The County may terminate employees based on non-disciplinary reasons including but not limited to a loss of funding or change in work load. Each appointee terminated for non-disciplinary reasons shall be given a written notice. Whenever practicable, this notice should be given at least 14 days prior to the effective date of termination, and should include the reasons for the termination, the effective date, and any other information the County deems necessary.

7.8 RESIGNATION

To resign from a position, employees must give notice in writing to the immediate supervisor or department head at least fourteen (14) days prior to the effective date of the resignation. Department heads must give at least thirty (30) days notice in writing to the County Administrator. The department head or County Administrator as appropriate may waive the notice requirement. Once an employee submits a resignation, it may not be withdrawn unless the department head or County Administrator agrees in writing to such a withdrawal.



Prior to or at the time of separation, the employee must return all County-owned materials and equipment to the County. The employee must ensure the County Accounting department has an accurate mailing address for purposes of sending the employee's final paycheck and statement of annual earnings (Form W-2).

Failure to return to work at the expiration of an approved leave of absence will be deemed a resignation.

## **7.9 RETIREMENT FROM SERVICE**

7.9.1 When an employee-initiated retirement is undertaken, the employee should notify the immediate supervisor, Human Resources and the County Accounting Department as far in advance as possible, preferably giving a minimum of 60-90 days notice.

7.9.2 When an employee is subject to the provisions of the Retirement Plan in effect and has become physically or mentally incapable of performing the duties of his position satisfactorily, or has reached an age at which retirement is mandatory, it shall be the duty of County management to recommend retirement, or in cases in which retirement is not mandatory, demotion or transfer to any position for which the employee is eligible and can perform satisfactorily.

## **7.10 EXIT INTERVIEW AND RE-EMPLOYMENT**

7.10.1 Upon an employee's non-disciplinary separation from County service, Human Resources will conduct an exit interview.

7.10.2 During the exit interview, the employee may give his or her reason(s) for leaving County employment and will be informed about re-employment opportunities, reinstatement privileges, and retirement benefits, if applicable. The exit interview is not intended as a counseling interview.

7.10.3 An employee who voluntarily separates from County service may be considered for re-employment. Re-employment possibilities are dependent in part on the individual's past record of performance and current position vacancies.

## **7.1 VOLUNTARY SEPARATIONS**

To resign from a position, employees, other than Department Heads, must give notice in writing to their Department Head at least fourteen (14) days prior to the effective date of the resignation; Department Heads must give at least thirty (30) days notice in writing to the County Administrator. Once a resignation is submitted by the employee in writing, it may not be withdrawn unless the Department Head, agrees to such a withdrawal.

Prior to or at the time of separation, the employee must return all County owned materials and equipment to the supervisor. If relocating, the employee must also make arrangements to provide a forwarding address to receive their final paycheck and statement of annual earnings (Form W-2).

## **7.2 DISCIPLINE**



~~7.2.1—Upon accepting a position with the County, employees are expected to efficiently complete their assigned duties, to be punctual and maintain good attendance, and maintain a satisfactory work performance. Failure to meet these standards can result in disciplinary action.~~

~~7.2.2—The County operates under a progressive disciplinary system that is designed to provide a structured corrective action process to improve employee performance, and to prevent a recurrence of undesirable behavior. The suggested disciplinary steps are outlined below. The County may combine or skip steps depending on the facts of each situation and the nature of the offense. Some of the factors that will be considered in applying the necessary discipline are whether the offense is repeated despite coaching, counseling or training; the employee's work record; and the impact the conduct and performance issues have on County operations, County employees, and customers.~~

### ~~7.3—DISCIPLINARY STEPS~~

#### ~~7.3.1—Step 1: Counseling and spoken warning~~

~~A spoken warning from the immediate supervisor to the employee regarding a performance, conduct, or attendance issue, will explain the nature of the violation of company policies and procedures, and will describe expectations and steps the employee must take to improve performance. Within five business days of this meeting, the supervisor may prepare written documentation (Amherst County Disciplinary Action Form) of a verbal warning. The employee may be asked to sign this document to affirm their understanding of the issues and the corrective action. The verbal warning documentation will be placed in the employee's personnel file.~~

#### ~~7.3.2—Step 2: Written warning~~

~~A written warning documenting a performance, conduct, attendance issue, or policy violation, and consequences, may be connected to an issue on which the employee received a warning, or it may be a different issue. During Step 2, the immediate supervisor, and the Department Head, will meet with the employee to discuss the performance, conduct, or attendance, as well as any prior relevant warnings or corrective action plans. Management will outline the consequences for the employee of their other continued failure to meet expectations.~~

~~A formal Performance Improvement Plan (PIP) requiring the employee's immediate and sustained corrective action may be issued within five business days of a written warning. A warning stating that the employee may be subject to additional discipline up to, and including termination, if immediate and sustained corrective action is not taken, may also be included in the written warning. The employee will have the opportunity to file a written response to the warning.~~

#### ~~7.3.3—Step 3: Suspension and final written warning~~

~~There may be performance, conduct or safety incidents so problematic and harmful that the most effective action may be the temporary removal of the employee from the workplace. When immediate action is necessary to ensure the safety of the employee or~~



others, the immediate supervisor may suspend the employee pending the results of an investigation. Suspensions are subject to approval by the County Administrator.

Nonexempt/hourly employees may be suspended without pay in day-long increments, and may not substitute or use an accrued paid vacation or sick day in lieu of the unpaid suspension. Exempt employees may be suspended without pay only in week-long increments except that day-long increments may be imposed for infractions of workplace conduct rules. Pay may be restored to the employee if an investigation of the incident or infraction absolves the employee.

A final written warning documenting a performance, conduct, attendance issue, or policy violation, and consequences, or may be connected to an issue in which the employee received a warning, or it may be a different issue. A final written warning will be signed by the employee upon receipt of a copy and the original will be placed in the employee's personnel file.

#### 7.3.4—Step 4: Recommendation for termination of employment

The most serious step in the progressive discipline procedure is a recommendation to terminate employment. Amherst County generally will first provide warnings and a final written warning or suspension from the workplace before proceeding to a recommendation to terminate employment, but reserves the right to combine and skip steps depending on the circumstances of each situation and the nature of the offense. Employees may be terminated without prior notice or disciplinary action.

A recommendation to terminate employment must be reviewed by Human Resources and approved by the County Administrator.

#### 7.3.5—Resignation with pending charges to terminate

An employee who wishes to resign during the termination process may do so by submitting a letter of resignation to the Department Head. If the letter of resignation is accepted in lieu of termination, the appropriate documentation will be placed in the employee's personnel file.

#### 7.3.6—Investigation

Upon receiving a report of a violation of the law, or a violation of a department policy, procedure, or disciplinary regulation from an official, or an employee of the County, or from any citizen, the Department Head, Human Resources, or County Administrator will investigate. The investigation will be made for the purposes of ascertaining the true facts relative to the circumstances surrounding the alleged offense.

Emergency Medical Technicians subject to investigations potentially leading to dismissal, demotion, suspension, or transfer and included in the definitions of those terms in the Virginia State Code "Firefighters and Emergency Medical Technicians Procedural Guarantee Act", shall be afforded all rights contained in the appropriate Act.

#### 7.3.7—Documentation

~~The employee will be provided copies of all progressive discipline documentation beyond Step 1, including all PIPs. The employee will be required to sign copies of this documentation attesting to their receipt and understanding of the corrective action outlined in these documents.~~

~~Copies of these documents will be placed in the employee's official personnel file.~~

#### ~~7.3.8—Important note~~

~~Nothing in this policy provides any contractual rights regarding employee discipline or counseling, nor should anything in this policy be read or construed as modifying or altering the employment at will relationship between the County and its employees.~~

#### ~~7.3.9—Inappropriate conduct~~

~~Behavior and conduct unacceptable for Amherst County employees are listed below. The list is divided into two sections, neither of which is all inclusive nor in order of severity, but which are intended as suggestions to help supervisors and Department Heads administer discipline in a fair and consistent manner. The specific circumstances of each case shall be considered prior to determining appropriate action.~~

### ~~7.4—INFRACTIONS SUBJECT TO THE PROGRESSIVE DISCIPLINARY PROCESS~~

~~The following infractions include, but are not limited to, examples of those typically addressed through the use of the progressive disciplinary system. The County reserves the right to determine the severity of the offense and what course of action will be taken.~~

~~7.4.1—Rudeness, in person or on the telephone, to the public or co-workers.~~

~~7.4.2—Careless workmanship or negligence of a minor nature.~~

~~7.4.3—Careless use of County property resulting in possible or actual damage.~~

~~7.4.4—Failure to observe safety practices including failure to use safety equipment.~~

~~7.4.5—First instances of tardiness or absenteeism.~~

~~7.4.6—Absence from the work station or department without permission.~~

~~7.4.7—Horseplay, pranks or non-work related activities during working hours.~~

~~7.4.8—Inappropriate or obscene language.~~

~~7.4.9—Inappropriate use of County owned or leased vehicle including conviction of a minor moving violation.~~

~~7.4.10—Delay or failure to carry out assigned work or instructions in a reasonable period of time.~~

~~7.4.11—Conduct having an adverse effect on the County's interest or on the confidence of the public in County government that does not result in serious consequences.~~



~~7.4.12—Disruptive behavior.~~

~~7.4.13—Failure to attend scheduled meetings or training sessions.~~

## **~~7.5—INFRACTIONS SUBJECT TO IMMEDIATE TERMINATION~~**

**~~The following infractions include but are not limited to examples of those typically so significant, disruptive, or dangerous that they may require action outside of the progressive disciplinary system such as immediate suspension or dismissal.~~**

~~7.5.1—Inappropriate use of electronic equipment or systems including the Intranet, Internet, e-mail systems or personal communication equipment.~~

~~7.5.2—Conviction of a felony or a misdemeanor involving moral turpitude and other criminal acts such that continued performance of duties is compromised.~~

~~7.5.3—Insubordination or refusal to follow legitimate instructions.~~

~~7.5.4—Gross negligence, or being incompetent or inefficient in the performance of the duties of their position.~~

~~7.5.5—Unauthorized use of County documents, records, or confidential information.~~

~~7.5.6—Taking for personal use from any person any fee, gift, or other valuable thing in the course of work or in connection with it, when such gift or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than that accorded other persons, or accepting any bribe, gift, token, monies, or other official acts, or engaging in any action of extortion or other means of obtaining money or other things of value through the employee's position in the County.~~

~~7.5.7—Willful failure to fulfill the responsibilities of the job to an extent that it might or does cause injury to person, or substantial damage to or loss of product, machinery, equipment, facility or other property.~~

~~7.5.8—Chronic or habitual absenteeism, being away from the workplace, or unexcused tardiness.~~

~~7.5.9—Major violation or disregard of established safety rules.~~

~~7.5.10—Dishonesty, deliberate misrepresentation, falsification or concealment of a material fact in connection with any official document.~~

~~7.5.11—Theft, actual or attempted.~~

~~7.5.12—Threatened or actual physical violence or verbal abuse.~~

~~7.5.13—Disorderly or immoral conduct while on County premises or on County business.~~

~~7.5.14—Sleeping on the job (except in the case of employees assigned to 24 hour shifts with sleep provisions).~~

~~7.5.15—Sexual, racial, or any other form of harassment.~~



~~7.5.16 Criminal or illegal activity that adversely affects the safe and effective operation of County business.~~

~~7.5.17 Use of County property for personal benefit.~~

~~7.5.18 Possession of unlawful explosives, firearms, or any other unlawful weapons on County property.~~

~~7.5.19 Refusal to submit to a required alcohol and/or controlled substance test.~~

~~7.5.20 Unauthorized use, consumption, possession, sale of alcoholic beverage and/or controlled, and/or illegal substance on County property, while conducting County business and/or reporting to work after having done so.~~

~~7.5.21 Leaving the job without authorization.~~

## ~~7.6 RESIGNATION~~

~~An employee may leave County service voluntarily, by resignation, by stating his reasons, in writing to their Department Head. In accordance with section 7.1 of this policy, to resign in good standing, an employee must give at least 14 days advance notice for non Department Heads or thirty (30) days for Department Heads. If special circumstances exist, the notice requirement may be waived by the County Administrator. Failure to return to work at the expiration of an approved leave of absence shall be interpreted as a resignation. If the County Administrator finds that a reported resignation was not voluntary, they shall treat the separation as a removal under these rules; a resignation submitted on an undated, pre-dated, or otherwise not bona fide form shall be regarded as not voluntary. An employee who has submitted his resignation may, with the approval of the County Administrator, be continued in his position as though the resignation had not been filed, on his written request for authorization to withdraw the resignation, filed before the effective date thereof or within thirty (30) days thereafter; if his position has *not* been filled~~

## ~~7.7 LAYOFF~~

~~The County may lay off employees for lack of available work or funds. The order of layoff is as follows:~~

~~7.7.1 The order of the layoff shall be based on the relative value of the employees to the County as determined by the Board of Supervisors on the recommendation of the County Administrator. Constitutional Officers have sole authority to determine order of layoffs in their departments.~~

~~7.7.2 No permanent employee shall be laid off from any position while any temporary employee continues in that capacity.~~

~~7.7.3 Each employee laid off shall be given a written notice. Whenever practicable, this notice should be given at least 14 days prior to the effective date and should include the reasons for the layoff, the effective date, and any other information deemed necessary by the County Administrator.~~

## ~~7.8 RETIREMENT~~

~~When an employee-initiated retirement is undertaken, the employee should notify the Department Head and central accounting, as far in advance as possible with a minimum 60-90 day notice provision suggested.~~

~~When an employee is subject to the provisions of the Retirement Plan in effect and has become physically or mentally incapable of performing the duties of his position satisfactorily, or has reached an age at which retirement is mandatory, it shall be the duty of the appointing authority to recommend his retirement, or in cases in which retirement is not mandatory, his demotion or transfer to any position for which he is eligible, the duties of which he is capable of performing satisfactorily.~~

#### **~~7.9 — AT WILL~~**

~~The County reserves the right as an at-will employer to terminate any employee without having to establish "just cause" and at any time without warning. This also allows the employee to separate from the County at any time without legal consequence.~~

#### **~~7.10 — EXIT INTERVIEW AND RE-EMPLOYMENT~~**

~~7.10.1 — Upon departure of a County employee from County service, an exit interview of the separating employee shall be completed between the departing employee and the County Administrator or his designee. The interview is encouraged in all voluntary separations including retirements and an appointment for the interview will be scheduled by the County Administrator or his designee.~~

~~7.10.2 — During the exit interview, the employee may give his reason(s) for leaving County employment and be informed about re-employment opportunities, reinstatement privileges, and retirement benefits, if applicable. The informational session is not intended as a counseling or grievance interview. The information gained from the employee on subjects such as pay, benefits, training, and working conditions provides important feedback, which ultimately can result in more satisfying employment for other personnel.~~

~~7.10.3 — When an employee voluntarily separates from County service and later decides they would like to rejoin the County, they may be considered for re-employment. Re-employment possibilities depend upon the individual's past record of performance, current position vacancies, and the recommendations of the previous immediate supervisor and Department Head. Consideration for interview and/or re-employment is at the discretion of the Department Head, human resources, or the County Administrator.~~

#### **~~7.11 — EMPLOYEE TERMINATION PROTOCOL~~**

~~7.11.1 — Prior to involuntary termination of employment, the Department Head, in consultation with Human Resources and the County Administrator, will assess the employee's potential demeanor in deciding how and when to terminate said employee. This assessment will determine whether the act of termination has the potential to subject other employees or bystanders to physical or verbal abuse or other disruptions in the workplace.~~



~~7.11.2 In the event there is a potential for disruption, a determination will be made as to whether or not law enforcement personnel will be present or on standby at a nearby location.~~

## **~~7.12 MISCONDUCT DOCUMENTED~~**

~~Misconduct shall be carefully documented using the Amherst County Disciplinary Action Form which shall state the specific action being taken, such as written reprimand, suspension or dismissal, and contain the following information:~~

### ~~7.12.1 Conduct:~~

~~Clearly state the specific conduct deemed unacceptable, describing the conduct in complete and explicit terms, including dates, names, places, events, witnesses, etc.~~

### ~~7.12.2 Violation:~~

~~Include the violation, expectation or standard relating to the behavior. Include references to previous instances of unacceptable behavior, if any.~~

### ~~7.12.3 Impact on Operations:~~

~~Cite the adverse effect of the employee's conduct on County operations. Include effects such as real or potential damage to County property, and real or potential harm to citizens or co-workers.~~

### ~~7.12.4 Corrective Action:~~

~~Provide specific suggestions and/or directives for the employee to correct the behavior. Outline directions on the proper behavior or level of conduct expected to be followed in the future. Identify any assistance that the employee will be required to complete such as additional training, referral to EAP, personal improvement plan, etc.~~

### ~~7.12.5 Employee's Rights:~~

~~The employee has a right to receive a copy of any documents that could lead to adverse action prior to it being placed in the personnel file. The employee may respond in writing to the action and have that response included in the personnel file and that the employee may grieve the disciplinary action if eligible, in accordance with the Amherst County Grievance Procedure~~

## **~~7.13 SUSPECTED THEFT AND FRAUDULENT TRANSACTIONS~~**

~~7.13.1 Fraud is an act which is characterized by deceit, concealment, or violation of trust perpetrated to obtain money, property or services, to avoid payment or loss of services or to secure personal or business advantage or other benefit. The County Administrator is a resource to departments and coordinates the investigation of suspected significant theft and/or fraudulent transactions.~~

~~7.13.2 An employee who has knowledge of an occurrence of work-related fraud, or has reason to suspect that a fraudulent action has occurred at work, shall notify their Department Head or the County Administrator as soon as possible and shall not discuss the alleged~~



~~fraud with others. Upon receipt of an allegation, the County Administrator will notify appropriate authorities, develop an action plan, and coordinate all investigative processes.~~

~~7.13.3 Confidentiality is of critical importance in handling fraud allegations, and all participants shall keep the details and results of the investigation, as well as the identities of involved employees, confidential to the extent permitted by law. If the investigation concludes that the allegations of fraudulent activity by an employee are founded, the employee is subject to disciplinary action and legal action.~~

~~7.13.4 Persons retaliating against individuals reporting suspected fraud or for cooperating, giving testimony, or participating in any manner in an investigation, proceeding, or hearing are subject to disciplinary action.~~

## 8. **EMPLOYEE BENEFITS**

The County offers a comprehensive benefits package. Employees do not have a vested right in County paid benefits; conditions or circumstances may require that the County make changes, additions, or deletions in its benefit program for both active employees and retirees.

Typically, an eligible regular full-time or part-time employee must begin County employment by the 15th of the month in order to participate in employer subsidized benefits during the next month. The new employee must meet the required payroll deadlines. The County Administrator may approve an alternative date as part of the job offer. The County also pays the employer share of benefits for the month during which an eligible employee's resignation date falls.

Benefits and employee eligibility are summarized ~~below on the next two pages~~:

BENEFIT	FULL TIME	PART TIME	WHO PAYS AMHERST COUNTY – AC EMPLOYEE – E	WHEN ELIGIBLE	DESCRIPTION
Vacation Leave	X		AC	After six months	After completion of probationary period; see Policy Section 6.1.
Sick Leave	X		AC	After six months	After completion of probationary period; see Policy Section 6.2.
Personal Days	X		AC	<u>After six months</u> <u>When employed</u>	See Policy Section 6.5.
Civil Leave	X		AC	When employed	When employee leave with pay for absence for jury duty, civic, or volunteer. Duties with immediate supervisor's approval.
Family Medical Leave (FMLA)	X			After 1 year	Up to 12 weeks paid/unpaid leave during a 12-month period
Employee Assistance Program	X		AC	When employed	Confidential way of working through problems experience by employees and their families
Medical Coverage	X		AC & E	Upon Employment	Voluntary participation in County's Group Medical Plan through payroll.
Medical Coverage		X ( <u>RPTP</u> <u>PT</u> )	E	Upon Employment	Voluntary participation in County's Group Medical Plan through payroll
Other Insurance Coverage	X	X ( <u>RPT</u> )	E	Upon Employment	Voluntary participation(i.e. Cancer, Intensive Care, Accident & Disability
FSA (Flexible Spending Accounts )	X	X ( <u>RPTP</u> <u>PT</u> )	E	Upon Employment	Voluntary participation eligible healthcare/dependent costs reimbursement
Deferred Compensation Plan	X		E	Upon Employment	Voluntary participation 457 annuity retirement plan
Virginia Retirement System (VRS)	X		AC & E	Upon Employment	Mandatory participation-5% monthly deduction from employee Plan I-persons hired prior to 7/1/10 Plan II-persons hired after 7/1/10

BENEFIT	FULL TIME	PART TIME	WHO PAYS AMHERST COUNTY – AC EMPLOYEE – E	WHEN ELIGIBLE	DESCRIPTION
Virginia Retirement System (VRS) <b>(HYBRID)</b> & ICMA	X		AC & E	Upon Employment	Mandatory participation- with a total of 5% monthly deduction from employee 4% designated into VRS Defined Benefit AND 1% designated into ICMA Defined Contribution Persons hired after 01/01/14 & not hired as EMS or Law Enforcement
ICMA - V (Voluntary)	X		AC & E	Quarterly after Employment	<b>HYBRID Employee Only</b> Eligible to voluntarily contribute an additional (in increments of 0.5%) maximum of 4% of monthly salary into ICMA's 457 defined contribution. Change in contribution must be submitted before the 15 <sup>th</sup> day of the quarter end month (March, June, September or December)
Standard <b>HYBRID</b> Short and Long Term Disability	X		AC	1 Year Waiting Period following Employment	Applies only to <b>HYBRID Employees</b> Short term and/or Long term Disability policy paid on the 8 day of an approved medical absence
Term Life Insurance	X		AC	Upon Employment	Term life insurance face value double annual salary paid by County
Optional Life Insurance	X		E	Upon Employment	Additional term life insurance available based upon employee annual salary for options up to 4 times annual salary. Coverage available for employee, and/or combination of employee, spouse, children
United Way Participation	X		E		Voluntary participation- deduction made
Educational Assistance	X		AC & E	After Probation	Reimbursement up to \$400 per semester with a grade of C or better for a pre-approved course
Beacon Credit Union	X		E	Upon Employment	Voluntary participation-various services offered



## 8.1 **SECTION 125 CAFETERIA PLAN AND FLEXIBLE SPENDING ACCOUNTS**

8.1.1 As permitted by the Internal Revenue Service Section 125, the County offers what is known as Section 125 Cafeteria Plan which allows county employees to have certain health- and child-care- related benefits deducted on a pre-tax basis. Qualifying deductions include medical insurance premiums, supplemental health plans, and flexible spending accounts as described below.

8.1.2 As part of the Section 125 Cafeteria Plan, theThe County allows employees to voluntarily place a portion of their pay in a health care reimbursement account and/or dependent care account as permitted by the Internal Revenue Service (IRS) Section 125 ("Flexible Spending Accounts"). The portion of pay that is diverted to these accounts is not subject to Federal or State income or Social Security taxes. The Flexible Spending Accounts help employees defray the costs of eligible medical, childcare expenses by setting aside tax free dollars for these expenses.

~~8.1.3~~8.1.2 Employees in regular full-time and qualifying regular~~permanent~~ part-time positions may enroll in the Flexible Spending Account Program effective on the first of the month following their date of hire.

~~8.1.4~~8.1.3 Open enrollment for the County's pre-tax program is held each April prior to the beginning of plan year which runs from June 1 through May 31. Participation in the plan is voluntary. Once enrolled, participants are bound by IRS regulations that control withdrawal from the program.

~~8.1.5~~8.1.4 Each Flexible Spending Account has dollar limits and restrictions regarding expense reimbursement. Please consult the enrollment materials for specific information and restrictions.

## 8.2 **VOLUNTARY SUPPLEMENTAL BENEFITS**

At the County's discretion, other supplemental benefits such as additional life insurance, long term care, etc. may be available to employees. Supplemental benefits are offered through a third party and not a part of the County's standard benefits program.

## 8.3 **DEFERRED COMPENSATION PLAN**

The County allows regular full time employees to participate in an additional Deferred Compensation program (separate from the Deferred component of the Virginia Retirement System of the Virginia retirement system hybrid plan) which is an individually funded income investment plan authorized by Section 457 of the Internal Revenue Code, which can be used as a supplement to the retirement plan.

## 8.4 **VIRGINIA RETIREMENT SYSTEM HYBRID PLAN-SHORT TERM DISABILITY-LONG TERM DISABILITY**

This benefit impacts Employees (covered members) hired after January 1, 2014, who have no service credit with the Virginia Retirement System and are not hired as employees of the Sheriff's Department, Emergency Medical Services or other hazardous duty positions.

Hybrid Retirement Plan-The Hybrid Retirement Plan combines the features of a defined benefit plan and a defined contribution plan. For plan details regarding the Virginia Hybrid Retirement benefits please refer to Plan Summary document.

**Amherst County VRS Hybrid Plan Employee Sick ~~Leave~~leave-** (Sick leave administration is described in Section 6.2).

AMHERST COUNTY VRS HYBRID PLAN EMPLOYEE SICK LEAVE	Hours/Days	7.5	8	10	12
	Hours/Yr	1950	2080	2080	2184
	Accrual Hours	7.5	8	8	8.4
<del>6 Months</del>	<del>6 Days</del>	<del>45</del>	<del>48</del>	<del>48</del>	<del>50.4</del>
<del>From date of hire</del> 1 Year and Above	12 Days	90	96	96	100.8
Maximum Carry over to next year	60 Days	450 Hours	480 Hours	480 Hours	504 Hour

#### Hybrid Short Term Disability Weekly Benefit

Months of Continuous Service	Workdays at 100% Replacement	Workdays at 80% Replacement	Workdays at 60% Replacement
Less than 12	0	0	0
12-59	0	0	125
60-119	25	25	75
120-179	25	50	50
180 or more	25	75	25

Accident/Sickness Benefits begin on day	8
Major/Catastrophic Conditions Benefits Begin on day	1
Maximum Benefit Period	125 work days

#### Hybrid Long Term Disability Income Benefit

LTD Income Benefit	60%
Maximum Monthly Benefit	\$25,000
Minimum Monthly Benefit	\$100
Benefit Waiting Period	The period for which benefits are payable under Short term disability benefits program
Maximum Benefit Period	59 or younger...To age 65 SSNRA 60 through 64...5 years 65 through 68...To age 70 69 or older.....1 year

Own Occupation period	24 months
Eligibility Waiting Period	1 year of continuous employment for non-work Related disabilities
Employer Contribution	100%

## **9 IN-SERVICE ACTIVITIES**

### **9.1 JOB RELATED TRAINING**

The County Administrator, [Human Resources](#) and Department Heads shall be responsible for developing job-related in-service training programs for employees of the County and for investigating outside training programs.

### **9.2 EDUCATIONAL BENEFITS**

When an employee elects to further his education at an accredited institution [in a course of study related to county employment](#), the County will contribute up to \$400 per semester towards the cost, provided that the employee successfully completes the course with a grade of C or better.

In order to receive up to \$400, the employee must notify the Department Head in writing as soon as possible of his intent to enroll in the course and then submit proof of his completion of the course and grade attained.

## **10 EMPLOYEE ASSISTANCE PROGRAM POLICY STATEMENT**

10.1 The Employee Assistance Program (EAP) is administered through a contract with an external EAP provider. The EAP is operated both as a supplementary personnel management function and as an employee benefit. Participation in the program is through referral by an employee's supervisor, Human Resources, or County Administrator when job performance has declined or through self-referral when an employee feels personal problems may interfere or are interfering with job performance.

10.2 The overall objective of the EAP is to reduce problems in the work force and to retain valued employees. Administration recognizes that problems of a personal nature can have an adverse effect on an employee's job performance. It is also recognized that most personal problems can be dealt with successfully when identified early and referred to appropriate care. The purpose of the EAP is to provide these services through special arrangements with an external, objective consulting resource. The program is designed to deal with the broad range of human problems such as emotional, behavioral, family and marital, alcohol and/or drug abuse, financial, legal, and other personal problems. The program will provide problem assessment, treatment planning and referral. Costs for these services are covered by the employer. If costs are incurred for other services that are not covered by insurance or other benefits, those costs will be the responsibility of the employee.

10.3 The guidelines for use of the EAP are:



- 10.3.1 Management is primarily concerned with an employee's work performance, that which may be adversely impacted by lower health and well being, resulting from increased personal stressors.
- 10.3.2 The program applies to all employees and their families.
- 10.3.3 The program is available to all employees and their families as specified in the EAP agreement on a self-referral basis since problems at home can affect the job. If eligible employees or family members have personal problems that may benefit from assistance, they are encouraged to use the program.
- 10.3.4 Participation in the program will not jeopardize an employee's job security, promotional opportunities, or reputation. EAP participation will not immunize an employee against discipline for an infraction of work rules or the rules of conduct.
- 10.3.5 All records and discussions will be handled in a confidential manner as with other medical records. These records will be kept by the designated counseling resource and will not become part of the employee's personnel file. Except as set forth herein or as otherwise required by law, no information, oral or written, will be disclosed without the express written permission of the employee. If an employee is referred by the County to the EAP because of performance-related issues, the EAP will limit disclosure of information to the following: attendance at EAP sessions, perceived level of employee motivation toward accepting EAP assistance, and the general plan of action recommended by the EAP to assist the employee in improving work performance and well being.
- 10.3.6 When work related performance problems are not corrected with normal supervisory attention, employees will be encouraged to seek assistance to determine if personal problems are causing unsatisfactory performance. If performance problems persist, the employee will be subject to normal corrective procedures.
- 10.3.7 It is the responsibility of all levels of management to utilize the EAP when appropriate to assist in resolving job performance problems resulting from personal problems. Early recognition of the troubled employee through application of job performance standards, is a proper function of management.
- 10.3.8 Sick leave may be granted for treatment or rehabilitation on the same basis as is granted for other health problems. Consideration will also be given for the use of annual leave, leave without pay if sick leave is not available, and disability policies.
- 10.3.9 The EAP does not alter or replace existing County policy or contractual agreements but serves to assist in their utilization.
- 10.3.10 In the case of a job-performance-related referral, the supervisor will do all of the following:  
  
Document, as part of a performance improvement plan, that the employee was made aware of the EAP as a resource.

Notify the EAP that a referral has been made.

Consult the Human Resources Coordinator or County Administrator.

Complete an EAP referral form in order to provide relevant documentation of the performance problem to the EAP.

## **11 DRUG-FREE WORKPLACE**

### **11.1 PURPOSE**

In compliance with the Drug-Free Workplace Act of 1988, Amherst County has adopted a program to provide a workplace that is free from drug and alcohol use and/or abuse.

Employees are expected to report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to their supervisor. Employees should not, however, disclose to Amherst County underlying medical conditions.

### **11.2 SCOPE**

This policy prohibits illegal use of drugs, intoxicating beverages, drug paraphernalia and other controlled substances on County property. This includes, but is not necessarily limited to real estate, buildings and structures owned, rented, leased or otherwise occupied by the County, vehicles and/or trailers owned, leased, rented by the County and personal vehicles while on County property and or premises and during their use in the course of County business away from County property.

This policy applies to all employees and all applicants for employment of Amherst County.

### **11.3 KEY DEFINITIONS**

11.3.1 Chain of custody: These are the procedures beginning at the time of collection to account for all handling and storage of each specimen.

11.3.2 Confirmatory test: A second laboratory procedure used to analyze a positive test result from a screening test.

11.3.3 Cutoff level: The concentration of a drug or drug metabolite in the urine at which specimen is considered positive.

11.3.4 Medical Review Officer: A licensed physician who is qualified to interpret and evaluate test results and other relevant medical information.

11.3.5 Split Sample: In the split sample method the urine specimen is divided into two containers. The purpose of the split sample is to allow the employee the opportunity to have the specimen retested at a different certified laboratory at the applicant's or employee's own expense.

#### **11.4 EMPLOYEE ASSISTANCE**

The Employee Assistance Program(EAP) provider will assist and support employees who voluntarily seek help for such problems before becoming subject to discipline or termination under this or other Amherst County policies. Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan, and employees may use accrued paid time off, placed on leaves of absence, referred to treatment providers and otherwise accommodated as required by law. However, the ultimate financial responsibility for treatment belongs to the employee.

#### **11.5 SHARED RESPONSIBILITY**

11.5.1 A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

11.5.2 All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on-or off-duty use of alcohol or other drugs.

11.5.3 In addition, employees are encouraged to:

- Be concerned about working in a safe environment
- Support fellow workers in seeking help
- Use the Employee Assistance Program
- Report dangerous behavior to their supervisor

11.5.4 It is the supervisor's responsibility to:

- Inform employees of the drug-free workplace policy
- Observe employee performance
- Investigate reports of dangerous practices
- Document negative changes and problems in performance
- Refer employees to the Employee Assistance Program
- Clearly state consequences of policy violations

#### **11.6 WORK RULES-CONSEQUENCES**

11.6.1 Whenever employees are working, operating any Amherst County vehicle, present on Amherst County premises, or conducting company-related work offsite, they are prohibited from:

- Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include drug paraphernalia).

- Being under the influence of alcohol or an illegal drug as defined in this policy.

11.6.2 Any employee, who as a result of testing is found to have a detectable presence of illegal drugs or an alcohol concentration of 0.02 or greater in their system, will be in violation of this policy. The first time an employee tests positive for alcohol or illegal drug use under this policy, will result in discipline.



- 11.6.3 Amherst County will also not allow employees to perform their duties while taking prescribed drugs that adversely affect their ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist or be prepared to produce it if asked.
- 11.6.4 Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.
- 11.6.5 An employee will be subject to the same consequences of a positive test if they refuse the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test.
- 11.6.6 Employees will be paid for time spent in alcohol or drug testing (reasonable suspicion, post accident) and then suspended pending the results of the drug or alcohol test. After the results of the test are received, a date and time will be scheduled to discuss the results of the test, this meeting will include a member of management/supervision, and HR.
- 11.6.7 Applicants who refuse to cooperate in a drug test or who test positive will not be hired and will not be allowed to reapply in the future.

## **11.7 EMPLOYEE SCREENING**

### **11.7.1 Pre-employment**

Prior to employment (or as soon as practical following the decision to employ) all candidates will undergo testing for the presence of certain drugs as a condition of being retained as employees. Individuals who have not successfully completed the drug test prior to beginning work shall be hired conditionally; the decision to retain the individual as an employee of the County will be dependent on successful completion of the pre-employment drug test. Refusal to submit to testing will result in disqualification of further employment consideration.

### **11.7.2 Reasonable suspicion**

Employees are subject to testing based on (but not limited to) observations by the supervision of apparent workplace use, possession or impairment. Human Resources, or the Director /Department Head should be consulted before sending an employee for testing. All levels of supervision making this decision must document and sign specific observations and behaviors that create a reasonable suspicion that the person is under the influence of illegal drugs or alcohol. Examples of behavior include, but are not necessarily limited to, any of the following factors: unsteady gait, odor of an alcoholic beverage on employee's breath or clothing, disorientation any other unusual characteristics with regard to an employee's appearance, behavior, speech or odor. If the results of the observation indicate further action is justified, the Department Head should meet with the employee, present with the documentation, and advise the employee of the testing requirement.

*Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of supervision/management or their designee must escort the*

*employee; thereafter, the supervisor/Department Head will make arrangements for the employee to be transported home.*

#### 11.7.3 Post-accident

Employees are subject to testing when they cause or contribute to accidents that seriously damage a Amherst County vehicle, machinery, equipment or property or result in an injury to themselves or another employee requiring offsite medical attention. A reasonable suspicion of impairment may be presumed in any instance involving a work-related accident or injury in which an employee who was operating a motorized vehicle (including a forklift, pickup truck, etc) is found to be responsible for causing the accident. In any of these instances, the investigation and subsequent testing should take place within two hours following the accident.

*Under no circumstances will the employee be allowed to drive himself or herself to the testing facility.*

#### 11.7.4 Follow-up

Employees who have tested positive, or otherwise violated this policy, are subject to discipline, up to and including discharge. Depending on the circumstances and the employee's work history/record, Amherst County may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance agreement which could include follow-up drug testing at times and frequencies determined by Amherst County for a minimum of one year. If the employee either does not complete the rehabilitation program or tests positive after completing the rehabilitation program, the employee will be subject to immediate discharge from employment.

#### 11.7.5 Other Tests

As a condition of employment the County reserves the right to test for other reasons such as periodic, random, or return to duty.

#### 11.7.6 U.S. Department of Transportation (DOT) Drug and Alcohol Regulations

Employees who hold and perform work subject to commercial driver's licenses shall comply with all additional drug and all additional drug testing regulations and procedures contained in the U.S. DOT regulations and Federal Motor Carrier Safety Administration rules (FMCSA 49 CFR 382)

### 11.8 COLLECTION AND TESTING PROCEDURES

11.8.1 Drug and alcohol screening and confirmatory testing shall be conducted at the County's expense.

11.8.2 To ensure the accuracy and fairness of our testing program, all testing will be conducted according to Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines where applicable and will include a screening test; a confirmation test, the opportunity for a split sample; review by a Medical Review Officer (MRO), including the opportunity for employees who test positive to provide a legitimate medical explanation,

such as a physician's prescription for the positive result, and a documented chain of custody.

- 11.8.3 The medical laboratory in accordance with medical and scientific guidelines will determine threshold levels of drug concentration in urine or other samples that constitute a positive test result. Testing for presence of alcohol may be conducted by analysis urine. Testing for the presence of the metabolites of drugs may be conducted by the analysis of urine. All collection of urine or other samples will be conducted by certified medical personnel. Analysis of the samples will be performed by a licensed testing facility.
- 11.8.4 The 9 Panel Drug Test will be used to test the substances, which test for Marijuana, Cocaine, Amphetamines, Opiates, Phencyclidine (PCP), Barbiturates, Benzodiazepines, Methadone, and Propoxyphene.
- 11.8.5 Testing for the presence of Alcohol will be administered for Reasonable Suspicion, Post Accident or Follow up.
- 11.8.6 Prior to any testing of an employee the individual to be tested must sign the applicable consent form. Failure or refusal to sign the consent form after being asked to do so shall be interpreted, in the case of a candidate for employment as a withdrawal of that individual's application for employment. In the case of a current employee failure or refusal to sign the consent form after being asked to do so will result in that individual's termination of employment.

## **11.9 CONFIDENTIALITY**

Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the MRO should be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files.

## **11.10 INSPECTIONS**

Amherst County reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including discharge.

## **11.11 CRIMES INVOLVING DRUGS**

Amherst County prohibits all employees, from manufacturing, distributing, dispensing, possessing or using an illegal drug in or on County premises or while conducting County business. Amherst County employees are also prohibited from misusing legally prescribed or over-the-counter (OTC) drugs. Law enforcement personnel should be notified, as appropriate, when criminal activity is suspected.

Amherst County does not desire to intrude into the private lives of its employees, but recognizes that employees' off-the-job involvement with drugs and alcohol may have an impact on the workplace. Therefore, Amherst County reserves the right to take appropriate disciplinary action for drug use, sale or distribution while off County premises. All employees who are charged with, convicted of, plead guilty to or are sentenced for a crime involving an illegal drug are required to



report the [charges](#), conviction, plea or sentence to County Administrator/HR within five days. Failure to comply will result in automatic discharge. Cooperation in complying may result in suspension without pay to allow management to review the nature of the charges and the employee's past record with Amherst County.

## **11.12 COMMUNICATION**

Communicating our drug-free workplace policy to both supervisors and employees is critical to our success [and is accomplished](#) via distribution of the Amherst County Human Resources Regulation. Every [supervisor](#) ~~Supervisor~~ will receive training to help them recognize and manage employees with alcohol and other drug problems.

## **11.13 ENFORCEMENT**

The County Administrator/Human Resources department is responsible for policy interpretation, administration and enforcement.

## **12 TOBACCO USE**

### **12.1 POLICY**

It is the general policy of Amherst County that there shall be no tobacco use (smoking, chewing, or dipping) as defined herein in any building or vehicle owned or leased by the County at any time except in approved designated smoking areas. In establishing this policy, it is the intent of the Amherst County Board of Supervisors to comply with the Virginia Indoor Clean Air Act as contained in the Code of Virginia, Chapter 8.1, Sections 15.2-2800 through 15.2-2810.

### **12.2 DEFINITIONS**

12.2.1 Public place shall mean any enclosed, indoor area used by the general public including, but not limited to, any building owned or leased by the Commonwealth or any agency thereof or any County, city or town, public conveyance or public vehicle, restaurant, educational facility, hospital, nursing home, other health care facility, library, retail store of 15,000 square feet or more, auditorium, arena, theater, museum, concert hall, or other area used for a performance or an exhibit of the arts or sciences, or any meeting room. (Ref. Code of Virginia, Section 15.2-2800).

12.2.2 Smoke or smoking shall mean the carrying or holding of any lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment, or the lighting, inhaling or exhaling of smoke from a pipe, cigar, or cigarette of any kind. (Ref. Code of Virginia, Section 15.2-2800).

### **12.3 AUTHORITY**

The County Administrator, or, in the case of buildings not under the direct control of the County, the person in charge, is authorized to establish one (1) or more designated smoking areas outside of each County owned or leased facility provided that the designated smoking area shall be separate to the extent reasonably possible and practicable from those areas or rooms entered by the public or employees during the normal course of business.

**These areas are only available during lunch and break periods.**

#### 12.4 DISCIPLINARY ACTION

Any employee found to have violated this Policy is subject to standard progressive disciplinary action.

Any business partner, including but not limited to customers, vendors, consultants, independent contractors and any other visitor found to have repeatedly violated this policy is subject to sanctions, including termination of any business dealings with Amherst County.

#### 13. SOLICITATION AT WORK

- 13.1 Employees may not solicit, or distribute literature or any materials during working time. Working time does not include lunch periods, work breaks, or any other periods in which employees are not expected to be performing their duties.
- 13.2 The posting of written solicitations on County bulletin boards and e-mail distribution of solicitations are restricted.
- 13.3 Solicitation not related to County business is prohibited~~Non-business-related solicitation is not permitted~~ on County property with the following exceptions: local, civic, charitable and non-profit organizations, fundraisers, and persons associated with Amherst County employee benefit programs. The County shall establish reasonable limitations on such solicitations.

#### 14. HARASSMENT

Harassment based on race, ~~sex~~, color, ~~national origin~~, religion, ~~sex~~, age, national origin, political affiliation, disability, martial or pregnancy status, or any other characteristic protected by applicable law, will not be tolerated. Harassment arises from the dynamics of the workplace and can be based on nuances, subtle perceptions, and implicit communications. Conduct that may rise to the level of harassment includes verbal remarks (epithets, derogatory statements, slurs, jokes), physical contact (assaults, physical interference with movement or work, touching), visual displays (displaying of printed or photographic materials, objects), and other actions that are demeaning or hostile.

##### 14.1 DEFINITION SEXUAL HARASSMENT

Sexual harassment includes but is not limited to unwelcome advances, request for favors, or other verbal or physical conduct of a sexual nature when:

submission to such conduct is either explicitly or implicitly made a term or condition of employment;

submission to or rejection of such conduct is used as a basis for employment decisions;

the conduct is severe or pervasive enough to create an intimidating, hostile, or offensive work environment.

Examples of sexual harassment may include, but are not limited to, any of the following conduct:

unwelcome verbal **or** physical assaults;

subtle or overt pressures or direct requests for sexual favors;

possessing and/or displaying sexual oriented visuals and written materials (including but not limited to pictures, posters, calendars, books, notes, e-mails, internet web sites, cell phone "texting" or pictures);

a pattern of unwelcome conduct of a sexual nature that would be offensive to a reasonable person such as unnecessary touching, abusive or demeaning language or gestures (including remarks about another's clothing, body or body movements, or sexual activities), or teasing or joking.

## 14.2 VIOLATIONS

An employee who believes that this policy is being violated should (1) inform the offending person(s) that the conduct is unwelcome and (2) should report it immediately to the Department Head. If your Department Head is the alleged harasser or if you have a problem discussing this issue with your supervisor [or Department Head](#), contact the County Administrator or Human Resources. The report should be made in writing; however, a report will also be accepted by phone or in person.

If the County Administrator is involved in workplace harassment then the employee should directly go to the office of Human Resources. Likewise if the [Director of Human Resources Coordinator](#) is involved the employee should report directly to the Office of the [County Administrator](#).

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 will follow.

A non-employee/business partner who subjects an employee to harassment in the workplace will be informed of the County's policy and appropriate action will be taken to protect the employee from future harassing conduct.

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. The employee who brought the complaint will be provided information on the outcome of the investigation.

## 14.3 RETALIATION

Retaliation is illegal and contrary to the County policy of providing a work place free from harassment.

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 is being retaliated against, a written report should be made to his Department Head unless the Department Head is the subject of the matter. If such is the case, the



next level supervisor shall be contacted. Those who are found to be acting in a retaliatory manner will be disciplined for such conduct.

#### **14.4 WORKPLACE VIOLENCE PREVENTION**

Amherst County is committed to preventing workplace violence and to maintaining a safe work environment. Amherst County has adopted the following guidelines to deal with intimidation, harassment or other threats of, or actual violence in the workplace.

##### **14.4.1 Prohibited Conduct**

All employees, customers, vendors and business associates should be treated with courtesy and respect at all times. Amherst County will not tolerate conduct that threatens, intimidates or coerces another employee, customer, vendor or business associate. Amherst County resources may not be used to coerce, threaten, stalk or harass anyone at or outside the workplace.

Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities should be reported as soon as possible to a supervisor, security personnel, human resources (HR), or any member of senior management. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible.

Employees should promptly inform the Human Resources Department or the County Administrator of any protective or restraining order that they have obtained that lists the workplace as a protected area. Amherst County is committed to supporting victims of intimate partner violence by providing referrals to the County's employee assistance program and community resources and providing time off for reasons related to intimate partner violence.

##### **14.4.2 Investigations and Enforcement**

Amherst County will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The identity of the individual making a report will be maintained in confidence except when disclosure is required by law. To maintain workplace safety and the integrity of its investigation, Amherst County may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation.

Anyone found to be responsible for threats of or actual violence or other conduct that is in violation of these guidelines or having unauthorized possession of firearms, illegal knives, blackjacks, explosives, or other weapons on County property or on County time will be subject to prompt disciplinary action.

Amherst County encourages employees to bring their disputes to the attention of their supervisors or the County Administrator/HR department before the situation escalates.

#### **15. 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, when the problem has not been successfully resolved through informal efforts.

## 15.1 GRIEVANCE

### 15.1.1 Definition Of Grievance

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

Disciplinary actions, including disciplinary demotions, suspensions, and dismissals provided that such dismissals result from formal discipline or unsatisfactory job performance.

The application of personnel policies, procedures, rules, and regulations, and the application of ordinances and statutes.

Acts of retaliation as the result of the use of, 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.

Discrimination on the basis of race, color,  ~~creed~~, religion, sex, age, national origin, political affiliation,  ~~age~~, disability, or marital or pregnancy statusnational origin, or sex.

### 15.1.2 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:

Establishment and revision of wages or salaries, position classification, or general benefits.

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.

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

The methods, means, and personnel by which work activities are to be carried out, including but not necessarily limited to:

The provision of equipment, tools, and facilities necessary to accomplish tasks.

The scheduling and distribution of manpower/personnel resources.

Training and career development.

The hiring, promotion, transfer, assignment, and retention of employees in positions within the County's service.

Failure to promote, except where the employee can show that established promotional policies or procedures were not followed or applied fairly.

The relief of employees from duties, or taking action as may be necessary to carry out the duties, of the County in emergencies.

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 (6) 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:

There was a valid business reason for the action, and the employee was notified of the reason in writing prior to the effective date of the action.

[Questions regarding whether a management action is grievable should be directed to Human Resources.](#)

## 15.2 GRIEVANCE COVERAGE

Except as noted below, all non-probationary full-time and permanent part-time employees are eligible to file grievances under this procedure. The following are the exceptions:

15.2.1 Key officials of the County. For purposes of this procedure, a key official is defined as the head of any County department.

15.2.2 Employees whose terms of employment are limited by law.

15.2.3 Officials and employees who serve at the will or pleasure of an appointing authority.

15.2.4 Appointees of elected individuals or elected groups.

15.2.5 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 grievable.

15.2.6 Temporary, limited term and seasonal employees.

## 15.3 STEPS OF THE GRIEVANCE PROCEDURE

15.3.1 **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 (20) calendar days of the occurrence of the incident giving rise to the grievance or within twenty (20) 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 (10) 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.

- 15.3.2 **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 follows this procedure. The Grievance Form shall be delivered, by mail or in person, to the Department Head within ten (10) 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 (10) calendar days following receipt of the completed request form with a copy of the response being sent to the [County Administrator](#). By mutual consent of the grievant and the Department Head, the grievant may skip Step 2 and proceed directly to Step 3.

- 15.3.3 **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 (10) calendar days following receipt of the Step 2 response or immediately after the deadline for that response, whichever occurs first. If [Human Resources has the County Administrator determined 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 calendar days. The County Administrator will render a written response to the grievance within ten calendar days following receipt of the completed request form.

In the event that [Human Resources 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.

- 15.3.4 **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 **state hearing officer** (as appointed by the Executive Secretary of the Supreme Court or by the Department of Human Resource Management,) 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.

#### 15.4 GRIEVABILITY AND ACCESS

- 15.4.1 Grievability and access are determined by ~~Human Resources~~the County Administrator generally after the grievance reaches Step 3. Only after ~~Human Resources~~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 ~~Human Resources~~the County Administrator. ~~Human Resources~~The County Administrator shall render a decision within ten (10) calendar days of receipt of the ruling request and shall send a copy of the decision to the grievant, ~~and~~ the Department Head, ~~and the County Administrator~~.
- 15.4.2 ~~Human Resources~~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 (10) 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 ~~Human Resources~~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.

#### 15.5 GENERAL TERMS

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

- 15.5.1 Time intervals specified in Steps 1 through 4 may be extended by mutual consent of the parties.
- 15.5.2 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.
- 15.5.3 All grievance meetings shall be held during normal County working hours unless the grievant, Human Resource, or the County Administrator should mutually agree otherwise.
- 15.5.4 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.
- 15.5.5 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.

- 15.5.6 The use of recording devices or a court reporter is not permitted at Step 1, 2, and 3 meetings.
- 15.5.7 Both the grievant and the County may call appropriate witnesses. All witnesses, including the grievant, shall be subject to examination and cross-examination. Witnesses shall be present only while actually providing testimony.
- 15.5.8 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.
- 15.5.9 Each party shall bear the costs and expenses, if any, of his legal counsel or representative.

## **15.6 RULES FOR ADMINISTRATIVE HEARINGS**

To the extent they do not conflict with any other rules mandated by State law, administrative hearings shall be governed by rules that include, but need not be limited to, the following:

- 15.6.1 The hearing officer does not have authority to formulate policies or procedures, or to alter existing policies or procedures.
- 15.6.2 The hearing officer has the discretion to determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. At the request of either party, the hearing shall be private.
- 15.6.3 The County shall provide the hearing officer with copies of the grievance record prior to the hearing, and shall provide the grievant with a list of the documents furnished to the hearing officer. The grievant and his attorney, at least 10 days prior to the scheduled hearing, shall be allowed access to and copies of all relevant files intended to be used in the grievance proceeding.
- 15.6.4 The hearing officer has the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence.
- 15.6.5 All evidence shall be presented in the presence of the hearing officer and the parties, except by mutual consent of the parties.
- 15.6.6 Documents, exhibits and lists of witnesses shall be exchanged between the parties, and provided to the hearing officer in advance of the hearing.
- 15.6.7 The decision of the hearing officer, acting within the scope of its or his authority, shall be final, subject to existing policies, procedures, and law.
- 15.6.8 The hearing officer's decision shall be provided within a specified time to all parties.
- 15.6.9 Such other rules as the County may from time to time determine will facilitate fair and expeditious hearings, understanding that the hearings are not intended to be conducted like court proceedings, and that rules of evidence do not necessarily apply.



## 15.7 COMPLIANCE

- 15.7.1 Except as noted in paragraph 16.5 (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 (5) 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.
- 15.7.2 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 Human Resources or the County Administrator notice of the non-compliance.
- 15.7.3 Human Resources~~The County Administrator~~ shall determine compliance issues. Compliance determinations made by Human Resources~~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 (30) calendar days of the compliance determination.

## 16 EMPLOYEE EVALUATION

### 16.1 FORM

County employees are evaluated annually using the standardized Performance Appraisal form approved by the Director of Human Resources ~~Coordinator~~ and the County Administrator. Probationary employees shall be evaluated at intervals of 30 days, 3 months and 6 months before the end of their probation.

### 16.2 PERFORMANCE MANAGEMENT

The Value of Performance Management Program:

- Providing honest, direct and consistent feedback.
- Rewarding employees for their performance through merit increases.
- Improving performance and productivity.
- Strengthening work relationships and improving communications between employees and Department Heads.
- Assisting employees in recognizing their strengths and areas for growth and development.

#### 16.2.1 Performance Appraisal

The Performance Appraisal is a process that is used to measure performance, motivate, develop and retain employees.

#### 16.2.2 Performance Appraisal

Employees are evaluated during their probationary period, and thereafter annually. During the probationary period, the employee's work performance and progress will be evaluated to determine if they are qualified and meet the County expectations to perform their assigned job. An appraisal will be conducted and reviewed with the employee. The purpose of the probationary period is to provide an opportunity to demonstrate their ability and qualification to do the job.

Annual performance appraisals are generally conducted every January/February. The purpose of annual performance appraisal is to give both the employee and the supervisor an opportunity to review the employee's performance and identify areas of strength, areas needing improvement, expectations going forward and the individual development plans for employees. Appraisals will be based on an employee's overall performance in relation to their job responsibilities and will also take into account their conduct, demeanor, and record of on-time attendance.

An annual feedback evaluation is also conducted by immediate supervisors for each employee in July/August. The purpose of the annual feedback evaluation is to give the employee the same information, but at the mid-year point so there is time to make improvement or other changes prior to the annual performance review. The feedback is not retained in the employee's official personnel file. It is only retained by the Supervisor for use in preparing the annual performance appraisal.

Performance appraisals are confidential. The contents of performance appraisals shall be made available only to the employee being evaluated, the Supervisor, Department Head, Human Resources and the County Administrator. Any failure to maintain the confidentiality of this information may result in disciplinary action.

Performance appraisals do not automatically include salary adjustments. Each year, the County Administrator, in conjunction with the Board of Supervisors, will determine the extent to which the County will participate in a merit increase program. Any salary reviews conducted must comply with the guidelines set by the County Administrator and the Board of Supervisors.

In addition to the regular performance evaluation described above, Department Heads or supervisors may conduct a special written performance appraisal at any time when there is a significant change in the employee's performance that it affects the performance or output of the Department.

The performance appraisal form is completed by the employee's supervisor and forwarded to the Department Head who then reviews it with the supervisor. The supervisor should obtain input from employees on accomplishments or other matters that could be included in the appraisal. Following the appraisal by the Department Head, the employee, and their immediate supervisor then review and discuss the performance appraisal along with any other documentation prepared by the supervisor before the appraisal is made a part of the employee's record. If an employee disagrees with any statement in their appraisal, they may submit a written statement. This statement shall then be attached to the appraisal form and forwarded to the County Administrator for inclusion in the record. The supervisor shall give a copy of the appraisal to the employee.

When an employee's performance is unsatisfactory, the supervisor shall establish a performance improvement plan.

This plan is designed for the employee to demonstrate, on an immediate and sustained basis, an improvement in their performance. In addition, a reasonable and attainable timeframe will be established for the employee to bring their performance to a minimum satisfactory level. In the event the employee is unable to perform their job duties at a satisfactory level, on an immediate and sustained basis within the established timeframe, additional disciplinary action will be taken.

- 16.2.3 If an employee has not received a performance appraisal in accordance with the above time frames, they should notify their supervisor and the Department Head in writing. The employee should advise the Human Resources Department if written notification does not result in a performance appraisal.

## **17 TRAVEL EXPENSES**

### **17.1 PURPOSE**

The County's policy regarding reimbursement for travel or business-related expenditures includes a variety of practices to provide the employee with fair and equitable compensation for travel expenses related to the conduct of County business.

### **17.2 GENERAL**

Requests for County travel must be preapproved by the Department Head. Travel allocations shall normally be included in departmental operating budget requests.

Requests for travel and other expense reimbursement must be made on an approved County reimbursement form, and must be accompanied by receipts and other documentation.

Each expense for which reimbursement is sought must be itemized.

Each employee seeking reimbursement must sign their request. Each request must be signed and approved by the Department Head.

Reimbursements will be made only to the employee seeking the reimbursement and not to a second party.

### **17.3 MEAL ALLOWANCE**

Reimbursements for meals shall not exceed the amount approved by the Board of Supervisors. Information concerning the current amounts may be obtained from Central Accounting. Itemized receipts must be attached when requesting reimbursements.

### **17.4 MILEAGE REIMBURSEMENT**

It is expected that employees traveling out of town on County business will use only the most direct route to and from the location of that business.

The use of personal vehicles for County business will be reimbursed after a determination is made by the respective Department Head. Mileage shall be reimbursed at the prevailing rate per mile for business use of personal vehicles by the Internal Revenue Service.



## **17.5 REIMBURSEMENT**

All reimbursements will be paid by Direct Deposit into the same account as the monthly paycheck. The reimbursements include but are not limited to: meals, conference/meeting expenses, or reimbursement of travel incurred while as a representative of the County of Amherst in official business matters.

## **18 HEALTH AND SAFETY**

### **18.1 OCCUPATIONAL SAFETY AND HEALTH**

18.1.1 Amherst County attempts to provide a safe and healthy working environment for all employees by providing the necessary safety education and training. Employees shall follow all prescribed safety procedures when performing their daily activities and shall further exercise all reasonable and prudent judgment to ensure safety.

18.1.2 Each supervisor has the responsibility for ensuring that the various work centers are free from any recognized hazards that might lead to death or injury. All hazards, deaths, injuries, and illnesses that occur on County property must be reported to Human Resources or Department Head within the same day of the discovery or occurrence.

18.1.3 Employees are directed to utilize all applicable safety procedures and equipment, and to perform all work in a safe manner. Employees are responsible for bringing to their supervisor's attention any potential hazards that might exist within their workstations. Human Resources and ~~supervisors~~Supervisors are responsible for developing and maintaining work safety rules and for providing these rules in writing to their subordinates.

Specifically, employees shall:

18.1.3.1 Report all injuries, regardless of severity, to the supervisor immediately but no later than twenty-four (24) hours after occurrence.

18.1.3.2 Report and, if possible, correct all unsafe conditions or acts.

18.1.3.3 Avoid horseplay and mischief which could cause injury.

18.1.3.4 Take all standard safety precautions to prevent injury.

18.1.3.5 Follow all safety rules.

### **18.2 SELF- INSPECTION SAFETY PROGRAM**

#### **18.2.1 Purpose**

Hazard prevention and control may be the most cost effective aspect of the County's safety program. Self-inspections will allow identification of most hazards. Some hazards will be physical while others will be procedural. All must be identified and addressed in some way.

#### 18.2.2 General Policy Statement

In an effort to create a safe and healthy workplace, the County has established a policy to conduct regularly scheduled self-inspections of the County's premises, job sites, and procedures by which all work is completed. All necessary steps will be taken to ensure the safety of employees, the public, and any contractors.

#### 18.2.3 Management Responsibilities

Department Heads will conduct or support self-inspection training for supervisors and/or employees that may have a part in this activity.

Department Heads will monitor the implementation of the Self-Inspection Program in order to evaluate the overall effectiveness.

Each supervisor will provide the means and support necessary to ensure compliance with all applicable regulations and responsibilities outlined herein.

A Safety Committee, appointed by the County Administrator, shall have developmental and audit duties to be certain the safety policy is written, firmly established, and maintained.

The Safety Committee will be responsible for working with Department Heads to delegate activities to committee members or other supervisors to complete the self-inspections.

#### 18.2.4 Employee Responsibilities

To make the Self-Inspection Program as productive as possible, all County employees are expected to cooperate by answering any safety or work procedural questions asked by inspectors.

Employees are encouraged to volunteer ideas about how facilities, equipment or work procedures can be changed or improved to make them safer.

Report all hazardous conditions, dangerous work procedures, and near misses (an unplanned event that could have caused injury or damage).

#### 18.2.5 Safety Committee.

Will establish the types of inspections to be conducted and will determine the frequency of completion. Once an initial inspection is completed, the frequency of further inspections will be determined. This will be based on the number and severity of hazards identified. Many OSHA programs require an annual inspection/survey. Along with management, the committee will decide which self-inspections safety committee members would conduct and which are to be delegated to supervisors, equipment operators or specially trained engineers or maintenance personnel. All self-inspections required to be conducted more often than monthly will be completed by non-safety committee members.

#### 18.2.6 Inspection Procedures.

Previous inspection reports and any incident investigation reports will be reviewed prior to initiating an inspection to determine what items have been corrected, modified, completed, etc. The new inspection is then completed. A copy of the completed inspection form(s) will be forwarded to the designated inspection program coordinator, with recommendations for corrective action if deficiencies are noted. Department Heads will take immediate corrective action to eliminate or minimize hazards. Management will then initiate permanent corrective action where possible.

#### 18.2.7 Observations of Procedures and Actions.

Observations of work practices and procedures will be conducted in addition to the established checklists. Comments will be offered on the inspection form and reported to the appropriate supervisor(s). This component of the inspection process will be kept professional and positive, not punitive. These inspections will accompany/be conducted independently of the checklist portion of the inspection process. Observation inspections will be conducted every two months.

#### 18.2.8 Forms.

Forms to guide investigators will be produced and modified as needed. Other forms will be generated and used as deemed necessary and may need to be specifically designed for some departments. Some forms will require descriptive observations made about how employees perform specific tasks, to determine work methods and actions that may contribute to hazards.

#### 18.2.9 Inspector Training.

Training on how to conduct effective self-inspections will be coordinated by the safety committee and Human Resources. Classroom training may be followed by site inspections with instruction from an experienced inspector who is able to answer questions relating to the inspection process and the inspection forms themselves.

#### 18.2.10 Inspection Results/Corrective Actions.

All items noted as needing improvement, modification, or action will be communicated to the appropriate Department Head or supervisor for the department(s) affected. Response to the deficiency will depend on the action as indicated by the nature of the shortfall. A response from the Department Head/supervisor will be sent to the safety committee indicating action(s) taken.

#### 18.2.11 Follow-up.

If necessary, the safety committee will review and act on all lack of progress in addressing self-inspection items noted for improvement.

### **18.3 ACCIDENT OR INJURY INCIDENT INVESTIGATION PROGRAM**

#### 18.3.1 General



Learning from previous undesired incidents is a key element in the prevention of future similar incidents. The County, through this policy, addresses procedures to be followed for all incidents or near misses resulting in employee injury or property damage, and those incidents that might have had the same results. The depth of investigation will vary with the result of the incident and the potential for future consequences.

#### 18.3.2 Management Responsibilities

All supervisors and Department Heads will be trained in how to conduct and report thorough incident investigations. The immediate supervisor of the employee(s) involved in the incident will conduct the majority of investigations. Reports generated will be routed through Human Resources or the Assistant County Administrator, the Safety Committee and the insurance carrier(s). Management will ensure that both immediate and long-term corrective actions are taken to prevent re-occurrence. Incident investigation reports will be kept permanently on file.

#### 18.3.3 Employee Participation

Employees will be instructed to report all incidents, including near misses to their supervisor at their earliest opportunity and will assist as requested in the investigation process. Employees are encouraged to volunteer ideas that may help to prevent similar incidents in the future.

#### 18.3.4 Prompt Investigations

Investigations should be conducted immediately or at least within twenty four (24) hours. Providing first-aid and other medical treatment for injured employees will take precedence over initiating the incident investigation. The purpose of prompt investigations is to gather all the facts before the scene can change and witnesses are influenced. The lead investigator may elicit the assistance of others in the process of investigating the incident. These could include other Department Heads, safety committee members, [Human Resources](#)~~human resources~~, maintenance workers, or the Risk Management Coordinator.

#### 18.3.5 Investigative Procedures

The actual procedures used in a particular investigation depend on the nature and results of the incident. Incident investigation is primarily a fact-finding procedure; the facts revealed are used to prevent recurrences of similar incidents. The focus of incident investigation will be to prevent future incidents and injuries to thus increase the safety and health of all employees. The site shall be secured to preserve the incident evidence unless hazards within the site must first be controlled.

Some preliminary information gathered will include:

##### Witness Interviews

Witnesses include those present at the time of the incident and also those who were in the area just before or after the incident as well. They should be questioned about whether they have discussed the incident with others.

### Corrective Actions

Corrective actions will be determined for each and every cause identified during the investigation process. The minimum corrective action will be a brief retraining session for all department employees that conduct the same task as employee(s) involved in the incident. It may be possible to yield greater benefits by including procedural and physical changes in the environment where the incident occurred.

### Follow Up of Corrective Actions

The lead investigator will report to the Risk Management Coordinator at the end of 6 (six) months as to how effective the corrective actions have been. If corrective actions resulted in the creation of new hazards, this will be included in the report as well.

## 18.4 WORKERS' COMPENSATION

- 18.4.1 Supervisors should encourage safe work practices and make safety an integral part of the day-to-day activities. Employees are required to comply with safety policies, including proper operation of machinery and use of safety equipment. Disciplinary action may be taken where unsafe practices are observed.
- 18.4.2 When an accident or qualifying illness occurs while at or as the result of work, an employee may be entitled to compensation to help offset the loss of wages during the period that the employee is unable to work. Employees involved in an on the job accident or incident that results in an injury or potential injury, no matter how slight it may seem, must report the accident to their supervisor immediately and contact Company Nurse (i.e., on the day of the accident or as soon as possible). Failure to report any such injury may result in the loss or delay of Workers Compensation benefits and be subject to disciplinary action. **In case of a life or limb threatening emergency, 911 must be called.**
- 18.4.3 State law allows the County to designate physicians that will treat Workers' Compensation illnesses/injuries. Company Nurse or the supervisor will provide the employee with the Panel of Physicians list and appropriate paperwork and instructions. If an employee chooses to be treated by a physician other than one on the County's panel of physicians, the employee may be responsible for medical expenses related to the treatment. If the injury is determined to be compensable, the injured employee will receive Workers' Compensation benefits in an amount equal to 66 2/3 percent of their gross average weekly wage. **Workers' Compensation benefits are paid directly to the employee and are non-taxable.** If the injury is determined to be non-compensable, all absences will first be charged to accrued sick leave and/or other compensable leave as approved by the supervisor.
- 18.4.4 Under the Virginia Workers' Compensation Act, a disability of over seven (7) days is required before payment of Worker's Compensation salary benefits can be made. If the disability exceeds twenty-one (21) days, Workers' Compensation will be provided, retroactively for the first seven (7) days.

- 18.4.5 During the first seven (7) calendar days that an employee is absent from work because of a job-related illness or injury, the County will place the employee on Injury Leave with pay. Absences away from work because of an accident on the job should be recorded on employee time records as a "Workers' Compensation" credit. **Should the absences continue for more than seven (7) days, the employee will be placed on leave without pay.**
- 18.4.6 The injured employee will not accrue sick and annual leave while out on leave without pay. If the employee is not paid wages for the entire day on which the injury occurred, the seven day waiting period shall include the day of the injury regardless of the hour of the injury. All days or parts of days when the injured employee is unable to earn a full day's wages due to injury, shall be counted in computing the seven-day waiting period even though the days may not be consecutive.
- 18.4.7 The immediate supervisor will periodically monitor the employee's progress and keep lines of communication to encourage and ensure a more successful return to work, the supervisor will assist the employee in finding light duty or modified work.
- 18.4.8 The Family and Medical Leave Act requires that the County provide up to 12 weeks of unpaid, job-protected leave to eligible employees when a serious health condition makes an employee unable to perform their job. Any Workers' Compensation injury or illness that qualifies as a serious health condition will be designated as FMLA and counted against the employee's annual FMLA entitlement. For the duration of the FMLA leave, the County will maintain the employee's health and life insurance coverage. The employee must pay for other benefits that are usually deducted from their salary.
- 18.4.9 If an injured employee is unable to return to work at the conclusion of the 12 weeks, the employee will remain on leave of absence for a period not to exceed six months. Subject to applicable law, Department Heads have the discretion of extending the Workers' Compensation leave based on the needs of the department and any undue hardship created by the continued absence of the injured employee. Should an employee believe they are eligible for disability retirement under the Virginia Retirement System, they should discuss this with the Department Head.
- 18.4.10 If the injury is determined to be compensable, the injured employee has the option of maintaining their current level of pay. To initiate this option, the injured employee shall notify the supervisor of the desire to be "kept whole." The supervisor will notify the Human Resources Office or Central Accounting.

The "kept whole" process will be completed as follows: once the Worker's Compensation payment is determined the employee will provide Human Resources with a copy of the Worker's Compensation wage check . When the check has been received a "kept whole" pay will be determined.

A "kept whole" pay will be calculated as follows:

Gross Wages  
- less Worker's Compensation Payment  
Adjusted "kept whole" pay

Adjusted "kept whole" pay



- Tax  
- Deductions  
\_\_\_\_\_  
Net "Kept whole" Pay

Voluntary deductions may be authorized to be taken from the supplement. In instances when the supplement does not cover deductions the employee may pay for those by check prior to the completion of payroll.

The "Kept whole" supplement must be a minimum of \$1.00 and it will be processed through regular monthly payroll.

The employee is only eligible to be "kept whole" for up to three (3) months. If at the end of three (3) months the employee is still not able to return to work a written request to continue to be "kept whole" another three (3) months may be submitted. This request will only be approved if there is evidence that the employee will be able to return to full duty within the second three (3) month period, or if the employee's disability retirement is pending. The supplement will not be extended if the initial disability retirement claim is denied. Additional extensions can be made on a case-by-case basis up to three(3) months.

While being "kept whole" the employee will be eligible for health, dental and life insurance, and will accrue sick, vacation and personal leave. The employee will also receive VRS service credit for the length of the supplement.

When the employee returns to full duty, time off of less than a day for follow-up medical attention will be designated as Injury Leave.

## **18.5 RETURN-TO-WORK POLICY**

*The medical provider will notify the employer of any changes in the injured worker's physical restrictions, in writing, and will specify the employee's ability to return to work with or without restrictions or reasonable accommodation.*

### **18.5.1 Statement**

The County will make every effort to return injured employees to productive employment as early as possible, compatible with physical restrictions and good medical practices.

A strong return to work effort yields several benefits including:

Acceleration of the injured employee's recovery.

Maintenance of an experienced workforce.

Reductions in claims costs.

Improved employee relations.

The County's first responsibility is the prevention of occupational injury and illness. The County is committed to providing transitional work, on a temporary basis. The employee will continue to receive pay at their regular pay scale and receive job-related benefits of their original position.

Transitional work is defined as:

Appropriate work to allow the resolution of the injury and to prevent re-injury.  
Modification of the job according to the medical limitations and needs of the department where the employee may be assigned.  
A meaningful job.

Temporary transitional work assignments will be reviewed every fourteen (14) days.

#### 18.5.2 Procedure

Amherst County shall receive a workers' compensation follow-up form which identifies specific employee restrictions.

The County shall review these physical restrictions and plan tasks for the employee on a temporary transitional assignment.

The employer and employee will meet to discuss the temporary transitional work assignment and complete a temporary transitional work form.

The employer will re-evaluate all temporary work assignments every fourteen (14) days.

Every effort shall be made within the employee's department or if necessary within another department to find a suitable modified work assignment for an employee unable to perform their regular duties.

The modified work assignment shall be based upon the treating physician's medical evaluation (including information on required medical treatments, recovery prognosis, work restrictions, and time frames). The Department Head, [Director of Human Resources Coordinator](#) and/or the Safety Committee, when needed, shall carefully consider the medical report(s) and the availability of suitable modified duty prior to initiating a modified work assignment. The Safety Committee may also provide assistance when needed in identifying modified work.

An injured employee, who refuses any suitable employment, shall not be entitled to any compensation at any time during the continuance of such refusal, unless in the opinion of the VWCC (Virginia Worker's Compensation Commission) the refusal was justified.

### 18.6 VEHICLE SAFETY POLICY AND DRIVER REQUIREMENTS

County owned vehicles may be operated only by approved County employees for purposes of work-related activities. Prior to employment, an applicant for a County position must agree to a license check and a drug screening by executing County approved consent forms. Driver's license checks will be conducted on all employees who operate County vehicles once a year, thereafter.

If operation of a County owned vehicle is a primary requirement of an employee's job, a poor driving record could result in disciplinary action. Drug tests may be required for vehicle operators at any time as outlined in Section 11. Other requirements include:

18.6.1 Only Certified County employees may operate County owned vehicles and other motorized equipment

18.6.4 Responsibility

- 18.6.4.1 Seat belts are required at all times for the operator and all occupants of County vehicles.
- 18.6.4.2 An employee operating a County vehicle must report any mechanical failure, accident, traffic violation or damage sustained to the vehicle while in the employee's use to the Department Head or his designee.
- 18.6.4.3 County employees shall obey all traffic laws while operating a County owned vehicle and focus on driving at all times. Operators should avoid distractions such as cell phone usage and eating while driving in a moving vehicle.
- 18.6.4.4 A file shall be kept on each vehicle owned by the County by the department to which that vehicle is assigned. This file shall contain maintenance records and other pertinent information associated with the vehicle.
- 18.6.4.5 County employees and occupants shall not use tobacco products while in a County owned vehicle.
- 18.6.4.6 County employees shall not use, purchase, or transport alcohol while driving County owned vehicles.
- 18.6.4.7 Department Heads shall ensure that all vehicles assigned to their department will be inspected every two (2) months. The purpose of this inspection is to identify potential safety concerns with the vehicle and to ensure that all necessary equipment remains with the vehicle. The inspections shall be documented and kept in the vehicle file.
- 18.6.4.8 Employees required to use their personal vehicle for County business shall complete the Amherst County Mileage Report to receive the mileage allowance as determined by IRS regulations. Employees are also required to have the minimum personal vehicle liability coverage as required by the Commonwealth of Virginia.

18.6.5 Accident Review

County drivers who are involved in an accident while operating a vehicle on County business may be interviewed by the County or Departmental Accident Review Committee. The purpose of the review is to learn ways to prevent accidents and to recommend appropriate actions to the County Administrator.

18.6.6 Driver Requirements

Acceptable Driving Record

For the purposes of this policy, the following constitutes an acceptable driving record:



A valid Virginia driver's license with a score of -4 or better.

No license revocations or suspensions within the past three (3) years.

No record of conviction of a felony while operating a motor vehicle.

No Driving under the Influence ("DUI") Driving while Intoxicated ("DWI") convictions in the past two (2) years.

County drivers must also meet any additional safety criteria determined by the County's insurance carriers.

#### 18.6.7 Driver Eligibility

In order to operate County owned vehicles, an employee must be eighteen (18) years of age and have an acceptable driving record. If the employee's job requires transporting non-County employees in County vehicles, the employee must be at least twenty-one (21) years of age and have a minimum of three (3) years of acceptable, licensed driving experience.

All County employees whose jobs may include driving responsibilities will have their Department of Motor Vehicles ("DMV") driving record reviewed annually.

A County employee is only eligible to operate a vehicle for County business purposes if their DMV driving record is determined to be satisfactory upon review.

Employees must inform their Supervisor of the following:

That the operator's DMV driver's license being restricted, suspended, or revoked.

Charges for moving violations while operating a vehicle.

Legal charges or convictions while operating a vehicle.

Employees who fail to report such offenses outlined may be subject to disciplinary action.

#### 18.6.9 Disciplinary Actions Related to Poor Driving Performance:

If a County employee incurs violations while operating a County vehicle the employee may receive the following disciplinary actions:

18.6.9.1 Revocation or suspension of their driver's license will result in loss of driving privileges for County vehicles.

18.6.9.2 Failure to report a moving violation while driving on County business will result in disciplinary action.

18.6.9.3 Failure to report an accident while driving on County business will result in disciplinary action.

- 18.6.9.4 An employee who is charged with a DUI/DWI while on or off the job is prohibited from operating County owned vehicles until a decision on the charge is rendered in Court. If the employee normally operates a County owned vehicle, an assignment to a non-driving position may be required. If a non-driving assignment is not available, the employee may be required to take appropriate leave or be placed on administrative leave without pay pending the outcome of the court decision.

## **19. ELECTRONIC COMMUNICATIONS EQUIPMENT**

The County may provide electronic, digital, and wireless communications equipment for County business purposes. Any communication received, sent, and stored on this equipment will be subject to monitoring and in the course of this monitoring may be read for content.

**There should be no expectation of privacy in any communications received, sent, or stored on any equipment or service provided by the County.**

County provided telephones and radios are for work related purposes. While occasional personal calls may be permitted, the number and duration of such calls should be limited. Failure to follow this guideline is a performance issue and will be addressed by the employee's Department Head. Other than in emergency situations, use of personal cell phones should be limited to lunch time or breaks.

### **19.1 COUNTY COMPUTER USAGE**

- 19.1.1 The IT policy for the County of Amherst establishes guidelines for the proper and acceptable use of all information systems including e-mail by County employees, elected officials, volunteers, interns, and any other affiliates who may be authorized to use or perform work on hardware, software, devices, and/or network connections provided by the County of Amherst.
- 19.1.2 All electronic data created with, received by, or stored within any of the systems mentioned above, administered by the County of Amherst, are the property of the County, and therefore, are not considered private to an individual, except where legally stated. Employees do not have personal privacy rights in using the County's e-mail system, internet, nor any other hardware or software owned and operated by the County.
- 19.1.3 The County Administrator or Director of Information Technology reserve the right to restrict or remove access or availability of electronic tools for any employee or user of our network or connections as provided by the County of Amherst that violates appropriate use and/or security policies and practices.
- 19.1.4 Refer to the Information Technology Policy you were given at the time of employment, as well as any revisions that may apply, for more specific information as to what is and is not permissible for the systems owned by and administered by the County of Amherst.
- 19.1.3 Because the public library also provides computers and internet access to the public, its internet requirements meet federal and state requirements and are dictated by the acceptable use policy required by the Commonwealth of Virginia and approved by the Board of Trustees.

## **19.2 TELEPHONE CALLS/PERSONAL COMMUNICATION DEVICES**

The use of personal communication devices such as personal cell phones, pagers, beepers, laptop computers, etc. is to be kept at a minimum in both frequency and duration during working hours. Such communication are a privilege, not a right. Excessive use, as determined by your supervisor, may be subject to disciplinary action. Family members, or other individuals who might contact you during working hours, should be advised of these restrictions. Personal communications devices may be used before and after scheduled work hours, or during breaks or lunch. County issued cell phones shall not be used for a private business, for financial profit, or personal gain.

In some cases, it may benefit the ~~county~~County for an employee to use ~~their~~personal communication devices for ~~county~~County business purposes. If this need has been identified and both the Department head and employee agree to this use, an employee may receive reimbursement for a portion of ~~their~~ the device's monthly service cost and approved work-related long distance charges. The amount of the reimbursement will be determined according to County accounting policies and procedures.

## **19.3 KEYS TO FACILITIES AND OTHER COUNTY PROPERTY**

Depending on job duties employees may be issued County property such keys (no key is to be reproduced), radios, electronic tablet, laptop computer, tools, cell phone, rental uniforms, etc.

Such items are considered County owned property and should be treated as such. All employees will sign a receipt form for such items as they are issued. In the event that the issued items are lost, the employee may be responsible for all associated costs. These costs may also include lock changes.

An employee terminating their employment must return all County equipment to their Department Head.

## **20. POLITICAL ACTIVITY**

All County employees are encouraged to exercise their right to vote and to express private opinions on candidates and issues. However, to ensure and maintain each employee's individual rights free from interference or solicitation by fellow employees, supervisors or officials, political activities during working hours or when officially representing the County are prohibited. General statements of County policies and practices include:

- 20.1 An employee shall not be coerced to support a political activity or to sign petitions for office.
- 20.2 An employee shall not engage in political activity on work premises during work hours.
- 20.3 An employee shall not use County resources for political activities.
- 20.4 An employee shall not use, discriminate in favor of or against, any person or applicant for employment based on political activities.
- 20.5 An employee shall not use the employee's title or position while engaging in political activity.



- 20.6 Constitutional Officers and their appointees will conform to the State Board of Election regulations and law~~Laws~~.

**21. Policy Enforcement**

The County Administrator/Human Resources department is responsible for policy interpretation, administration and enforcement

**22. SEVERABILITY AND MODIFICATIONS**

22.1 Conflicting Policies Repealed

All prior policies that conflict with the provisions of this policy are hereby repealed.

22.2 Severability

Should any section, subsection or provision of this Regulation be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this Regulation as a whole or any part thereof, other than the part so declared, to be invalid and unconstitutional.

22.3 Right to Amend

The County reserves the right to modify all or any part of this Regulation as may become necessary.

22.4 Violation of Policy Provisions

An employee violating any of the provisions of this policy shall be subject to disciplinary action, suspension, and/or dismissal, in addition to any civil or criminal penalty.

22.5 Effective Date

This policy shall become effective upon adoption.