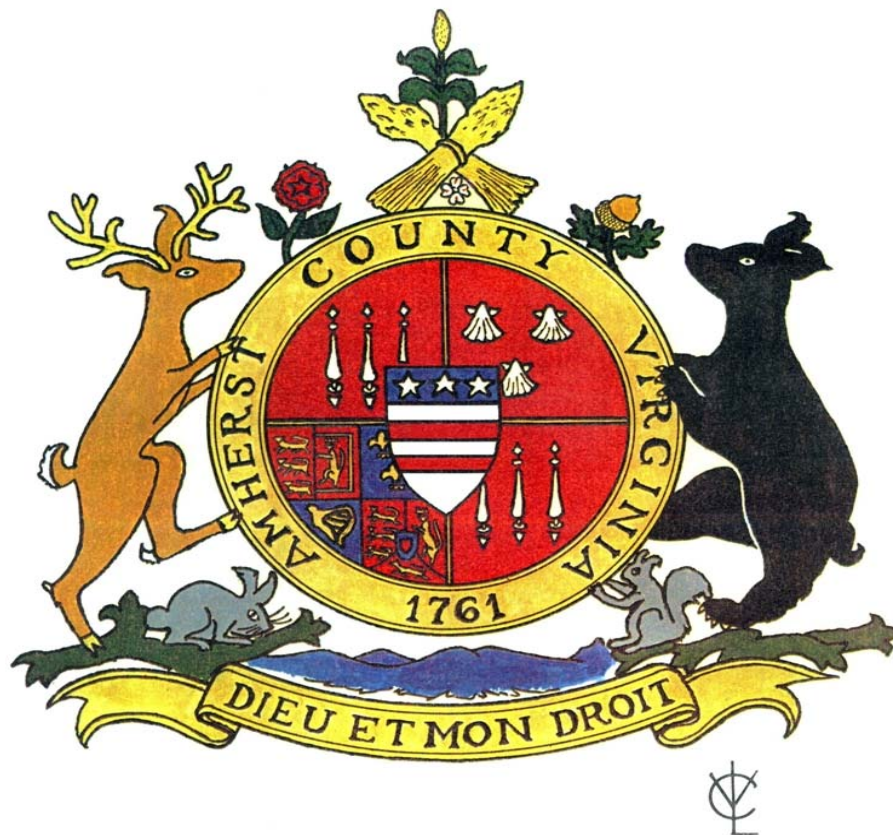


Amherst County Personnel Policies Manual



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The most current addition of this manual can be found on the County website at www.countyofamherst.com

AMHERST COUNTY, VIRGINIA PERSONNEL POLICY MANUAL

1. INTRODUCTION

1.1 PURPOSE OF THE PERSONNEL POLICIES

It is the policy of the Amherst County Board of Supervisors to establish:

The following policies, regulations, and other administrative provisions for personnel administration by the Board of Supervisors for Amherst County 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; and,
- C. To provide assistance to department directors and supervisors in their administration of personnel matters.

The Amherst County Personnel Policies Manual establishes general County policies and procedures to be used by all County employees covered by the Manual and provides a description of the County's benefits and the general County policies pertaining to benefits provided to employees. Policies 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 policies. If such interpretations are necessary, procedures for such interpretations are established and interpretations shall be made in keeping with the intent of the policies and procedures.

This manual 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 Constitutional or Statutory requirements. The term "at-will" means employees can terminate or be terminated at will. Exceptions are employees having written contracts signed by the administrator.

From time to time, conditions or circumstances may require the County to make changes, additions, or deletions to the policies and benefits provided in this Manual. When changes to the policies and benefits of the County are made, employees will be notified of the new or revised policies or benefits within a reasonable time.

Due to the scope of the County's operations all benefits and policies cannot be specifically set forth in this Manual, and written notices may be circulated or new policies may be communicated verbally from time to time. In addition, there may be special policies applicable to particular departments with which employees in particular should be familiar. The County Administrator or his designee may amend this manual as necessary. Any such amendments shall not be effective until the County Administrator has reported the amendment to the Board of Supervisors at a public meeting. The policies as a whole, or individually by section, may be modified, amended, or rescinded at the sole discretion of the County without notice.

The personnel policies set forth in this Manual supersede all previous personnel policies and serves as the official personnel policies of Amherst County, Virginia.

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

1.2 APPLICABILITY OF POLICIES

The policies 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; and
- C. Constitutional Officers and their appointees not specifically covered by the latest revised Cooperative Agreement.

The Board of Supervisors 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 1.2 of this policy, and those identified in Section 15.2 of this policy.

In any case where an employee is working for a board established by the Amherst County Board of Supervisors, with the authority to make policy for that department, then where reference herein is made to the Board of Supervisors, that department's name should be inserted; and where reference is made to County Administrator, the name of the director of that department should be inserted. It should be noted that boards established by the Board of Supervisors do not have authority to change County policy. Rather, such boards only have authority to act on those matters that specifically allow decisions or interpretations as defined in this Manual.

The policies 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 Board of Supervisors and as documented in any Cooperative Agreements that may be agreed to by all parties and adopted by the Board of Supervisors.

1.3 DISSEMINATION OF POLICIES

The County Administrator will make public complete copies of all policies and changes thereto, and shall be responsible for maintaining complete current policies. Employees will be provided with various changes and updates. In addition, a copy shall be maintained in the office of each department director. Each County employee shall be given a copy of the personnel policies upon adoption of these policies by the Amherst County Board of Supervisors. Future employees shall receive a copy of the current personnel policies when they begin their employment service with the County. All employees will acknowledge receipt of these policies 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 these policies have been read and are understood by the employee. The Personnel Policies Manual shall be available for review by any employee or the public during the County's regular business hours.

1.4 DEFINITIONS

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

- A. **ALLOCATION.** The assignment of an individual position to an appropriate class of positions on the basis of the kind, difficulty, required skill, and responsibility of the work performed.
- B. **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.
- C. **APPOINTEE.** A term used by the Constitutional Offices to designate those who work at the pleasure of the Constitutional Officer. The term "employee" as used in this Manual also applies to the appointee except where otherwise designated.
- D. **CLASS.** A position or group of positions which are sufficiently alike in job evaluation factors (such as duties performed, degree of supervision, required minimum requirements of education, experience or skill and other such characteristics) to be equitably assigned the same class title, same or similar qualification requirements, the same skill level, the same test of fitness and the same salary range.
- E. **CLASSIFICATION.** The entire process of assigning and reassigning individuals to positions and positions to classes and classes to grades to the end that employees will be employed and compensated on the basis of merit, fitness, and actual duties performed so that there may exist equal pay for equal work.
- F. **CLASS DESCRIPTION.** A written description of a class of positions containing a title, statement of typical duties, responsibilities, and minimum or desirable qualifications for applicants or incumbents to insure satisfactory performance.
- G. **DEMOTION.** The change of an employee from a position in one class to a position in another having a lower pay grade and requiring the performance of less responsible duties.

- H. **GRADE OR PAY GRADE.** The numerical designation of a fixed salary range assigned to a position, class or group of classes.
- I. **IMMEDIATE FAMILY.** Includes: the employee's parents and/or spouse's parents, grandparents and/or spouse's grandparents, wife, husband, children, brother or sister, and any relative living in the household of the employee.
- J. **MERIT INCREASE.** Advancement in pay of an employee to a higher step in the pay grade based upon satisfactory display of merit in performance of duties and not requiring a change in basic duties.
- K. **POSITION DESCRIPTION.** A detailed written description of the specific duties assigned to and performed by a particular employee to serve as the basis for classification.
- L. **PROBATIONARY PERIOD.** A working test period, presently established by the department head at the time of hiring, 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. The probationary period may be extended if approved by the department head and the county administrator. Employees dismissed during their probationary period do not have the right to use the appeal procedure outlined in Section 15.
- M. **Normal Work Week.** The total number of hours expected to be worked by an employee in a seven day period is considered the normal work week. The number of hours varies by department.

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

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

2.2 **OUTSIDE EMPLOYMENT**

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.

Before seeking or accepting outside employment, employees are cautioned to consider carefully 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.

The employee shall notify the Department Head **in writing** when he is involved in outside employment.

In addition, employees are not to conduct any business related to outside employment during County paid working time. Conflicting outside employment shall be grounds for disciplinary action up to and including dismissal.

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) must meet the physical standards, with or without accommodation, established for the position for which they apply.

2.4 EMPLOYMENT INVESTIGATIONS

All applicants interviewed for employment must provide two acceptable forms of identification per federal law.

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.

All applicants will be subject to a criminal background check, drug test, reference check, and educational background check. 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, credit reports where appropriate, and other bona-fide pre-employment investigations.

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

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, 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 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.

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

- 1. Conflict of Interest - As provided in Title 2.1 of the Code of Virginia ("The Virginia Conflict of Interests Act") no employee shall engage in any private financial or other interest which might impact the performance of his official duties. Employees are also bound by the additional guidance outlined below:
 - a) **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 his official duties or would impair his/her independent judgment or action in the performance of his official duties. With Department Head's approval, employees may engage in other employment that does not interfere with or present a conflict of interest with County employment;
 - b) **Disclosure of Confidential Information:** No employee shall, without proper authorizations, disclose confidential information concerning the property, government, or affairs of the County, which would advance the financial or other special interest of himself or others;
 - c) **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; and
 - d) **Representing Private Interests before County Agencies or Courts:** No employee shall represent his own or any other private interest before any agency of the County, unless he is doing so as a member of a civic organization, or is speaking on an issue of general public interest;
- 2. Consequences of Violation - Violation of any section of this policy may constitute a cause for disciplinary action up to and including dismissal.

2.9 DRESS CODE

Amherst County is a public service delivery organization and expects all employees to dress appropriately for a business environment and in keeping with his 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.

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

B. General Guidelines - The following guidelines establish the general expectations regarding employee attire. Every employee is expected to exercise good judgment in dressing appropriately for his work assignment. The following list is not intended to include every possible scenario but provides guidelines for employee and supervisory decisions.

1. Clothing, jewelry, and accessories must not create a safety hazard for the employee or others;
2. All clothing must be in good condition without holes, excessive wear, or staining from use or design;
3. Clothing shall not display implied or stated profanity, advertisements or logos for alcohol, tobacco products and/or illegal, racial, or sexual connotations;
4. Political endorsements may not be worn on clothing, badges, or any other ways that are visible to the public;
5. Employees shall be clean, well groomed and demonstrate acceptable personal hygiene;
6. Appropriate undergarments must be worn;
7. Employees shall not normally wear jewelry in facial and/or tongue piercing(s);
8. Excessive or offensive (profanity, nudity, illegal acts, racial/ethnic slurs) tattoos must not be visible; and
9. Appropriate footwear must be worn.
10. Due to allergies and sensitivities of co-workers and the public, employees shall refrain from wearing or using products containing fragrances.

C. 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:

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

D. 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 not related directly to their specific job function.

E. 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 or suits for men

and slacks/skirts with blouses 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 jeans pants, t-shirts, sweatshirts, or bib pants/overalls.

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. Casual dress typically includes less formal clothing such as blue jeans, sweatshirts, and t-shirts.

F. 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.

G. 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 his 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

Except as provided herein, no applicant shall be hired, reinstated, reemployed, transferred, promoted, or demoted to a position which places him or her in a direct supervisory role with a family member.

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, personnel, 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.

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.

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.

The Personnel Officer for the department shall ensure that this policy is enforced when making recommendations for employment, promotions, transfers or demotions.

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.

3. APPOINTMENTS

3.1 VACANCIES

All full-time and regular part-time vacancies to be filled shall be publicized. The County Administrator shall maintain an advertising distribution list, which shall be used to maximize the application pool.

A. Employment Applications

1. Persons seeking to apply for employment with the County shall be referred to the Department Personnel Officer.
2. The County relies upon the completeness and accuracy of information contained in the 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:

- a. All employment information shall be current, accurate and complete.
- b. 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.

B. Immigration Law Compliance

Amherst County complies with the Immigration Reform and Control Act of 1986 and is committed to employing only United States citizens and aliens who are authorized to work in the United States.

4. CLASSIFICATION OF POSITIONS

4.1 CLASSIFICATION PLAN

The County Classification Plan ("Classification Plan") has been established and shall be maintained by County Administration. No deviation shall be made from the plan except where circumstances warrant. Under these circumstances, the plan itself or the classification of a particular class or grade of positions may be amended with the approval of the Board of Supervisors.

4.2 COVERAGE

The Classification Plan shall cover all positions included under Section 1.2 of this Manual.

4.3 ASSIGNMENT OF POSITIONS

The County Administrator or his designee, in consultation with affected department heads, shall make all assignments of positions to classes and grades and to salary ranges. Positions, which are sufficiently alike in duties and/or responsibility, will be accorded the same pay scale. The County Administrator or his designee shall allocate each position covered by the classification plan to its appropriate pay scale, subject to approval of the Board of Supervisors.

4.4 RECLASSIFICATION AND/OR GRADE CHANGES

Department heads and supervisors shall be responsible for bringing to the attention of the County Administrator or his designee any material change in the nature of duties, responsibilities, working conditions, or other factors affecting the classification of any position. Following the receipt of such information, the County Administrator, in consultation with the affected department head, shall restudy the position and determine if the classification should be changed. No person shall be appointed, promoted, demoted, transferred, or paid in any position until the position has first been established by the Board of Supervisors.

4.5 CLASSIFICATION OF NEW POSITIONS

The County Administrator shall be responsible for the allocation of new positions to the existing classes or to new classes of positions in County service, subject to review and approval of the Board of Supervisors.

5. PAY OF EMPLOYEES

5.1 COMPENSATION AND CLASSIFICATION DEFINITIONS

- A. **PAY PERIOD** - The County's regular pay period is the calendar month. The normal pay day is the last working day of the month.
- B. **FULL TIME** – Those employees who work thirty two (32) hours or more in a week are eligible for all County benefits.
- C. **PART TIME** - Those employees who work less than thirty two (32) hours per week are not eligible for County benefits and are paid on an hourly basis.
- D. **SALARY** - Employee salaries will be reviewed at least annually and employee performance will be discussed with the employee by his supervisor or department head. Funds for increases are determined by the Board of Supervisors and will be determined at least in part by the employee's performance evaluation and will be in accordance with the County's adopted salary schedule.
- E. **WORK DAY** - The normal work day in Amherst County may be 7.5 or 8 hours per day for most employees, depending on department and work situation.

The normal work day is 8:30 to 5:00 P.M. but the schedule may be adjusted by the Department Head with the approval of the County Administrator to establish a flexible work schedule for employees. Starting and stopping times and shift lengths may also vary in some departments, such as the Sheriff's Department and Public Safety which operates with an independent work schedule consistent with the service needs of the County. Employees are expected to be at their work station and ready for work at the starting time, unless prior arrangements have been made.

The Board of Supervisors reserves the right to adjust the number of hours worked for all employees in accordance with the provisions of the federal Fair Labor Standards Act. If circumstances arise which will cause an employee to be late in reporting to work, the employee should notify his supervisor as soon as he become aware of the delay. Do not have someone call for you unless it is absolutely necessary, as your supervisor needs to know your status as soon as possible.

- F. LUNCH AND BREAKS - Lunch times will vary from department to department, but normally are scheduled for one hour. Morning and afternoon breaks of fifteen (15) minutes are provided to each employee.
- G. EMERGENCY SERVICE - Each County employee has 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. When emergency service results in overtime work, employees will be compensated, in accordance with the overtime provisions.

5.2 PAY PLAN

For each class of position, a salary range shall be assigned which includes a minimum and maximum salary step, selected from the schedule of pay steps included in the County's pay schedule. Each salary range will consist of a selected number of pay steps which may vary from position to position based upon the amount of time deemed necessary for an employee to reach the maximum salary level. In arriving at salary ranges, consideration shall be given to prevailing rates for comparable work in other public employment and relevant private business, the current cost of living, responsibilities of the position, and the County's financial condition and policy.

5.3 APPROVED SCHEDULE OF RATES OF PAY

The pay schedule consists of a series of standard approved pay ranges. For each class of positions, the range will be authorized as provided by Section 5.4 of the County's Personnel Policies Manual; the salary range will consist of annual salary rates from this schedule.

5.4 ADMINISTRATION OF PAY PLAN

It shall be the intent of this plan, as long as it is financially feasible that each employee will receive merit pay annually, if the evaluation performance is satisfactory or better, until the employee reaches the maximum rate for the classification in which he or she is assigned, or until placed in another classification. Annual cost of living adjustments are addressed in Section 5.16.

5.5 NEW EMPLOYEES

Generally, a new employee shall be paid the minimum rate of pay for his class. The minimum rate for each class is based upon the assumption that a new employee meets the minimum qualifications stated in the class specification.

When a new employee more than meets the minimum qualifications, he may be appointed at a higher step.

5.6 PROMOTIONS

When an employee is promoted to a position in a higher class his salary shall be increased to at least the minimum rate of the higher class. In the cases of overlapping ranges, the promoted employee shall be increased to the step which accurately reflects the increased responsibility of the position. Promotional increases may be delayed for a period not to exceed ninety (90) days pending proven ability to perform the job to which promoted.

5.7 REINSTATED EMPLOYEES

A reinstated employee shall be paid at a salary rate within the approved salary range for the position in which he is reinstated. Reinstated employees separated for less than one (1) year are eligible to return at the step equal to that of which they were previously paid.

5.8 PART TIME EMPLOYMENT

When employment is on a part-time basis, the hourly rate paid shall be commensurate with the responsibilities of the job classification and employee's level of experience in this or other positions requiring comparable skills.

5.9 TRANSFER

The pay of an employee transferred to another position of the same pay grade shall remain unchanged.

5.10 DEMOTIONS

A voluntary or involuntary demotion is defined as assignment to a position with a decrease in duties and responsibilities and is distinguished from a downward reclassification resulting from a formal review of duties and responsibilities. An employee demoted from one position to another is placed in a lower pay grade at a salary equal to five percent (5%) reduction for each grade difference between the new grade and the old grade. The department head may petition the County Administrator to adjust the amount of the salary reduction either upward or downward.

5.11 PAY AND ALLOWANCES

Rates of pay established are gross salary amounts for full time service in the various classifications. The hours of work for full time service are established by the pay plan.

5.12 OVERTIME COMPENSATION

It is the policy of the County to adopt and implement the provisions of the Fair Labor Standards Act (FLSA), as amended, 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 shall be managed in the most efficient and economical manner possible.

Every attempt will be made to minimize overtime work and supervisory approval is required to authorize any overtime.

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 arise requiring overtime work. As required by the Federal Fair Labor Standards Act ("FLSA") all positions in the County shall be designated as "exempt" or "non-exempt". Employees in exempt positions are not subject to the provisions of the Act.

The Act requires that non-exempt employees receive overtime compensation for hours worked in addition to specified limits. 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 Section 6.7. All compensatory time accrued by employees in non-exempt positions must be taken or paid when the employee separates from County employment.

To the extent any provision in the Personnel Policies Manual would cause an exempt employee under the FLSA to lose their exempt status, such policy shall not apply.

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.

5.13 EMERGENCY CALL BACK POLICY

Non-exempt employees who are required to report to work under emergency circumstances will be compensated for a minimum of three hours. If the actual hours worked exceed the three-hour minimum, the employee will be compensated for all hours worked. Callback time will commence from the time the employee leaves his/her premises and returns to the original location. If the employee is called back while in route to or from work, time worked will be credited as an extension of the normal workday and the three-hour minimum will not apply.

Should the employee be called back a second time within the original three (3) hours of the first call, an additional three (3) hour credit for the new call back will be granted. Calls received and time worked by an employee in a callback situation must be reported to the employee's supervisor on the next regular workday. The nature and amount of time worked during on-call duty are subject to verification by supervisors. When discrepancies are noted, further justification may be required.

5.14 DEDUCTIONS

The payroll clerk is authorized to make established deductions from an employee's gross pay to cover mandatory deductions and optional deductions elected by an employee.

If an employee believes that an improper deduction has been made to his salary, he should immediately report this to his supervisor.

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

5.15 DEDUCTIONS ON TERMINATION

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, and other county property), or any other indebtedness to the County. The final paycheck and payment for unused leave shall not be issued until the extent of any indebtedness to the County has been determined and cleared.

5.16 ADMINISTRATIVE SALARY RANGE ADJUSTMENT

On an annual basis, and coinciding with the budget process, the salary range assigned to all classifications shall be reviewed by the County Administrator for the purpose of determining the effect thereon of the cost of living. Based upon the County Administrator's findings and the general financial condition of the County, increases, reductions, or other changes will be made in the salary structures of the pay plan. Adoption of the annual budget shall constitute approval of amendments to the plan.

5.17 ADMINISTRATIVE RESPONSIBILITY

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

6. EMPLOYEE LEAVE

The County recognizes that only full time employees are eligible for earnings or taking vacation, sick, or personal leave benefits.

6.1 VACATION LEAVE

Employees begin accruing vacation the first month of employment, but it cannot be taken until after the probationary period ends.

Retroactively to the date of employment, vacation is accumulated at a rate of one work day /month, for each of the months of the probationary period, plus the remainder of that calendar year. Beginning the following January 1st, vacation is allotted, as 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	10	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
Maximum Carry over to next year	42 Days	315 Hours	336 Hours	336 Hours	353 Hours	471 Hours

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 Director 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

Sick leave may only be used to cover any absence from work because of a personal illness, injury, or physical incapacity (other than incurred in the line of duty) that prevents the employee from performing his/her job or exposure to contagious disease, when the employee's presence on duty would jeopardize the health of fellow workers or the public.

When an employee is absent for sick leave they shall inform their supervisor at the earliest possible time, to assure full coverage of departmental work responsibilities.

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 and 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 subject to the requirements of the Family Medical Leave Act. 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 concerned 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. Beginning with the seventh month of employment, sick leave begins to accrue at a rate of one work day/month, until January of the following year. (Sick leave accrual for fire & rescue employees during this period is described in section 6.16, F.) Beginning with that January 1st sick leave credits are accrued as shown below.

SICK LEAVE	Hours/Days	7.5	8	10	12	24
	Hours/Yr	1950	2080	2080	2184	2912
	Accrual Hours	7.5	8	10	8.4	11.2
6 Months - 1 Year	6 Days	45	48	48	50.4	67.2
1-3 Years	10 Days	75	80	80	84	112
4-5 years	15 Days	112.5	120	120	126	168
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:

- A. An illness, condition, or non-work related injury incapacitating the employee to perform his duties;
- B. An exposure to a contagious disease such that presence on duty would jeopardize the health of fellow employees or the public;
- C. 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;
- D. An employee may elect to charge against earned sick leave credits an absence required by illness 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, brother or sister, and, any relative living in the household of the employee.

E. Final Sick Leave Settlement

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

F. Donation of Vacation Leave

Employees may voluntarily donate vacation leave to another employee who has exhausted his/her 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 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.

Short term disability benefits are not available for maternity leave.

6.4 INJURY LEAVE

Injury leave may be granted because 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. Injury leave is ordinarily the length of time necessary to enable an employee to return to work following an on-the-job accident or job-related illness. (See section 18.4 Workers' Compensation and Family and Medical Leave as described below in this section.)

If a department head doubts that an injury or illness is job-related, the absence will be charged to sick leave until a proper ruling is made. If sick leave is exhausted, the absence will be charged to vacation leave, and if necessary, leave without pay. If the injury is finally ruled to be job-related, the absence will be charged to injury leave and all sick leave and/or vacation leave will be restored.

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) work days to be used for any reason.

Employees may also be granted up to an additional three (3) 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.

Unused personal leave is not compensable for any reason and may not be carried forward from year to year.

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	10	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 the building/department being open.

6.7 COMPENSATORY TIME OFF

In order to receive compensatory time off, the employee must work more than their normal work week. Time taken as 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 FSLA, as referenced in Section 6.16.

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

Compensatory leave is for an authorized absence on a hour-for-hour basis with full pay, when taken during the same work cycle, and at time and one half for other times for hours worked on a holiday, on a rest day, or beyond those regularly scheduled hours, or on a work day when the work was required by the County Administrator or by a person authorized by him to make such a requirement. General or blanket authorizations which provide unlimited work options to County employees are not valid to establish compensatory leave credits. Additional work hours shall be required only to relieve specific peak workloads and not to provide for constant requirements.

Compensatory leave may not be credited to any employee in a position in which the employee independently determines the need for the extra hours or establishes the work schedule, or is one in which administrative or professional responsibility for work accomplishment without regard to their work schedule is implicit. (EXCEPTION: Irrespective of the position held, compensatory leave may be credited when a holiday (a) falls on a rest day, or (b) is not observed by the employee because the unit of employment operated on the designated holiday.)

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. Earned comp leave must be used within one year of accrual. It is the responsibility of supervision to ensure that earned comp time is taken off within one year of accrual if possible. If the schedule does not allow this, the County shall pay the employee for such time.

6.8 COURT LEAVE

The employee shall be granted leave with full pay for any absence necessary for serving on a jury or attending court as a witness under subpoena.

6.9 MILITARY LEAVE

A. 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.

B. Military Leave With Pay

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 consecutive calendar days for training duty and 5 working days for emergency active duty each federal fiscal year, October 1 – September 30.
2. FLSA 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.
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.
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 reasonable travel time.

C. Military Leave Without Pay

1. Any eligible employee who leaves County service as a result of volunteering for active duty 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, or when reservists and National Guard members are voluntarily or involuntarily called to active duty shall be placed on military leave without pay commencing on the first business day following the last day of active employment with the County.
2. Leave shall only be granted for active military service for those dates stated on the employee's military orders.
3. Status of Benefits For Employees on Leave Without Pay for Active Military Service
 - a. 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.
 - b. Compensatory Leave – Any compensatory leave balance shall be paid in accordance with Section 6.8 at the time the employee is placed on military leave without pay.
4. Reinstatement from Active Military Service
 - a. Conditions – Upon satisfactory completion of active military service, the employee is entitled to reinstatement to his/her former position or to a position of like status and pay, provided that:

- (1) The employee makes application to the County Administrator not later than 90 days after the date of honorable discharge or separation under honorable conditions.
 - (2) The employee presents a certificate showing satisfactory completion of military service.
 - (3) The employee is still physically and mentally qualified to perform the duties of his/her position.
- b. The conditions stated above shall not apply when County circumstances have changed making it impossible or unreasonable to reinstate the employee. Reinstatement may not be possible when:
- (1) The employee's former position has been abolished at the time of reinstatement: The employee may be placed in a position of comparable status and pay to the one previously held. Employees selected to fill vacancies created by persons on military leave may be employed on a temporary basis.
 - (2) Such a position 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.

D. Employee Notification Requirements

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 director as soon as possible.
2. The leave request and supporting military orders shall be forwarded to the County Administrator.

6.10 LEAVE WITHOUT PAY

Leave of absence without pay may be granted for:

- A. Educational leave in excess of such leave allowable with pay;
- B. Courses of study;
- C. Military leave in excess of such leave allowable with pay,
- D. Purposes of annual and sick leave, in excess of accumulated leave; and
- E. Purposes of disciplinary actions.

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.

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.

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

6.11 ADMINISTRATIVE LEAVE

Administrative leave is assigned at the discretion of the County Administrator, Board of Supervisors, or Constitutional Officers when it is deemed to be in the best interest of the County or a department. Administrative leave may be with or without pay as approved by the County Administrator, Board of Supervisors, or Constitutional Officers.

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

6.12 HOLIDAYS

A. The holidays authorized to be observed by County employee include the following:

1. The first day of January (New Year's Day);
2. The Friday before the third Monday in January (Lee Jackson Day);
3. The third Monday in January (Martin Luther King's Birthday);
4. The third Monday in February (Presidents Day);
5. The last Monday in May (Memorial Day);
6. The fourth day of July (Independence Day);
7. The first Monday in September (Labor Day);
8. The second Monday in October (Columbus Day);
9. The eleventh day of November (Veterans Day);
10. The fourth Thursday in November (Thanksgiving Day);
11. The Friday-after Thanksgiving Day; and
12. The twenty-fifth day of December (Christmas Day)

Any other day so appointed by the Board of Supervisors or Governor.

B. 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.

C. If the nature of the services of a department require that it be in operation on certain holidays established in this Personnel Policies Manual, and if the 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 6.16 (G).)

6.13 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 earned and unused leave.

6.14 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 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.

6.15 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.

A. 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.

B. Purposes For Which FMLA May Be Taken

1. 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);

2. To care for an employee's spouse, child or parent (does not include in-laws) who has a serious health condition; or,
3. 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.

C. FMLA Benefits

An eligible employee is entitled to twelve weeks of unpaid leave during a twelve-month period. The twelve-month period is calculated on a rolling 12 month period starting with the onset of the condition that arises. 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:

1. 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, and
2. 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.

D. 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 his/her 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 his/her status in response to the employee's notice of intent to take FMLA leave, unless circumstances do not permit such notice. If a key employee is already on FMLA leave when s/he receives notice that s/he is a key employee, the employee will be given a reasonable time to return to work before losing the right to job restoration.

E. 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 his/her share of premiums. If the employee fails to make his/her 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.

6.16 FIRE AND RESCUE SCHEDULE, COMPENSATION, AND LEAVE

- A. Personnel affected:
 - EMT/Firefighter and ALS/Firefighters
- B. Work Schedules: There are two (2)
 - Day shift (8 hour Monday – Friday)
 - 24-hour shift (28-day cycle)
- C. 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
- D. 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

- E. 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, sick leave and annual leave used 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.

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

G. Holidays

County personnel receive the benefit of paid holidays per year as outlined in Section 6.12.

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 VOLUNTARY SEPARATIONS

To resign in good standing, employees, other than department heads must give notice in writing to the 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

7.2 DISCIPLINE

Upon accepting a position with the County, employees are expected to apply themselves efficiently to their assigned duties, to be timely and regular in attendance, and to maintain satisfactory work performance. Failure to meet these standards can result in disciplinary action up to and including termination.

This section provides employees with a general understanding of what can be expected when a violation of certain policies and/or procedures occurs. It is not possible to list every conceivable form of misconduct. As a result, the conduct standards listed in this section are for illustrative purposes only. Misconduct or nonperformance issues not listed here will be treated consistently within the guidelines outlined in this section. Whenever possible, the County recommends that corrective action by the employee, or progressive discipline such as coaching, warnings, oral or written reprimands be used, prior to suspension, demotion or dismissal as necessary. However, immediate dismissal may result from situations where the County believes corrective action by the employee or lower level progressive discipline is inappropriate. The County does not intend for this manual to alter the at-will nature of its relationship with employees.

A. SUSPENSION

Suspensions are temporary separations from the service for disciplinary purposes where the case is not sufficiently grave to merit dismissal. An employee may be suspended by his department head and County Administrator without pay for a period not to exceed thirty (30) days within one (1) calendar year.

B. DEMOTIONS

Demotions are necessary in order that employees whose work has not been satisfactory but whose dismissal does not appear warranted may be retained and assigned less difficult work.

C. DISMISSALS

Dismissals will be made for inefficiency, insubordination, misconduct, or other just cause. A department head and the County Administrator may dismiss any employee in a department at any time. The department head shall give the employee a written notice of his dismissal, including the reasons therefore. ***The Director of Information Technology (or the network administrator for independent computer networks) shall be informed immediately of dismissals and computer access shall be terminated at once.***

7.3 CAUSES FOR SUSPENSION, DEMOTION OR DISMISSAL

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

If an employee's work performance is deemed unsatisfactory, he or she may be suspended, demoted, or dismissed. Additionally, other types of discipline, such as verbal or written reprimands, may be used at the supervisor's discretion.

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

- A.** Conviction of a felony or of a misdemeanor involving moral turpitude and other criminal acts such that continued performance of duties is compromised;
- B.** Membership in a subversive organization that knowingly or willfully violates the laws of the United States, the Commonwealth of Virginia, and the ordinances of any city, county, or municipality of the Commonwealth, or any departmental rules and regulations;
- C.** Willful, wanton, unreasonable, unnecessary, or culpably negligent brutality or cruelty to an inmate, or prisoner of a county institution or to a person in custody, provided the act committed was not necessarily or lawfully done in self defense, or to protect the lives of others or to prevent the escape of a person lawfully in custody;
- D.** Violation of any of the provisions or regulations of this Manual;
- E.** Offensive conduct or language in public or toward the public, county officials, or fellow employees, either on or off duty;
- F.** Violating any lawful official regulation or order, insubordination, or failing to obey any proper direction made and given by a superior.
- G.** Using or being impaired by intoxicants while on duty, or otherwise violating the County's Drug-Free Workplace policy. (See Section 11)
- H.** Becoming afflicted with any disease or having any physical or mental ailment or defect which, in the opinion of the County Administrator and the department head after confirmation by a physician, renders the employee unfit for employment. However, any such actions shall be taken in a manner that complies with the requirements of the Americans with Disabilities Act;
- I.** Being incompetent or inefficient in the performance of the duties of his position;
- J.** Being careless or negligent with the monies or other property of the County or taking any property of the county for personal use or for sale or gift to others;

- K. Using, or threatening to use, or attempting to use personal or political influence in securing promotion, leave of absence, transfer, change of pay rate, or in any manner related to work;
- L. Inducing, or attempting to induce, an officer or employee in the service of the county to committing an unlawful act or to act in violation of any lawful or official regulation or order;
- M. 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;
- N. Divulging or discussing any County business not having previously been made public or disclosing confidential information to any person unless directed to do so by his department head, or granting interviews or making public speeches concerning information not previously made public;
- O. Willfully falsifying County records (including time records, leave records, job applications, or pay or reimbursement vouchers);
- P. Violating any workplace rule;
- Q. 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; and
- R. Unsatisfactory attendance, excessive absences, or excessive tardiness.

7.4 DISCIPLINARY PROCEDURE

A. INVESTIGATION

Upon receiving a report of a violation of the law, or a violation of a department or disciplinary regulation as set forth in Section 7.3, from an official or an employee of the County or from any citizen, the department head, or County Administrator will investigate. The investigation will be made for the purpose 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.

B. REPORT

Disciplinary action taken by any department head including suspension, demotion, or termination shall be reported in full immediately to the County Administrator prior to initiating such discipline. In cases of dismissal for any reason noted in these or future published regulations, the department head must give the employee a written notice of his dismissal including in detail the reason or reasons therefore.

7.5 SUSPENSION AND MINOR DISCIPLINARY MEASURES

The appointing authority may suspend without pay for a period not exceeding thirty (30) days, or reprimand, or apply other less drastic disciplinary measure to any employee under his control for any violation of these rules or for insubordination or willful neglect of duty. Any suspension that would have the effect of making the total amount of pay lost, by reason for suspension during any twelve (12) month period, greater than the pay for the thirty (30) days, shall be considered a removal. When a suspension is effected pending completion of investigation or court action for alleged violation of rules or statutes, the limitation of thirty (30) days shall not apply; also, if the employee is found not guilty of such alleged violation, he may, upon request of the appointing authority, be paid for the period of suspension as if it had not occurred.

As a "less drastic disciplinary action" the appointing authority may withhold annual and sick leave accrual from an employee found to have made incorrect reports concerning leave. Such action shall not apply to leave accrued prior to the finding and shall not be effective for more than six (6) calendar months for any one (1) period of incorrectly reported absence.

7.6 RESIGNATION

An employee may leave County service voluntarily, by resignation, by stating his reasons, in writing to his 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, he 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 reserves the right to lay off employees for lack of available work or funds.

The order of layoff is hereby declared to be as follows:

- A. 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.
- B. No permanent employee shall be laid off from any position while any temporary employee *continues in* that capacity.
- C. 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 subject to the provisions of the Retirement Plan in effect 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 EXIT INTERVIEW AND RE-EMPLOYMENT

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 separations and an appointment for the interview will be scheduled by the County Administrator or his designee.

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's viewpoint on subjects such as pay, benefits, training, and working conditions provides important feedback, which ultimately can result in more satisfying employment for other personnel.

If, for some reason, an employee voluntarily separates from County service and later decides he would like to rejoin the County, he shall 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

director. Consideration for interview and/or re-employment is at the discretion of the hiring department.

7.10 EMPLOYEE TERMINATION PROTOCOL

- A. Prior to involuntary termination of employment, the department head, in consultation with 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.
- B. In the event there is a potential for disruption, the Sheriff's Office will be contacted. A determination will be made as to whether or not law enforcement personnel will be present or on standby at a nearby location.

8. EMPLOYEE BENEFITS

The County offers a comprehensive benefits package. Benefits and employee eligibility include:

BENEFIT	FULL TIME	PART TIME	WHO PAYS AMHERST COUNTY – AC EMPLOYEE – E	WHEN ELIGIBLE	WHAT YOU RECEIVE
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	After six months	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 (PPT)	E	Upon Employment	Voluntary participation in County's Group Medical Plan through payroll
Other Insurance Coverage	X	X	E	Upon Employment	Voluntary participation(i.e. Cancer, Intensive Care, Accident & Disability
FSA (Flexible Spending Accounts)	X	X (PPT)	E	Upon Employment	Voluntary participation eligible healthcare/dependent costs reimbursement
Deferred Compensation Plan	C		E	Upon Employment	Voluntary participation 457 annuity retirement plan

BENEFIT	FULL TIME	PART TIME	WHO PAYS AMHERST COUNTY – AC EMPLOYEE – E	WHEN ELIGIBLE	WHAT YOU RECEIVE
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
Term Life Insurance	X		AC	Upon Employment	Minnesota Life-term life insurance face value double annual salary paid by County
Optional Life Insurance	X		E	Upon Employment	Additional term life insurance available through Minnesota Life based upon employee annual salary for options up to 4 times annual salary. Coverage available for employee & spouse, employee & family
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 job related course
Beacon Credit Union	X		E	Upon Employment	Voluntary participation-various services offered

9. IN-SERVICE ACTIVITIES

9.1 JOB RELATED TRAINING

The County Administrator and/or individual 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, 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

The Employee Assistance Program (EAP) is administered by the County Administrator through an EAP agreement. The EAP is operated both as a personal management function and as an employee benefit. Participation in the program is through referral by an employee's supervisor 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.

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 outside counseling 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, 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.

The guidelines for use of the EAP are:

- A. Management is concerned with an employee's personal problems, how they affect him as a person as well as how the employee's well-being influences work performance.
- B. The program applies to all employees and their families.
- C. 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.
- D. 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.
- E. 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 and in situations of dangerousness 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 only information the EAP will disclose to the referring person is whether the employee has followed through.
- F. When network 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.
- G. It is the responsibility of all levels of management to utilize this program 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.
- H. Sick leave may be granted for treatment of 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.
- I. The EAP does not alter or replace existing County policy or contractual agreements but serves to assist in their utilization.
- J. 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 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

The County is committed to protecting the safety, health and well being of all employees and other individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment. The County encourages employees to voluntarily seek help with drug and alcohol problems.

11.2 COVERED WORKERS

Our policy includes, but is not limited to executive management, managers, supervisors, full-time employees, part-time employees (minors and interns working short term assignments may be exempted from pre-employment screening), off-site employees, and applicants offered conditional employment and are thus covered by our drug-free workforce policy.

11.3 APPLICABILITY

Our drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the County. Therefore, this policy applies during all working hours, whenever conducting business or representing the County, while on call, paid standby, while on County property and at County-sponsored events.

11.4 PROHIBITED BEHAVIOR

It is a violation of our drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants.

11.5 NOTIFICATION OF CONVICTIONS

Any employee who is charged with a criminal drug violation must notify the County in writing within five calendar days of the offense. The County will take appropriate action.

11.6 SEARCHES

Entering the County's property constitutes consent to searches and inspections. If an individual is suspected of violating the drug-free workplace policy, he or she may be asked to submit to a search or inspection at any time.

11.7 DRUG TESTING

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, 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.

All drug-testing information will be maintained in separate confidential records.

Each employee, as a condition of employment, will be required to participate in pre-employment, pre-duty, periodic, random, post-accident, reasonable suspicion, return-to-duty and follow-up testing upon selection or request of management.

The substances that will be tested for are: Amphetamines, Cannabinoids (THC), Cocaine, Opiates, Phencyclidine (PCP), Alcohol, Barbiturates, Benzodiazepines, Methaqualone, Methadone and Propoxyphene.

Testing for the presence of alcohol will be conducted by analysis of breath, saliva and blood.

Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine, blood, hair, saliva and sweat.

Any employee who tests positive may be immediately removed from duty, suspended without pay for a period of 30 days, referred to a substance abuse professional for assessment and recommendations, required to successfully complete recommended rehabilitation including continuing care, required to pass a Return-to-Duty test and sign a Return-to-Work Agreement, subject to ongoing, unannounced, follow-up testing for a period of five years and terminated immediately if he/she tests positive a second time or violates the Return-to-Work Agreement.

An employee will be subject to the same consequences of a positive test if he/she refuses 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.

11.8 CONSEQUENCES

One of the goals of our drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

In the case of applicants, if he or she violates the drug-free workplace policy, the offer of employment can be withdrawn. The applicant may not reapply.

If an employee violates the policy, he or she will be subject to disciplinary action and may be required to enter rehabilitation. An employee required to enter rehabilitation who fails to successfully complete it and/or repeatedly violates the policy will be terminated from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

11.9 RETURN-TO-WORK AGREEMENTS

Following a violation of the drug-free workplace policy, an employee may be offered an opportunity to participate in rehabilitation. In such cases, the employee must sign and abide by the terms set forth in a Return-to-Work Agreement as a condition of continued employment.

11.10 ASSISTANCE

The County recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees, our drug-free workplace policy:

- Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.
- Ensures the availability of a current list of qualified community professionals.
- Offers all employees and their family members assistance with alcohol and drug problems through the Employee Assistance Program (EAP).
- Allows the use of accrued paid leave while seeking treatment for alcohol and other drug problems.

Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

11.11 CONFIDENTIALITY

All information received by the County through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

11.12 SHARED RESPONSIBILITY

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

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.

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.

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.
- Counsel employees as to expected performance improvement.
- Refer employees to the Employee Assistance Program.
- Clearly state consequences of policy violations.

11.13 COMMUNICATION

Communicating our drug-free workplace policy to both supervisors and employees is critical to our success. To ensure all employees are aware of their role in supporting our drug-free workplace program:

- All employees will receive a written copy of the policy.
- The policy will be reviewed in orientation sessions with new employees.
- The policy and assistance programs will be reviewed at safety meetings.
- All employees will receive an update of the policy annually with their paychecks.
- Employee education about the dangers of alcohol and drug use and the availability of help will be provided to employees.
- Every supervisor will receive training to help him/her recognize and manage employees with alcohol and other drug problems.

12. TOBACCO USE POLICY

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

- A.** 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).

- B. 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.**

13. SOLICITATION

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.

14. HARASSMENT

The County is committed to having a diverse workforce with all employees being valued for their individual capabilities and contributions, complying with all federal, state, and local laws on equal employment opportunity, and providing a workplace free from tensions involved in conduct that does not relate to the County's business. In particular, the hostile atmosphere created by non-work related conduct including ethnic, racial, sexual, or religious remarks, animosity, unwelcome sexual advances, request for sexual favors, or other similar conduct is not permitted.

Harassment based on race, sex, color, national origin, religion, age, or disability 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.

Further, the County shall not condone any form of sexual or racial harassment of any employee. All allegations of any form of harassment shall be investigated and the county will just as aggressively investigate any situation where unfounded complaints are lodged and will view that situation just as seriously.

14.1 SEXUAL HARASSMENT

Sexual harassment is unwelcome advances, request for favors, or other verbal or physical conduct of a sexual nature when:

- A. submission to such conduct is either explicitly or implicitly made a term or condition of employment;
- B. submission or rejection of such conduct is used as a basis for employment decisions;
- C. the conduct is severe or pervasive enough to create an intimidating, hostile, or offensive work environment.

Examples of sexual harassment are:

- A. physical assaults;
- B. subtle or overt pressures or direct requests for sexual favors;
- C. inappropriate displays of sexually suggestive objects or pictures; or

- D. 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.

No supervisor or coworker shall intimate either explicitly or implicitly that an employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any other conditions of employment.

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 director. The report should be made in writing; however, a report will also be accepted by phone or in person.

Charges will be promptly and thoroughly investigated and corrective actions taken if the charge is founded. If it is determined that a violation has occurred, appropriate relief for the employee(s) bringing the complaint and appropriate disciplinary action, up to and including discharge, against the person(s) who violated the policy will follow.

A non-employee 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, including termination. 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 manager unless the manager 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 VIOLENCE PREVENTION

The County does not tolerate employee violence or threats on County property or on County time. The County strives to provide each employee with a safe working environment and to provide our customers with a comfortable business climate. Employees who jeopardize this safe atmosphere by engaging in violent behavior will be disciplined, up to and including discharge for a first offense. Any employee with knowledge of any violation of this policy should report to his or her supervisor, department head, or the County Administrator without delay. The unauthorized possession of firearms, illegal knives, blackjacks, explosives, or other weapons on County property or on County time is absolutely prohibited. Violation of this rule warrants discharge for a first offense.

Violent behavior includes fighting, threats, harassment, verbal assault, and other aggressive or intimidating behavior that places another individual in discomfort or fear for his or her well-being. If an employee is subjected to violent behavior, the employee should inform his or her supervisor instead of responding with violence. An employee should not escalate a potentially hostile situation.

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. (Constitutional Officer appointees are exempt from this section of the policy, according to the Code of Virginia Section 15.2-1507, since they serve at the will and pleasure of the Constitutional Officer and the Cooperation Agreement between the County and Constitutional Officers.)

15.1 GRIEVANCE

A. Definition Of Grievance

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

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

B. Management Rights and Prerogatives

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

1. Establishment and revision of wages or salaries, position classification, or general benefits.
2. Work activity accepted by the employee as a condition of employment, or work activity which may reasonably be expected to be a part of the job content.
3. The contents of ordinances, statutes, or established personnel policies, procedures, rules, and regulations.
4. The methods, means, and personnel by which work activities are to be carried on, including but not necessarily limited to:
 - a) The provision of equipment, tools, and facilities necessary to accomplish tasks.
 - b) The scheduling and distribution of manpower/personnel resources.
 - c) Training and career development.
5. The hiring, promotion, transfer, assignment, and retention of employees in positions within the County's service.
6. Failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly.
7. The relief of employees from duties, or taking action as may be necessary to carry out the duties, of the County in emergencies.
8. 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:
 - a) There was a valid business reason for the action, and

- b) the employee was notified of the reason in writing prior to the effective date of the action.

15.2 COVERAGE OF PERSONNEL

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:

- A. Key officials of the County. For purposes of this procedure, a key official is defined as the head of any County department.
- B. Employees whose terms of employment are limited by law.
- C. Officials and employees who serve at the will or pleasure of an appointing authority.
- D. Appointees of elected individuals or elected groups.
- E. 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.
- F. Temporary, limited term and seasonal employees.

15.3 STEPS OF THE GRIEVANCE PROCEDURE

- A. **Step 1.** An employee who believes he has a grievance and wishes to utilize this procedure shall discuss the grievance informally with his immediate supervisor within twenty (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.

- B. **Step 2.** If the grievant is not satisfied with and does not accept the Step 1 response, or if a response is not provided within the required time frame, the grievant may proceed by putting the grievance in writing on the Grievance Form which 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 Administrator. By mutual consent of the grievant and the department head, the grievant may skip Step 2 and proceed directly to Step 3.

- C. **Step 3.** If the grievant does not accept the response at Step 2, or if the department head fails to respond within the required time frame, the grievant shall indicate his desire to advance the grievance to Step 3 on the Grievance Form. The Grievance Form shall be delivered by mail or in person, directly to the County Administrator within ten (10) calendar days following receipt of the Step 2 response or immediately after the deadline for that response, whichever occurs first. If the County Administrator determines (or has previously determined) that the complaint is grievable, a meeting with the grievant, the grievant's representative if there is one, a representative of the affected department and the County Administrator will be held within five 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 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.

- D. Step 4.** If the grievant does not accept the Step 3 written response, or if the County Administrator fails to respond within the required time frame, and the grievant wishes to advance to a 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

- A.** Grievability and access are determined by the County Administrator generally after the grievance reaches Step 3. Only after the County Administrator has determined that a complaint is grievable and/or the grievant has access to the procedure may a grievance be advanced through Steps 3 and 4. Should the question of grievability or access arise at Step 2 the grievant or the department head may request a ruling on grievability and/or on access by the County Administrator. The County Administrator shall render a decision within ten (10) calendar days of receipt of the ruling request and shall send a copy of the decision to the grievant and the department head.
- B.** The County Administrator's decision on grievability and/or access may be appealed to the Circuit Court of the County. Such appeals shall be instituted by the grievant by filing a notice of appeal with the County Administrator within ten calendar days from the date the grievant received the decision. Within ten (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 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:

- A.** Time intervals specified in Steps 1 through 4 may be extended by mutual consent of the parties.
- B.** When a deadline falls on a Saturday, Sunday, or County holiday, the next calendar day that is not a Saturday, Sunday, or County holiday shall be considered the last calendar day.
- C.** All grievance meetings shall be held during normal County working hours unless both the grievant and the County Administrator should mutually agree otherwise.
- D.** County employees who are necessary participants at grievance hearings shall not lose pay for time necessarily lost from their jobs and will not be charged leave because of their attendance at the grievance proceedings.
- E.** At the Step 3 meeting, the grievant, at his option, may have present a representative of his choice. If the grievant is represented by legal counsel, the County likewise has the option of being represented by counsel.
- F.** The use of recording devices or a court reporter is not permitted at Step 1, 2, and 3 meetings.
- G.** 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.
- H.** 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.

- I. 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:

- A. The hearing officer does not have authority to formulate policies or procedures, or to alter existing policies or procedures.
- B. 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.
- C. 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.
- D. 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.
- E. All evidence shall be presented in the presence of the hearing officer and the parties, except by mutual consent of the parties.
- F. Documents, exhibits and lists of witnesses shall be exchanged between the parties, and provided to the hearing officer in advance of the hearing.
- G. 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.
- H. The hearing officer's decision shall be provided within a specified time to all parties.
- I. 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

- A. 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.
- B. If one of the management respondents in Steps 1, 2, or 3 does not respond to the grievance, the grievant at his option may move the grievance to the next level by submitting it without the response to the next Step or the grievant can provide the County Administrator notice of the non-compliance.
- C. The County Administrator shall determine compliance issues. Compliance determinations made by the County Administrator or his designee shall be subject to judicial review, which shall be initiated by the grievant filing a petition with the Circuit Court of the County within thirty (30) calendar days of the compliance determination.

16. EMPLOYEE EVALUATION

16.1 FORM

County employees are evaluated annually using the standardized form approved by the County Administrator. Probationary employees shall be evaluated thirty (30) days before the end of their probation.

17. TRAVEL AND EXPENSE POLICY

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 his or her 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.

18. HEALTH AND SAFETY

18.1 OCCUPATIONAL SAFETY AND HEALTH

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.

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. Further, it is the responsibility of each employee to perform all work in a safe manner. All hazards, deaths, injuries, and illnesses that occur on County property must be reported to the manager within the same day of the discovery or occurrence.

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. Supervisors are responsible for developing and maintaining work safety rules and for providing these rules in writing to their subordinates.

Specifically, employees shall:

- A.** Report all injuries, regardless of severity, to the supervisor immediately but no later than twenty-four (24) hours. If the supervisor is not available, the injury should be reported to the manager before medical treatment is sought;
- B.** Report and, if possible, correct all unsafe conditions or acts;
- C.** Avoid horseplay and mischief which could cause injury;
- D.** Take all standard safety precautions to prevent injury;
- E.** Follow all safety rules.

18.2 SELF- INSPECTION SAFETY PROGRAM

A. 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.

B. 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 assure the safety of employees, the public, and any contractors.

C. Management Responsibilities

1. Department heads will conduct or support self-inspection training for supervisors and/or employees that may have a part in this activity.
2. Department heads will monitor the implementation of the Self-Inspection Program in order to evaluate the overall effectiveness.
3. Each supervisor will provide the means and support necessary to ensure compliance with all applicable regulations and responsibilities outlined herein.
4. 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.
5. 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.

D. Employee Responsibilities

1. 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.
2. Employees are encouraged to volunteer ideas about how facilities, equipment or work procedures can be changed or improved to make them safer.
3. Report all hazardous conditions dangerous work procedures and near misses (an unplanned event that could have caused injury or damage).

E. Self-Inspections

1. Written Program. Will be reviewed and evaluated annually.
2. 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.
3. 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.
4. 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.

5. 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.
6. Inspector Training. Training on how to conduct effective self-inspections will be coordinated by the safety committee. 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.
7. Inspection Results/Corrective Actions. All items noted as needing improvement, modification, or action will be communicated to the appropriate manager 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 manager/supervisor will be sent to the safety committee indicating action(s) taken.
8. 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

A. 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.

B. 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 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.

C. 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.

D. 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, maintenance workers or the Risk Management Coordinator.

E. 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:

1. 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 also be questioned about whether they have discussed the incident with others.

2. 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.

3. 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

The immediate supervisor is responsible for setting a good example for employees. 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.

When an accident or qualifying illness occurs while at or 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. The employee must report any work-related accident to the supervisor, no matter how insignificant. In case of a life or limb threatening emergency, the employee's supervisor should call 911.

State law allows the County to designate physicians that will treat Workers' Compensation illnesses/injuries. The supervisor will provide the employee with a copy of 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 his/her 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 leave as approved by the supervisor.

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.

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.

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.

The immediate supervisor will periodically monitor the employee's progress and keep lines of communication open so that the employee will feel part of the work group. To encourage and ensure a more successful return to work, the supervisor will assist the employee in finding light duty or modified work.

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 his or her 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 his or her salary.

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 he/she is eligible for disability retirement under the Virginia Retirement System, he/she should discuss this with the department head.

If the injury is determined to be compensable, the injured employee has the option of maintaining his/her 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. Instructions will be mailed regarding the "kept whole" process.

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.

A. 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; and
- 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 his regular pay scale and receive job-related benefits of his 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.

B. Procedure

1. Amherst County shall receive a workers' compensation follow-up form which identifies specific employee restrictions.
2. The County shall review these physical restrictions and plan tasks for the employee on a temporary transitional assignment.

3. The employer and employee will meet to discuss the temporary transitional work assignment and complete a temporary transitional work form.
4. The employer will re-evaluate all temporary work assignments every fourteen (14) days.
5. 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 his/her regular duties.
6. 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, Personnel Director 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.
7. 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 the refusal was justified.

18.6 VEHICLE SAFETY POLICY AND DRIVER REQUIREMENTS

County owned vehicles may be operated only by approved County employees. 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 including dismissal. In addition, County owned vehicles are to be used only for County sponsored activities. Drug tests may be required for vehicle operators at any time as outlined in Section 11.

A. Purpose

It is the policy of Amherst County to protect its employees and citizens from injuries caused by motor vehicle accidents involving vehicles owned by the County. The County will ensure compliance with County, state and federal laws and regulations and provide the most effective level of service at the least cost to citizens.

B. Covered Departments

All County Departments are covered by this policy.

C. County Vehicle Use Policy

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

D. Responsibility

1. All County employees operating county vehicles shall adhere to the stipulations and requirements of this policy.
2. Seat belts are required at all times for the operator and all occupants of County vehicles.
3. Department heads shall be responsible for enforcement of this Policy in relation to their employees.
4. 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. 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.

5. 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.
6. County employees and occupants shall not use tobacco products while in a County owned vehicle.
7. County employees shall not use, purchase, or transport alcohol while driving County owned vehicles.
8. 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.

E. 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.

F. Driver Requirements

1. Acceptable Driving Record

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

- a) A valid Virginia driver's license with a score of -4 or better.
- b) No license revocations or suspensions within the past three (3) years.
- c) No record of conviction of a felony while operating a motor vehicle.
- d) No Driving under the Influence ("DUI") Driving while Intoxicated ("DWI") convictions in the past two (2) years.

2. Driver Eligibility

- a) In order to operate County owned vehicles, an employee must be eighteen (18) years of age or have a minimum of three (3) years of acceptable legal driving experience. 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.
- b) All County employees whose jobs may include driving responsibilities will have their Department of Motor Vehicles ("DMV") driving record reviewed annually by their department head.
- c) A County employee is eligible to operate a vehicle for County business purposes if their DMV driving record is determined to be satisfactory upon review by the department.
- d) The Department will utilize the Virginia Department of Motor Vehicles Driver Improvement Program to assess driver eligibility.
- e) Employees must inform their Supervisor of the following:
 - i. That the operator's DMV driver's license being restricted, suspended, or revoked.
 - ii. Charges for moving violations while operating a vehicle.
 - iii. Legal charges or convictions while operating a vehicle.
- f) Employees who fail to report such offenses outlined may be subject to disciplinary action up to and including termination.

3. Disciplinary Actions Related to Poor Driving Performance:

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

- i. Revocation or suspension of their driver's license will result in loss of driving privileges for County vehicles.
- ii. Failure to report a moving violation while driving on County business will result in disciplinary action as defined by county policy.
- iii. Failure to report an accident while driving on County business will result in disciplinary action as defined by county policy.
- iv. 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

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. 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. 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. 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.

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.

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:

- A. An employee shall not be coerced to support a political activity or to sign petitions for office.
- B. An employee shall not engage in political activity on work premises during work hours.
- C. An employee shall not use County resources for political activities.

- D. An employee shall not use, discriminate in favor of or against, any person or applicant for employment based on political activities.
- E. An employee shall not use the employee's title or position while engaging in political activity.
- F. Constitutional Officers and their appointees will conform to the State Board of Election Laws.

21. SEVERABILITY AND MODIFICATIONS

A. Conflicting Policies Repealed

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

B. Severability

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

C. Right to Amend

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

D. 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.

E. Effective Date

This policy shall become effective upon adoption.

APPENDIX

This appendix is not part of the personnel policy but is to be used in accordance with the policy. Forms found here may be modified or changed without approval of the Board of Supervisors.

RECEIPT OF COUNTY OF AMHERST PERSONNEL POLICIES MANUAL

I, _____, have received a copy of the Personnel Policies Manual of Amherst County on the date shown below. I agree to comply with the provisions of the Manual. This manual 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 Constitutional or Statutory requirements. In addition, I specifically agree to the following:

I consent to monitoring of electronic communications as described in the Manual.

Signed, the _____ day of _____, 20____.

Employee's Signature

This receipt will be kept in the employee personnel file.

Step One:

Department

Department

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

Date

Step One (Continued):

Department

Department

[illegible]

_____ **Reject**

Date _____

Date

Step Two:

[illegible]

**COUNTY OF AMHERST
GRIEVANCE FORM**

Step Two:

Name of Employee

Department

I hereby request a meeting with my Department Director in accordance with the provisions of the Complaint and Grievance Procedure (Step Two) of the Amherst County Personnel Policies Manual.

Signature of Grievant

Date

FINDING OF DEPARTMENT DIRECTOR

DECISION OF GRIEVANT:

_____ **Accept**

_____ **Reject**

Signature of Department Director

Date

Signature of Grievant

Date

**COUNTY OF AMHERST
GRIEVANCE FORM**

Step Three:

Name of Employee

Department

I hereby request a meeting with the County Administrator in accordance with the provisions of the Complaint and Grievance Procedure (Step Two) of the Amherst County Personnel Policies Manual.

Signature of Grievant

Date of Request

FINDING OF COUNTY ADMINISTRATOR

DECISION OF GRIEVANT:

_____ **Accept** _____ **Reject**

Signature of County Administrator

Date

Signature of Grievant

Date

Step Four:

Department

GRIEVANCE (Explain in your own words, why you are requesting a Hearing Officer.)

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

Date _____

EMPLOYEE PERFORMANCE EVALUATION

NAME: _____ **FROM:** _____ **TO:** _____

DEPARTMENT: _____ **JOB TITLE:** _____

CHECK ONE: ☐ Annual ☐ 6 Month ☐ Other **DATE OF HIRE:** _____

Performance evaluation should measure both the employee's activities and the results. Concentrate on the actions of the individual, not the person. Evaluate performance as compared to the requirements of the job/position description. The interview should cover plans for improvement and allow feedback.

Ratings: (3) Excellent = Exceeds expectations (2) Good = Meets all expectations (1) Needs improvement = Meets most expectations (0) Unacceptable = Falls short of expectations

	(0) Unacceptable	(1) Needs Improvement	(2) Good	(3) Excellent
Job Knowledge: Technical experience, possesses skills to accomplish job, familiar with procedures and objectives, understands scope and interrelationship to others.	___ Lacks sufficient knowledge to perform the job.	___ Knowledgeable in some aspects of the job. Needs training. Often requires guidance to apply procedures to new situations	___ Knowledgeable in most aspects of the job. Guidance required to apply procedures to new situations	___ Knowledgeable in all aspects of the job. Applies knowledge to new situations with minimal guidance.
Quality of Work: Accurate, thorough, neat, careful.	___ Does not meet minimal quality expectations for the job.	___ Occasionally does not complete work accurately and neatly. Needs to check work more carefully. Occasionally falls short of quality standards.	___ Completes work accurately and neatly. Meets quality standards.	___ Frequently demonstrates high degree of accuracy and neatness. Frequently exceeds quality standard.
Quantity of Work: Productive.	___ Produces volume of work that does not meet minimum expectations	___ Produces the volume of work necessary to meet minimum standards. Occasionally misses assigned deadlines.	___ Produces the volume of work necessary to meet standards. Meets assigned deadlines.	___ Produces a high volume of work. Frequently exceeds assigned deadlines.
Need for Supervision: Works independently; organizes and plans work; recognizes priorities.	___ Requires constant supervisory follow-up in order to get schedules work done.	___ Work is completed with repeated supervisory observation or control.	___ Works on own assignment under normal, prearranged supervisory follow-up.	___ Requires little supervision; is reliable.
Dependability: Accepts responsibilities; meets deadlines; perseveres; follows instructions	___ Requires close supervision; is unreliable.	___ Sometimes requires prompting.	___ Usually takes care of necessary tasks and completes with reasonable promptness.	___ Reliable in job. Regularly completes work on schedule
Initiative: Acts independently; able to originate and develop useful ideas; self-starter, resourceful.	___ Shows little initiative. Never volunteers, Sticks closely to job routine.	___ Shows some initiative. Should do more without having to be told.	___ Does not shirk. Voluntarily attempts to solve non-routine job problems as they occur.	___ Above average. A self starter. Will generally volunteer

Adaptability: Quick to learn new practices; adjusts to changes in assignments or working conditions; applies job knowledge.	___ Does not retain instructions. Does not adjust well to change. Does not apply job knowledge.	___ Learns new practices after much instruction. Accepts change with hesitancy; minimum application of job knowledge.	___ Routinely learns new practices, adjusts well to change. Good application of job knowledge.	___ Quickly learns new practices. Has a positive attitude about change. Exceptional application of job knowledge.
Judgment: Capacity to make reasonable decisions.	___ Frequently makes irrational decisions; poor judgment.	___ Too often selects wrong alternative.	___ Usually exercises sound judgment.	___ Above average reasoning, seldom errs in judgment.
Interpersonal skills: The ability to interact in a positive manner with internal and external customers; includes ability to communicate.	___ Does not interact well with others, frequent conflicts, uncooperative.	___ Sometimes has difficulty interacting with others. At times is uncooperative	___ Generally get along well with others with only occasional conflicts	___ Gets along well with others. Very infrequent conflicts. Often shows strong interpersonal skills
Attendance and Punctuality: Adheres to schedule and reasonable time frames.	___ Often absent without good excuse and/or frequently reports to work late.	___ Lax in attendance and/or reporting for work on time	___ Satisfactory attendance record, generally accepts overtime if requested.	___ Rarely tardy or absent, almost always accepts overtime work, if requested.
OVERALL RATING (CHECK BOX)				

General comments concerning performance and employee strengths and weaknesses:

Did employee reach previous improvement/development objectives:

Plans for improvement/development objectives:

RATED BY IMMEDIATE SUPERVISOR:

Signature: _____ **Date:** _____

EMPLOYEE COMMENTS:

Signature: _____ **Date:** _____

APPROVED BY DEPARTMENT HEAD:

COMMENTS:

Signature: _____ **Date:** _____

County Administrator: _____

Date Evaluation Returned to County Administrator: _____

PERFORMANCE RATINGS

All ratings must be factually based on the employee's current performance in conjunction with the requirements of the position description, not based on employee's potential nor performance on previous job(s). It is inappropriate to allow a performance rating on one factor color the ratings on other factors.

RATINGS

DEFINITIONS

Unacceptable	Achieves far less than results expected from job requirements. Requires more assistance and supervision than is acceptable on a continuing basis. Overall performance is not acceptable.
Needs Improvement	Achieves results which fail to meet some job requirements. Requires more than normal assistance or supervision. Exhibits Potential to become fully satisfactory performer with coaching and establishment of improvement objectives.
Good	Achieves results which meet or occasionally exceed all standards and job requirements. Demonstrates effective working knowledge, judgment, and control of the position. Requires no more than normal assistance and supervision. This rating reflects Performance that meets all standards and requirements of the position.
Excellent	Achieves results which generally exceed most job requirements. Demonstrates a high degree of initiative, application, or significant depth to knowledge in the field. Contributes worthwhile new ideas and continuous sound judgment. If highly effective and produces work or high quantity and quality. Requires less than normal assistance and supervision.