

GOOCHLAND COUNTY



EMPLOYEE HANDBOOK

**ADOPTED BY THE GOOCHLAND COUNTY
BOARD OF SUPERVISORS**

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GOOCHLAND COUNTY EMPLOYEE HANDBOOK

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I. PURPOSE AND CODE OF ETHICS

- A. Purpose.** The objective of this Handbook is to provide a uniform system of personnel administration for the staff of the County of Goochland (“County”), based on merit principles, equitable compensation, open competition in hiring and advancement, and equal employment opportunities.

It is the policy of the County to establish reasonable rules of employment conduct (i.e., guidelines for management and employees to follow) and to ensure compliance with these rules through a program consistent with the best interests of the County and its employees. THIS MANUAL IS NOT, AND SHALL NOT BE CONSTRUED AS, AN EXPLICIT OR IMPLIED CONTRACT, SHALL NOT MODIFY ANY EXISTING AT-WILL STATUS OF ANY COUNTY EMPLOYEE, AND SHALL NOT CREATE ANY DUE PROCESS REQUIREMENT IN EXCESS OF FEDERAL OR STATE CONSTITUTIONAL OR STATUTORY REQUIREMENTS. THE TERM AT-WILL MEANS EMPLOYEES CAN TERMINATE OR BE TERMINATED AT WILL. EXCEPTIONS ARE EMPLOYEES HAVING WRITTEN CONTRACTS SIGNED BY THE BOARD OF SUPERVISORS.

- B. Code of Ethics.** The top priority of the Goochland County government is to further the public trust and be good stewards of public resources. Employees have a responsibility to encourage honesty, integrity, and ethics. The County will take disciplinary action up to and including termination if an employee’s behavior exhibits a lack of integrity or ethics.

In order to encourage the delivery of quality services, each County employee is expected to accept certain responsibilities, adhere to accepted business principles, and demonstrate a high degree of personal integrity at all times. This demands that in both business and personal life, each employee should refrain from any behavior that might be harmful to oneself, co-workers or the County, or that might be viewed unfavorably by the public.

In order to further these objectives, all County employees shall:

1. Uphold the Constitution, laws, and regulations of the United States and of all governments therein and never knowingly be a party to their evasion;
2. Give a full measure of effort and service to the position of trust for which stewardship has been granted; giving earnest effort and best thought to the performance of duties;
3. Seek to find and use the most equitable, efficient, effective, and economical means for getting tasks accomplished;
4. Support the rights and recognize the needs of all citizens regardless of race, color, sex, age, religion, creed, national origin, marital status, pregnancy or disability. Avoid engaging in activities that discriminate against or offend individuals because of race, color, sex, age, religion, creed, national origin, marital status, pregnancy or disability;
5. Avoid discrimination through the dispensing of special favors or unfair privileges to anyone, whether for remuneration or not. An employee should never accept for

himself or herself or for family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties;

6. Make no private promises of any kind binding upon the duties or any office, since a public servant has no private word which can be binding on public duty;
7. Engage in no business, either directly or indirectly, which is inconsistent with the conscientious performance of government duties except as may be consistent with the conflict of interests statutes in the Code of Virginia;
8. Never use any information gained confidentially in the performance of governmental duties as a means of making private profit;
9. Expose through appropriate means and channels, corruption, misconduct, or neglect of duty whenever discovered;
10. Adhere to the principle that the County's business should be conducted in the public view by observing and following the letter and spirit of the Freedom of Information Act; and
11. Pledge to honor and uphold these principles, ever conscious that public office is a public trust.

II. DEFINITIONS

Whenever responsibilities fall to the County Administrator under these Policies, those duties may be delegated.

- A. **Exempt Employee** – a salaried employee who performs executive, administrative or professional duties and certain computer professionals as defined under the Fair Labor Standards Act and its regulations and is exempt from the overtime provisions of the Fair Labor Standards Act.
- B. **Non-exempt Employee** – employees, in positions whose compensation is subject to the overtime requirements of the Fair Labor Standards Act.
- C. **Full-time Employee** – an individual hired on either a salary or wage basis for an established position for an indefinite term who is hired to work a minimum of forty (40) hours a week.
- D. **Part-time Benefits Eligible Employee** – an individual hired on a salary basis for an established position for an indefinite term who works thirty-two (32) hours on a recurring basis per week and may receive benefits such as healthcare, retirement and pro-rated leave accrual.
- E. **Part-time Employee** – an individual hired on either a salary or wage basis for an established position for an indefinite term who is expected to work an established period of time that is less than thirty-two (32) hours per week.

- F. Probationary Employee** – a full or part-time employee who has served for less than twelve (12) months. (See Section IV(K) for more information.)
- G. Temporary Employee** – an individual hired on a term basis, *e.g.*, day, week, period of months or on a project basis. Includes seasonal workers.
- H. Work Week** – for the purpose of calculating entitlements for overtime, the County’s work week begins at 12:01 a.m. Saturday and ends at 12:00 midnight Friday. Fire protection, emergency medical services and law enforcement personnel may have different work periods.

III. EQUAL EMPLOYMENT OPPORTUNITY

A. Policy Statement

It is the policy of the County to provide equal opportunity in employment and to administer employment policies without regard to age, color, national origin, citizenship, physical or mental disability, family medical history or genetic information, race, religion, creed, gender, sex, sexual orientation, gender identity and/or expression, marital status, status with regard to public assistance, status as a disabled veteran or any other characteristic or status that is protected by federal, state or local laws. This policy applies to every aspect of employment practices including, but not limited to the following:

1. Recruiting, hiring and promoting in all job classifications, except where such a factor can be demonstrated as a bona fide occupational qualification.
2. All decisions for hiring or promotion shall be based solely upon each individual's qualifications for the position to be filled.
3. Other personnel actions such as compensation, benefits, transfers, layoffs, training and assignments.

B. 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 interpersonal conduct that does not relate to the County’s business. In particular, the hostile atmosphere created by remarks and/or animosity based on ethnic, racial, sexual, gender, national origin, marital status, disability, religious traits, pregnancy, unwelcome sexual advances, requests for sexual favors, or other similar conduct is not permitted.

Harassment based on race, sex, color, national origin, religion, creed, age, marital status, pregnancy, or disability will not be tolerated. 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.

C. Sexual Harassment

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

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

Examples of sexual harassment are:

1. physical assaults;
2. subtle or overt pressures or direct requests for sexual favors;
3. inappropriate displays of sexually suggestive objects or pictures; or
4. 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 explicitly or implicitly communicate 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.

D. Accommodating Individuals with Disabilities

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

E. Violations

An employee who believes that the Equal Employment Opportunity policy is being violated should (i) inform the offending person(s) that the conduct is unwelcome and (ii) should report the conduct immediately to their immediate supervisor and the Director of Human Resources. 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 person bringing the complaint and appropriate disciplinary action, up to and including discharge, against the person(s) who violated the policy will be imposed.

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

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.

F. Retaliation

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

If an employee believes that he or she is being retaliated against, a report, preferably in writing, should be made to the Director of Human Resources. Those who are found to be acting in a retaliatory manner will be disciplined for such conduct.

IV. RECRUITMENT AND SELECTION

A. Hiring Authority

The County Administrator has complete authority for hiring, promoting and discharging employees in accordance with these policies.

A. Open Positions

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

B. Recruitment, Hiring Practices:

The Human Resources Department is responsible for centralized recruitment for Goochland County. The Director of Human Resources shall be responsible for receiving, processing and maintaining applications for County employment. The Director of Human Resources will determine the methods by which recruitment is conducted for approved vacant positions. Any tests administered as a condition of employment or to aid in making a selection shall be approved by the Human Resources Department prior to

use. No selection device will be used without the prior approval of the Human Resources Department. No person will be hired or appointed into a position unless that position is a vacant funded position. Final commitments of a job offer, appointment to new position, beginning salary and starting date are made only by the Human Resources Department. An appointment to a new position is not effective until approved by the Human Resources Department and must begin at the beginning of a pay period unless otherwise approved by the Director of Human Resources.

Any interested individual (including County employees) may apply for a posted job vacancy in accordance with normal procedure. Job announcements will be posted as well as appear in newspapers and/or professional and trade magazines as approved by the Director of Human Resources.

C. Procedures for Hiring:

For the purposes of this section, a vacant position is defined as any Board approved position which is not presently filled by an incumbent.

Each time a vacancy occurs and the department head supports the need for filling such a vacancy, the original Requisition, approved by the department head, will be submitted to the Human Resources Department. The department head, in authorizing the position to be filled, is certifying the availability of funding for the position.

The Director of Human Resources will determine the appropriate method of attracting a qualified pool of applicants for the vacant position. The Director of Human Resources is not required to conduct open competitive recruitment programs for those classes of positions for which recruitment programs have already been conducted within the last 90 days. Sufficient qualified applicants for employment consideration in that class of position must remain in that applicant pool.

The department head shall review the qualifications of all applicants. It shall be the responsibility of the hiring department to maintain supporting documentation on the methodology used to determine those applicants to be given further consideration for the vacant position. This process shall be reviewed and approved by the Director of Human Resources

The department head shall submit a list of the applicants interviewed and a recommendation as to an offer of employment. The department shall maintain appropriate documentation of the screening and interview process.

Should post selection, pre-employment information, including criminal records check, drug test or physical examination results be required, a provisional offer of employment will be made to the applicant. Execution of a provisional employment contract may be required.

D. Employment Date:

Employment shall become effective as of the date on which the employee officially begins the performance of the duties of the position. This shall include new employee

orientation and training. So far as is practical, effective dates shall be established at the beginning of regular pay periods.

E. Seasonal Hiring:

This section covers employees who are hired for seasonal positions. Once they compete for initial employment and are employed they may remain on the payroll until such time as the seasonal assignment is concluded. The department, if the performance of the employee has been acceptable and the employee wants to remain as a seasonal employee, may place the employee in leave without pay (LWOP) status until such time as the services are again required for the previous position or similar position in the same classification. At this time the department may reactivate the payroll status of the employee.

If, at the end of the original appointment or any subsequent appointment the department no longer requires the services of the employee, the employee's performance was unacceptable, or the employee no longer desires seasonal employment, the department may terminate the employee. Thereafter, the terminated employee would need to submit a new application for future employment consideration with the County.

Employees in seasonal positions are not eligible for employee benefits and do not earn leave.

F. Emergency/Temporary Hiring:

There may be instances where the orderly operation of government may necessitate the hiring of personnel outside of the normal procedure for filling vacancies. Authority from the County Administrator to hire on an emergency basis shall be requested in writing by the department head, stating the circumstances and the process to be followed in the emergency hire. To the extent practicable, the usual employment procedures shall be followed. No employment under this provision can be committed prior to the approval of the County Administrator.

G. Provisional Hiring:

The Director of Human Resources shall review any proposed provisional hiring. The hiring of personnel on a provisional basis may be accomplished with the recommendation of the department head in writing to, and approval of, the Director of Human Resources. A provisional hire is the employment of an individual with certain provisions spelled out as a condition of employment that may or may not adhere strictly to the County Human Resources Policies regarding employment, classification and compensation. A provisional agreement may be required pending receipt of physical evaluations, drug screening or criminal records information.

H. Criminal Records Check/Pre-Employment Drug Screens

In the interest of public welfare or safety, all full-time employees will be subject to pre-employment drug screen and a criminal records check. It will also be required of part-time employees working in safety sensitive areas.

Following a provisional offer of employment, the Director of Human Resources will request a criminal records check of the prospective employee. Upon receipt of information which indicates a criminal conviction, the Director of Human Resources will consult with the County Administrator and appropriate department head to determine if there is a connection between the crime involved and the job sought. In cases where the County Administrator determines that the criminal record is incompatible with the nature of employment, the provisional employment offer shall be withdrawn. The decision of the County Administrator shall be final. Criminal history records shall be kept confidential.

J. Employment of Relatives

It is the policy of the County not to employ immediate family members of present employees in a supervisory-subordinate relationship.

The State and Local Government Conflict of Interests Act (Virginia Code §2.2-3109) allows the employment of immediate family members of County officers or employees, only if the officer or employee does not exercise any control over the employment or the employment activities of the family member and the officer or employee is not in a position to influence those activities.

K. Probationary Period

Every employee must serve a probationary period in the position. During this period the employee must show that he or she is capable and willing to perform the job satisfactorily. A probationary employee may be terminated at any time if the employee is not suited to that position. The Department Head shall consult the Director of Human Resources prior to action in such cases. At the end of the probationary period the employee will be evaluated to determine satisfactory performance. The probationary period and date may be extended for all leaves without pay that were taken during the period.

1. All new full-time and part-time employees serve a one (1) year probationary period.
2. All employees who apply for and obtain another position within the County will serve a six (6) month probationary period in the new position.
3. Employees who are transferred, demoted or who otherwise are placed in a new position at the direction of management do not have to serve a probationary period.
4. In establishing a probationary period, the County does not abrogate or modify in any way the employment-at-will status that applies to its employment relationship with all employees.
5. A probationary employee is not eligible to grieve or otherwise use the County's grievance procedures.

V. EMPLOYEE COMPENSATION

A. Pay and Classifications

A classification plan for employees shall be established, reviewed regularly and shall consist of:

1. A classification system for all regular positions; and
2. A paygrade that sets a salary range for each classification.

The salary for each employee within a paygrade shall be set by the County Administrator.

B. Salary

Salary is a predetermined amount of compensation regularly received each pay period. The following are the number of hours that are to be worked for the salary received:

1. Exempt Employees: employees who perform duties exempt from the overtime requirements of the Fair Labor Standards Act receive a salary for however many hours they work in a work week.
2. Non-Exempt Employees: employees who perform duties that are not exempt from the overtime requirements of the Fair Labor Standards Act receive a salary for forty (40) hours of work in a work week.
3. Law Enforcement, Fire Protection and Emergency Medical Services Employees: employees, who perform law enforcement, fire protection duties or emergency medical services may have a work period greater than seven (7) days (a work period can be from seven (7) to twenty-eight (28) days). These employees receive a salary for the maximum amount of hours worked before overtime is due in the work period established.

C. Hours of Work

1. Hours of Work

The County Administrator shall establish the hours of work for all County employees. It is a condition of employment that each employee strictly adhere to the work schedule.

2. Standard Schedule

The standard scheduled work week for which salary is paid consists of forty (40) hours during a seven (7) day work period. Most schedules are Monday through Friday, but schedules may be adjusted to include weekend or evening hours as may be necessary. This does not preclude the establishment of specified schedules other than forty (40) hours in a given work period if approved by the

County Administrator. For law enforcement, fire protection and emergency medical services employees the schedule may be established for a period of up to twenty-eight (28) days.

3. On Call

Any employee whose job requires that they be on call as determined by the Department Head is expected to be available and fit to report to duty.

4. Breaks

Employees may have two (2) fifteen (15) minute rest breaks per day which are included within the paid hours of work. Employees are required to take a thirty (30) minute meal break. The meal break does not count in the hours worked (unless the employee is scheduled to work through the meal break). Rest breaks may be used in conjunction with the meal break, as long as the total time does not exceed sixty (60) minutes per work day. Such breaks if taken must be used each day and may not accumulate from one shift or one day to another.

5. Adjustments to Work Schedules

Hours of work, schedules, and duty assignments within a work period are to be established by the Department Head. They may vary among employees and work units. Schedules may be adjusted to meet the Family and Medical Leave Act and Americans with Disabilities Act requirements. Permanent flexible work schedules are not allowed. However, with the approval of their supervisor, an employee's work schedule may be adjusted.

6. Late Arrivals

If an employee is unable to report for work or expects to be late, the employee must contact his supervisor as soon as possible but no later than the beginning of his or her scheduled work hour and provide the reason for his absence or tardiness. Paid leave may or may not be approved for such tardiness. If an employee has difficulty reaching his supervisor, he should leave a message on the supervisor's telephone reporting his absence; after a message is left the employee must continue to attempt to contact the supervisor. The responsibility to notify a supervisor(s) about absences or about tardiness always rests with the employee.

7. Absence without Leave

Absence without leave is defined as the failure to report for work without the approval of the employee's supervisor or Department Head. In addition, it includes the failure of an employee to report for work as expected at the end of an authorized leave. If the employee is unable to provide an adequate explanation upon the return to work for failing to get the proper approval for the absence, the employee may be subject to disciplinary action up to and including termination. All absences without leave will result in an hour for hour deduction in salary for

non-exempt employees in addition to appropriate disciplinary action. Exempt employees may receive a one (1) day suspension without pay and/or appropriate disciplinary action.

8. Time Sheets

Non-exempt employees are required to complete time sheets for hours worked. The accuracy of the time records is the responsibility of each employee. The County will provide forms to be used for time keeping.

D. Performance Increases

The County promotes excellence in its workforce. Salary increases within budget constraints may be given to that end. Each employee's performance will be reviewed annually and based on satisfactory performance and contributions to the organization, pay increases may be given. In exceptional circumstances an employee's pay may be increased in less than a year for meritorious service or enhanced responsibilities. Pay increases are not automatic or guaranteed.

E. Overtime Compensation

Employees who are not in exempt positions under the Fair Labor Standards Act will be compensated in wages or in compensatory time at the rate of time and a half for all hours actually worked in excess of forty (40) hours a work week. Unless authorized to do so, non-exempt employees should not work over forty (40) hours during a work week. If an employee works over the scheduled hours for a particular day without advanced authorization, the employee should inform the supervisor immediately on the day following.

Exempt employees who are required to work beyond normal hours or on weekends and holidays may be given Special Duty Leave at the discretion of the Department Head or County Administrator, as applicable.

F. Benefits

Full-time salaried employees are eligible for the following benefits:

1. Group Health Plan Coverage

Health plan coverage is provided through a program established by the Board of Supervisors. The terms of such plan(s) are subject to change as the Board may determine. The County requires that the payment for health care coverage be made as a payroll deduction; employees will have to authorize this deduction from their paycheck. The effective date of coverage will be the first of the month following the employee's date of hire.

A discount on employee premiums will be given to a husband and wife who both work for the County. It is the employee's responsibility to contact the Human

Resources Department for details.

2. Group Health Plan Continuation Coverage (COBRA)

Employees who leave employment with the County but who do not retire, may elect to continue health care coverage for themselves and their family members, if the family members were enrolled at the time of separation, under the terms of COBRA.

3. Retiree Health Insurance Coverage

Employees (including Social Services and Community Services) employed prior to July 1, 2011 who have participated in the health plan during their employment with the County and retire may continue in the health plan if the following eligibility is met.

Employees must retire directly from the County and must be eligible to receive an early or regular retirement benefit from the Virginia Retirement System (VRS). Retirees must be at least age 50 with 10 consecutive years of service with Goochland County, or at least age 55 with 5 years of consecutive service with Goochland County. In addition, the retiree must immediately begin receiving a retirement benefit from VRS. Employees who defer retirement will not qualify. Employees who are terminated are not eligible.

The County will provide a monthly supplement of \$4 per year of VRS service (capping at \$140 per month) to retirees who meet the above criteria and have at least 15 years of service with VRS. Retirees who receive a VRS Health Insurance Credit will only be eligible for a combined total maximum of the \$4 per year of VRS service per month.

Employees with an employment date of July 1, 2011 or after will have no access to health insurance upon retirement.

4. Group Life Insurance

The Virginia Retirement System group life insurance program is provided at no cost to the employee. The plan provides life insurance and accidental death and dismemberment coverage during active employment. The coverage amount for natural death is the employee's salary, rounded to the next highest thousand dollars, then doubled. For example, an employee whose salary is \$15,300 per year has \$32,000 in natural death benefits. The accidental death benefit is double the natural death benefit, which for the example above, is \$64,000. In addition, any member of the Group Life Insurance plan is eligible to purchase additional life insurance at a value of up to four-times the employee's salary through the program's optional life insurance program and may elect coverage for the spouse and children.

5. Other Benefits Deductions

In addition to the above benefits, employees may have other voluntary deductions withheld from their paychecks for any additional programs that have been approved by the County.

Voluntary deductions currently offered by the County include:

Cafeteria 125 Plan	Short-Term Disability
Virginia Credit Union	Accident, Critical Illness
Deferred Compensation Plans	Whole Life Insurance

6. Retirement and Disability Retirement

The County pays the employer's contribution for each employee to the Virginia Retirement System ("VRS"). Effective July 1, 2012, State law requires employees to contribute 5% of their regular salary each month. Employees hired/starting on or prior to the first business day of the month shall be reported to VRS with a membership date of the first of that same month, while employees hired after the first business day of the month shall be reported to VRS with a membership date of the first of the following month.

VRS offers regular retirement as well as disability retirement benefits. Further information on both plans can be obtained on-line at www.varetire.org.

7. Social Security/Medicare

Social Security benefits are provided to all employees. A portion of an employee's salary or wages is withheld each pay period for Social Security/Medicare contributions in accordance with the prevailing federal contribution schedule. The County, as employer, is required to match the amount that is withheld from the employee for these purposes.

8. Workers' Compensation

Workers' Compensation benefits are provided to all employees. In the event of a work-related illness or injury, an employee should notify their supervisor immediately. The employee is responsible for calling The Company Nurse Injury Hotline the same day so that the necessary reports are filed. The phone number is posted on the County's website under Human Resources. Additional information on Workers' Compensation is found in the section IX(A) of this policy.

G. Pay Days

Pay days occur twice a month with paychecks issued the 15th and the last day of the month. When a pay day occurs on a County holiday, employees normally are paid the day before the holiday. If a pay day occurs on a weekend, employees normally are paid on the Friday before. For the convenience of the employees, and due to lower costs, the County encourages all employees to use direct deposit.

H. Fair Labor Standards Act

An employee who believes that a provision of the Fair Labor Standards Act (“FLSA”) has been violated (the position is misclassified as exempt, overtime compensation is due, improper deductions from wages, etc.) or that there has been retaliation for bringing a complaint or asserting a right under the FLSA, may file a complaint with the County Administrator or the Director of Human Resources. Complaints will be promptly and thoroughly investigated and corrective action, including the payment of additional compensation, will be taken if a violation is founded. For purposes of calculating overtime, only hours worked within a regular week are included.

VI. HOLIDAYS AND LEAVE

A. Holidays

The following holidays are observed by the County. In addition, the County shall also observe any other holiday designated by the Governor as a legal holiday for the Commonwealth of Virginia:

New Year's Day	January 1
Lee-Jackson Day	Friday preceding 3 rd Monday of January
Martin Luther King, Jr.	3 rd Monday of January
President's Day	3 rd Monday of February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1 st Monday in September
Columbus Day	2 nd Monday in October
Veteran's Day	November 11
Thanksgiving Day	4 th Thursday in November
Day after Thanksgiving	4 th Friday in November
Christmas Day	December 25

In lieu of observing regular County holidays, fire protection and emergency medical services employees are granted holiday leave accrual.

If special circumstances warrant, the County Administrator can amend the holiday schedule after consultation with the Board of Supervisors.

Holidays falling on Saturday or Sunday shall be observed on the Friday or the Monday respectively as announced by the County.

The following conditions apply to the County's holiday pay policy:

- Holiday pay **will not** be considered as time worked for the purpose of overtime calculations.
- Holiday pay is computed at individual employee's base rate of pay.
- If an employee is scheduled to work on a holiday, he or she will be paid employee's regular rate of pay plus eight (8) hours of holiday pay.
- Holidays will not be paid to employees on any type of unpaid leave.
- Holidays falling within an approved scheduled vacation will be recorded as holiday pay.
- Full-time and part-time benefit eligible employees must be in a paid status the day before and the day after a holiday to be paid for that holiday.

B. Leave

Annual Leave and Sick Leave allowances will accrue according to the following charts:

For Eligible Full-Time Employees

Years of Service	Accrual Rate per Pay Period (hours)		
	Annual Leave	Max. Annual Leave Carryover	Sick Leave
Less than 5	4	160	4
5 - 10 years of service	5	200	4
10+ years of service	6	240	4

For Eligible Full-Time Firefighters and Emergency Medical Services Employees

Years of Service	Accrual Rate per Pay Period (hours)					Max. Annual Leave Carryover	Sick Leave Accrual per pay period
	Annual Leave	Holiday Leave (13)	Combined	Factor	Total Leave		
Less than 5	4	4.33	8.33	1.4	11.66	224	5.60
5 - 10 years of service	5	4.33	9.33	1.4	13.06	280	5.60
10+ years of service	6	4.33	10.33	1.4	14.46	336	5.60

These Fire accrual rates were effective 7/1/11. Eligible firefighters/medics who work at least 48 hours per week earn annual leave and sick leave at a factor of 1.4 times the 40-hour accrual, including holidays. When 40 hour and 48+ hour firefighters change shifts, a conversion rate of 1.4 will be used to factor

leave, based on shift changes. In addition to leave accrual changes, if a firefighter's/medic's shift changes from 40 to 56 hours, the current annual leave balance will be multiplied by 1.4. The annual leave balance will be divided by 1.4 should a firefighter's/medic's shift change from 56 to 40. Sick leave balances will remain unchanged, and sick leave accrual will change to reflect the schedule change.

The County provides the following types of leave for its employees. Such leave may be taken by employees consistent with the policies and procedures set forth in this Handbook. However, an employee's failure to return to work at the expiration of an approved leave of absence could be interpreted by the County as a voluntary resignation by the affected employee.

1. Annual Leave

Full-time salaried employees earn paid annual leave on a semi-monthly basis. Part-time benefits eligible employees will receive leave proportionate to that given to full-time employees. Employees must physically work or be in a paid status for at least one day in a pay period in order to receive the accrual for that pay period. Leave will accrue on the 15th and the last day of each month. In counting the monthly accrual amount and carryover hours, completed years of full time employment in local, state or federal government will be used in determining the years of service. No annual leave balances may be transferred from another employer.

Annual leave may be used for personal purposes. The use of annual leave must be approved and scheduled in advance by the supervisor and Department Head. No more than one hundred and twenty (120) hours of consecutive annual leave shall be taken at one time without the County Administrator's permission.

Annual leave balances are reduced to the carry-over maximum, which is the maximum leave accrual, effective December 31 of each year. Hours in excess of the maximum carry-over amount will be forfeited. Employees who were scheduled to use leave but because of their essential duties were not able to do so during the calendar year may request permission from the County Administrator to carry over more than the maximum number.

When employment terminates, whether through retirement or for other reasons, the employee will be paid up to the maximum carry over hours for their years of service upon termination. In the event of the death of an employee, payment of the accrued annual leave balances up to the maximum number will be made to a qualified representative of the employee's estate. If there is no qualified representative of such estate, payment shall be made pursuant to Section 64.1-123 of the Code of Virginia.

2. Sick Leave

Full-time salaried employees earn sick leave on a semi-monthly basis; part-time

benefits eligible employees accrue sick leave at a proportionate rate. Employees must physically work or be in a paid status for at least one day in a pay period in order to receive the accrual for that pay period. Employees may carry over all accrued sick leave. Up to five days may be advanced to an employee in their first year of employment. A written request must be submitted to the County Administrator and approved in advance of the requested leave. Sick leave may be used when an employee is unable to work the required number of hours in the work week because of a personal illness or for other medical reasons and for doctor and dental appointments that could not be scheduled outside of work hours. Employees also may use up to 40 hours (56 hours for firefighters on a 56 hour weekly schedule) of their accrued sick leave, per calendar year when a member of the employee's immediate family is ill or has a medical condition that requires the care of the employee. An immediate family member for purposes of sick leave is a spouse, mother, father, child, brother or sister, or any relative, either by blood or marriage, living in employee's household.

At any time, an employee's supervisor or Department Head may require an employee to submit a doctor's statement certifying the reason for the employee's absence. An employee who is absent for three (3) or more consecutive days is required to provide a statement from the doctor explaining the need for the sick leave and the anticipated date of return.

At retirement, death, or when termination of employment is without cause, a full-time employee or a part-time benefits eligible employee with five (5) or more years of consecutive employment with the County will receive payment for twenty-five percent (25%) of the accrued sick leave balance or \$5,000 whichever is the lesser amount. Employees who are terminated for cause will not be eligible for this sick leave payment. In the event of the death of an employee, payment of the accrued sick leave balances up to the maximum amount will be made to a qualified representative of the employee's estate. If there is no qualified representative of such estate, payment shall be made pursuant to Section 64.1-123 of the Code of Virginia.

An employee changing from regular full-time status to regular part-time benefits eligible status shall retain the accrued sick leave balances. At retirement, death, or termination of employment without cause, the employee would only receive payment for the proportional share that the employee's part-time status allows.

3. Family and Medical Leave

The Family and Medical Leave Act of 1993 ("FMLA") provides eligible employees up to twelve weeks (60 work days) or, in certain circumstances described within this policy, 26 weeks of unpaid job protected leave in any rolling 12-month period for certain family and medical reasons. The County uses a "rolling" 12-month period measured forward from the date the FMLA leave begins. FMLA is unpaid leave; however, the County will require an employee to use all but one week of accrued paid leave in conjunction with FMLA leave before being granted unpaid leave. All types of leave (accumulated sick, annual,

compensatory, and worker's compensation) will run concurrently with FMLA.

Eligibility

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

Key employees who have been notified at the time that the request for leave is made that they are key employees are eligible for FMLA leave; however, they are not entitled to have their position held open for them. (See Reinstatement)

Purposes for which FMLA Leave May Be Taken

FMLA leave may be granted for any of the following reasons:

- (1) For the birth, adoption or placement for foster care of a son or daughter of the employee and to care for such child. The leave must be taken during the 12-month period following the birth or placement. If a husband and wife both work for the County, they are entitled only to a total of 12 weeks leave combined;
- (2) To care for an employee's spouse, child, or parent (does not include in-laws) who has a serious health condition and is incapable of self care;
- (3) For a serious health condition which makes the employee unable to perform the employee's job;

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 five (5) consecutive days and involving continuing treatment by a health care provider. Continuing treatment involves two (2) or more treatments (or one (1) 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. The employee must be unable to work at all or unable to perform any of the essential functions of the employee's position.

- (4) For a "qualifying exigency" arising out of the fact that an employee's spouse, parent, son or daughter is on covered active duty or has been called to active duty in the Armed Forces (as described below).

"Qualifying Exigency" means one or more of the following circumstances:

Short-notice deployment – to address any issues that may arise due to the fact that Covered Military Member received notice of the deployment seven (7) or less calendar days prior to the date of deployment;

Military events and related activities – to attend any official ceremony, program, or event sponsored by the military that is related to the Covered Military Member’s active duty; or to attend family support or assistance programs and informational briefings sponsored by the military;

Child care and school activities – to arrange for alternative childcare; to provide childcare on an urgent or immediate basis; to enroll or transfer a child to a new school; and to attend meetings with school staff that are made necessary by the Covered Military Member’s active duty or call to active duty;

Financial and legal arrangements – to make or update financial or legal arrangements related the Covered Military Member’s absence while on active duty; and to act as the Covered Military Member’s representative with regard to obtaining, arranging or appealing military benefits;

Counseling – to attend counseling sessions related to the Covered Military Member’s deployment or active duty status;

Rest and recuperation – to spend up to five (5) days with a Covered Military Member who is on short-term, temporary rest and recuperation leave;

Post-deployment activities – to attend ceremonies and reintegration briefings for a period of 90 days following the termination of the Covered Military Member’s active duty status; and to address issues arising from the death of a Covered Military Member ; and/or

For purposes of the above, a “Covered Military Member” means the employee’s spouse, son, daughter or parent on Covered Active Duty or call to active duty status.

For members of a regular component of the Armed Forces, “Covered Active Duty” means duty during the deployment of the member with the Armed Forces to a foreign country; and, in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in Section 101(a)(13)(B) of Title 10, United States Code.

- (5) Military caregiver leave (also known as covered service member leave) to care for an ill or injured service member. An Eligible Employee is entitled to a total of 26-weeks of unpaid “Military Caregiver Leave” during a single 12-month period:

~ to care for a spouse, son, daughter, parent, or next of kin (as defined by federal law) who is a member of the Armed Forces, including a member of the National Guard or Reserves, that is undergoing medical

treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

~ to care for a spouse, son, daughter, parent, or next of kin (as defined by federal law) who is a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

For purposes of the above, the term “veteran” has the meaning given the term in section 101 of title 38, United States Code. The term “serious injury or illness” is defined as follows:

In the case of a member of the Armed Forces (including a member of the National Guard or Reserves), “serious injury or illness” means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; and

In the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) “serious injury or illness” means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

Military Caregiver Leave pursuant to the FMLA is only available during a single 12-month period. The single 12-month period begins on the first day the eligible employee takes Military Caregiver Leave and ends 12 months after that date. Any Military Caregiver Leave that is taken, when combined with any other family/medical leave under this Policy may not exceed 26 workweeks. Employees who exhaust their 26-week Military Caregiver Leave during the single 12-month period are not eligible for additional FMLA leave during that period for themselves or a family member. Employees may only use annual leave to cover periods of Exigency Leave as the reasons for using such Leave are non-medical, and would not qualify for sick leave usage.

Procedures

Notice. Employees are required to provide the County with sufficient information to make it aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave. Sufficient information may include the following: that the employee is unable to perform his or her job functions; that the employee's family member is unable to perform his or her daily activities; that the employee or his or her family member must be hospitalized or undergo continuing treatment; or the circumstances supporting the need for military family leave. When an employee seeks leave due to a FMLA-qualifying reason for which the County has previously provided FMLA-protected leave, the employee must specifically reference the qualifying reason for the leave and the need for "FMLA" leave.

If the need for leave is foreseeable, the employee is required to provide such notice to the human resources department at least 30 days before the commencement of the leave, unless impracticable to do so under the circumstances, in which case notice must be given as soon as possible, generally the same or the next business day. The employee also must provide reasons for leave and anticipated start and duration of the leave. Failure to provide advance notice or follow County policy when the need for leave is foreseeable may result in delay or denial of FMLA leave. If the leave is not foreseeable, the employee must provide notice to the County of need for leave as soon as practicable, and must follow the County's usual call-in procedures, as set forth in the Hours of Work, Leave and Discipline sections of this Handbook. Failure to follow the County's call-in procedures, absent unusual circumstances, will result in delay or denial of the leave.

In case of planned medical treatment for a serious health condition, the employee is required to make a reasonable effort to schedule the treatment so as not to disrupt the operations of the County.

Employees are required to give additional notice as soon as practicable whenever there is a change in the dates of scheduled leave. The County requires that the employee's health care provider complete a fitness-for-duty certification that specifically addresses whether the employee is able to perform the essential functions of his or her job before the employee can return to work. If the County has a "reasonable safety concern," it may also require periodic fitness-for-duty certifications prior to the employee's return from intermittent FMLA leave, up to once every 30 days. A "reasonable safety concern" means a reasonable belief of significant risk of harm to the individual employee or others.

Upon receiving sufficient notice of an employee's need for FMLA-qualifying leave, the County will notify the employee of his or her eligibility to take FMLA leave within five (5) business days of the request, absent extenuating circumstances. At this time, the County will also provide the employee written notice of the employee's rights and obligations with respect to the leave (as well as provide copies of the required certification form).

Request. To request leave under this policy, you should obtain, complete, and sign a Family/Medical Leave Request Form ("Request Form") and submit it to the Human Resources department.

Medical Certification. If the reason for the leave request involves a serious

health condition, injury or illness (either yours or your family member's), you must also obtain and submit a completed and signed Certification of Health Care Provider ("Certification Form") within 15 days of submitting the Request Form. A leave to care for the employee's own serious health condition, or the serious health condition of a covered family member, must be supported by a medical certification completed by the health care provider for the employee or the covered family member. A qualifying exigency leave or a leave to care for a Covered Service member with a serious injury or illness must also be supported by a certification. The County will provide the proper certification to the employee for his or her respective leave within five (5) business days of the employee's request for leave.

The employee must return a complete and sufficient copy of the appropriate certification to the County within 15 calendar days of receiving the certification, unless it is not practicable. If the employee returns an incomplete or insufficient certification, then the County shall advise the employee in writing what additional information is necessary to make the certification complete and sufficient. In order to cure the deficiency, the employee must then return a complete and sufficient certification to the County within seven (7) calendar days. If the employee fails to cure a deficiency in a certification, or fails to return a certification, within the prescribed time period, the County may deny the taking of leave.

An HR representative (other than the employee's direct supervisor) may contact the employee's health care provider to clarify or authenticate the medical certification submitted for leave for the employee's own serious health condition or the serious health condition of a family member. If the County has reason to doubt the validity of a medical certification, the employee will be required to obtain a second or third opinion at the County's expense. Failure to comply with these certification requirements will result in the delay, denial or termination of leave.

An employee who will be on a FMLA leave for more than one (1) week is required to call Human Resources weekly to report when and if the employee expects to return to work. The County may request recertification at any time during the course of the leave for the employee's own serious health condition, if: (1) the employee requests an extension of leave; (2) the circumstances of the employee's condition as described in the previous certification have changed significantly, or (3) if the County has reason to suspect that an employee on FMLA leave has fraudulently obtained the FMLA leave. If desired by the County, a second or third certification in the manner provided above may be required.

When the County learns of an FMLA reason for leave after a leave has commenced under another of the County's policies, the County will designate the leave as FMLA-qualifying from the commencement of the leave. Employees are required to cooperate in providing the County with information needed to make this determination.

Notice of Designation. After receiving the completed forms, the County will designate the leave as either FMLA or non-FMLA, and provide you with a Notice of FMLA Rights and Responsibilities ("FMLA Notice") reflecting that designation.

If leave is taken for an FMLA reason and has not been so designated by the County, but the employee wants the leave be counted as FMLA leave, the employee must notify the

County human resources department within two business days of returning to work that the leave was for an FMLA reason. Otherwise, you may not subsequently assert FMLA protections for the absence.

Reporting During Leave. You may be required to furnish the County reports on your status, intent to return and recertification of the serious health condition every 30 days.

Leave Coordination

The County requires that you use all available paid leave time, such as sick leave, annual leave or other unpaid time, as appropriate, as part of your FMLA leave. Employees may keep a balance of 40 hours of sick leave before going into an unpaid status. Employees may only use annual leave to cover periods of Exigency Leave as the reasons for using such Leave are non- medical, and would not qualify for sick leave usage. If an employee is on FMLA leave and a holiday occurs, the holiday is counted as FMLA leave. All paid leave, including worker's compensation, will run concurrently with and be counted toward the employee's total 12-week or 26-week period of FMLA leave.

Employees on leave that qualifies both as workers' compensation and FMLA leave who are offered a light duty position will have the option of remaining on FMLA leave without pay (and foregoing the light duty position and additional workers' compensation benefits) or accepting the light duty position. If the employee accepts the light duty position, then the employee's right to job restoration (as described below) runs through the end of the applicable rolling calendar year. If the employee accepts light duty, then s/he retains the right to be restored to the same position the employee held at the time his or her FMLA leave commenced or to an equivalent position.

If FMLA is approved to care for a qualifying family member who has a serious health condition, employees may use up to 160 hours of accrued sick leave (224 for firefighters on a 56 hour weekly schedule). No more than 160/224 hours of family sick leave may be used in a calendar year. (Revised July 2013)

Intermittent or Reduced Leave

FMLA leave taken for a serious health condition of the employee or family member may be taken intermittently or on a reduced hours basis. If FMLA leave is taken intermittently or on a reduced schedule basis, then the County may require the employee to transfer temporarily to an available alternative position with an equivalent pay rate and benefits, including a part-time position, to better accommodate recurring periods of leave due to foreseeable medical treatment. Every employee is obligated to make a reasonable effort to schedule medical treatment so as not to unduly interrupt County operations. Any employee who needs an intermittent or reduced schedule leave shall submit an application for such leave on a form supplied by the County at the time described above. The employee shall also, within the time limits set forth, furnish the County with the proper medical certification on Form WH-380-E, which will be supplied by the County, regarding the need for such intermittent or reduced schedule leave. As in the case for other FMLA leaves, the County may require a second or third medical certification. Prior to the commencement of any intermittent or reduced schedule leave, the employee requesting intermittent or reduced scheduled leave must advise the County of the reasons why the intermittent/reduced scheduled leave is necessary and

of the schedule for treatment, if applicable. The employee and the County shall attempt to work out a schedule for such leave that meets the employee's needs without disrupting the County operations. FMLA leave taken on a part-time or intermittent basis is charged on a pro-rated basis.

FMLA leave taken for birth, adoption, placement, or foster care cannot be taken intermittently unless the County agrees. If both parents work for the County, the total FMLA leave that may be taken for this event is twelve (12) weeks, pro-rated between the parents as they choose. FMLA leave taken for the birth, adoption, placement, or foster care of a child must be taken within the twelve (12) months following the event.

Benefits during Leave

Employee Benefits. During family/medical leave, the County will continue the employee's health insurance coverage as follows. If the leave is paid, the County will deduct the employee's portion of the group health premium as a regular payroll deduction. If the leave is unpaid, the employee must pay their portion of the premium by the 15th of the month. If the employee's health care premium payment is more than 15 days late, the County will notify the employee in writing. Health care coverage will cease if the employee's premium payment is more than 30 days late. If the employee elects not to return to work, the employee will be liable to the County for the cost for the premiums paid by the County during family/medical leave, unless the employee cannot return to work due to a serious health condition or circumstances beyond their control. VRS retirement benefits will be paid by the County for eligible employees as long as the employee continues to receive a paycheck. Group Life insurance may continue in force for a period not to exceed twenty-four months unless the employee is on Military Leave for which the period of coverage continues while on active duty. Goochland County will pay for an eligible employees life insurance benefit for a period of ninety days, except in the case of Military Leave. After ninety days, the employee on LWOP must pay the full cost of the insurance premium for the balance of the LWOP period or 24 months. Should the coverage lapse, the employee will be re-enrolled at the same coverage amount upon return to paid status. In addition, all other benefits provided by the County may cease during the leave. The employee will be reinstated without any need for requalification upon return to work.

Leave Accrual. Employees will not accrue sick leave or annual leave if the leave is without pay for one or more pay periods.

Return from Leave

Failure to Return. When Family and Medical Leave expires, an employee's failure to return to work will be grounds for immediate termination unless a written extension is obtained from the County Administrator or Constitutional Officer, as applicable.

Fitness for Duty Certificate. Where leave was taken because of an employee's own illness or injury, s/he must provide a fitness-for-duty certification from a health care provider before returning to work. A failure to do so may cause a delay in reinstatement.

Reinstatement. Upon return to work, an employee will be entitled to reinstatement to their current position or to an equivalent position with the same pay and benefits. Exception: A salaried exempt employee paid in the top 10% of the County's employees may forfeit their right to reinstatement under certain conditions. The employee will be informed of this possibility when notice is given or as soon thereafter as practical under the circumstances.

False Claims

An employee who fraudulently obtains FMLA leave from the County is not protected by the Act's restoration or maintenance of health benefits provisions and will be subject to appropriate disciplinary action including discharge.

4. Medical Leave of Absence

Employees who do not meet the requirements of the Family Medical Leave Act may be approved for a medical leave of absence. A medical leave of absence may be granted to employees who meet one of the reasons listed under the FMLA guidelines, but do not meet the hour and service requirements of FMLA. A medical leave of absence is only for the allotted time the physician requires the employee to be out of work, may not exceed 12 weeks (60 work days), may only be taken in full day increments, and is only granted once during the designated FMLA year. Unlike the provisions of the FMLA, there is no job protection while out on a medical leave of absence. The County must give first consideration to the needs of the department. Approval of a medical leave of absence is not guaranteed. A medical leave of absence may be requested through the Human Resources department. Employees will be required to use any accumulated leave before being granted unpaid leave status. Insurance premiums are to be paid in accordance with the provisions set forth in the County's FMLA policy.

5. Leave Without Pay

If an unpaid absence is required for reasons other than the birth, adoption or placement of a child, the serious health condition of a spouse, child or parent, or the serious health condition of the employee, a written request for LWOP may be made to the department head. Unlike the provisions of the FMLA, there is no job protection in LWOP. The department head must give first consideration to the needs of the department. Department heads may recommend LWOP subject to the approval of the County Administrator. Approval of LWOP is not guaranteed. Employees will be required to use all accrued leave before being granted unpaid leave status.

6. Civil Leave

An employee may be granted leave with full pay for the time serving on a jury, attending court or an administrative proceeding as a witness (including grievance proceedings); reasonable travel time associated with such service shall be included in such leave. If such service is required as part of the employee's job with the County such time shall be counted as hours worked. Should less than five (5) hours be required, an employee is expected to work the remaining hours in the work day. Civil leave may not be used for court or administrative hearing procedures if the matter is personal.

An employee receiving compensation for these civic duties (compensation does not include the amount that the court may give for expenses) shall either turn the payment received over to the County or use annual or compensatory leave for such service.

7. Bereavement Leave

Bereavement leave is defined as leave with pay provided by the County that is granted to employees upon the death of a member of the immediate family. Immediate family for the purposes of bereavement leave is defined as: spouse, parent, son, daughter, brother, sister, grandparents, grandchildren, step-children, step-parents, guardian, and same relatives of spouse.

An employee may request to use bereavement leave for a period not to exceed three (3) working days per death. Such leave must be used within the thirty (30) days immediately following the death of the family member. If more than the three (3) working days are needed, or if leave is desired for a death other than for a member of the immediate family annual leave must be requested.

Bereavement leave must be approved by the Department Head. In the event of multiple deaths in the employee's immediate family, each death shall be treated separately and bereavement leave shall be granted accordingly.

8. Military Leave

An employee in a regular position who is called for active duty, or as a member of the reserve components, of the United States Army, Navy, Air Force, Marines Corps, and Coast Guard will have job restoration rights if (i) notice of the call for duty is provided to the County, (ii) the employee has not previously used five (5) years of military leave during his course of employment with the County, (iii) the employee is honorably discharged, and (iv) the employee upon the conclusion of military service reports back to work within the statutorily established time periods.

An employee must give the County advanced notice, either orally or in writing, of the call to military service. The County requests that an employee complete a leave request form and provide a copy of the military orders prior to departure. If an employee without justification fails to provide this notice, the employee will not be entitled to be restored to his job at the conclusion of the leave. If military orders were not provided prior to departure, in order to assure job restoration rights, an employee must provide such orders or evidence of military service.

An employee desiring to return to his position after military service must report back to work within these periods of time (travel time not included):

- a. Less than thirty (30) days of service - within eight (8) hours of the first regularly scheduled work day after returning home.
- b. Thirty-one (31) to one hundred and eighty (180) days of service - within

fourteen (14) days of completing military service.

- c. Over one hundred and eighty-one (181) days of service - no later than ninety (90) days of completing military service.
- d. If the employee is incapacitated, injured, or ill from an illness or injury incurred during military service, the days allotted to report to work commences at the date that the employee recovers from such incapacity or illness provided that two (2) years have not lapsed since discharge.

An employee on military leave who is in a regular position will receive fifteen (15) days of paid leave per federal fiscal year; the remainder of the leave will be without County pay unless the Board of Supervisors decides to provide a supplement to military pay. The period of military service will count for the purposes of benefits as if the employee had remained employed in County employment, e.g. seniority and leave entitlements. To supplement the military pay received, an employee may use accrued annual leave.

When an employee is called to military service, the employee has the right to elect under COBRA continuation of health plan coverage for up to twenty-four (24) months or for the duration of the military leave, whichever is shorter. The County will provide the election forms in order that the employee and other covered individuals receive notice of their right to elect continuation coverage.

Upon return from military service the employee will be placed in the position he would have held if he had been continually employed. If the employee is no longer qualified to perform the duties of the former position, the employee may be placed in a position of like seniority status and pay. The County, at its election, may fill on a temporary basis, the position vacated by the employee on military leave.

9. Special Duty Leave

Special duty leave is an authorized hour-for-hour absence with full pay for hours worked on a holiday, rest day, or when the County offices are closed. The Department Head at his/her discretion may provide exempt employees with special duty leave for hours worked when the County is closed. Employees whose normal schedule requires work on weekend days will not receive Special Duty Leave for those days but only for work on a holiday.

Special duty leave may be used for the purpose of and in lieu of annual and sick leave and shall be taken at a time approved by the employee's supervisor or the Department Head. Special duty leave must be taken within thirty (30) days of time worked. There is no payment for special duty leave at separation.

10. Compensatory Leave

The County allows the accrual of compensatory time in lieu of salary for overtime work. Accordingly, non-exempt employees who actually work over forty (40) hours in a work week may receive compensatory time at a rate of 1.5 hours for each hour, or part thereof,

worked in excess of forty (40) hours. For law enforcement, fire protection and emergency medical service employees, compensatory leave will be provided for each hour worked as overtime in the adjusted work period.

An employee shall not accumulate more than 240 hours in a calendar year. Employees who have accumulated 240 hours of compensatory time (480 for law enforcement, fire protection and emergency medical service), will be paid for the hours worked over the maximum accumulated amount (240/480 hours). Employees who regularly work for periods of longer than forty (40) hours, will receive overtime consistent with the Fair Labor Standards Act. The employee may opt to be paid cash overtime rather than compensatory leave. An employee will be compensated for all unused compensatory time upon separation from employment with the County.

The County desires to have earned compensatory time used in as close proximity to the date it was earned as possible. Employees are encouraged to request the use of this time from their supervisor during the following week, after which such time was earned, if possible. Supervisors should be flexible in granting the use of compensatory leave and only deny it when the demands of the workplace require it.

11. Annual Leave Sharing

Eligibility Requirements. County employees may be permitted to donate annual leave to full-time and part-time benefit eligible employees who are unable to work due to their own serious medical condition. A serious medical condition is defined in the Family and Medical Leave section. Employees receiving donated leave must provide a medical certification from a licensed health care provider to Human Resources before using the donated leave. If an employee receives donated leave for the birth of a child, donated leave will only cover the period that the employee is physically incapacitated, as determined by the healthcare provider.

Employees are only eligible for donated leave if they are not eligible for workers' compensation wages.

Recipients shall exhaust all sick, comp-time, and annual leave balances before using donated leave. Recipients may use up to 8 workweeks of donated leave in a 12-month period.

Solicitation. An employee experiencing a personal or family medical situation (Recipient) shall not solicit leave donations through e-mail, flyers, or memos. Employees wanting to donate leave (Leave Donors) may be notified of a need by word-of-mouth or may become aware of the need because they work closely with the recipient.

Procedure. Leave Donors shall submit a Leave Donation Form to their department director indicating the Recipient's name and department, and the number of hours they want to donate. Leave must be donated in eight-hour increments. The donation must not cause the Leave Donor's balance to fall below 40 hours of annual leave. The department director shall review the request to insure these criteria are met, and if approved, forward to the Payroll Department. Payroll shall subtract donated leave from the Leave Donor's

annual leave balance and make it available to the Recipient. Payroll will notify the Recipient's department of the donated leave. When donated leave is used, the Recipient (or department) shall designate the leave as donated leave. If after 6 months all donated leave has not been used, the unused donated leave must be forfeited by the recipient. Unused donated leave will be refunded to the donors.

Benefits. Leave Donation Recipients will not accrue annual or sick leave while in a donated leave status. Employee deductions will continue to be deducted from the employee's pay checks. If the pay is not sufficient to cover the benefit deductions, Human Resources will contact the employee to set up payment arrangements. Donated leave will not be paid out at termination. Donated leave may not be used past the end of the pay period in which Human Resources receives notification of approval of VRS disability retirement.

VII. EMPLOYEE DEVELOPMENT

It is the policy of the County to encourage employees to obtain training designed to develop the employee's value to the organization.

A. Required Training

Periodically, the County may require mandatory training for all employees as a condition of continued employment. The cost of required training and related expenses undertaken at the direction of the County will be paid in full by the County and the hours spent in training are considered work time and the employee will receive salary or wages for this time.

B. Discretionary Training

Discretionary training is time off from work for educational pursuits taken for personal or professional development. Such leave is discretionary and may be given without pay or with partial pay. For training that could reasonably be expected to assist the employee in acquiring new skills that would be immediately beneficial to the County, the employee may request leave and tuition assistance if (i) the training was approved in advance by the County Administrator and (ii) the employee shows successful completion of the course. Such leave and tuition assistance shall be subject to a case by case determination based on factors which include the nature of the education or training, length of the absence, work record of the employee, work requirements at the time of the request, and value of the education or training to the County.

VIII. PERFORMANCE EVALUATIONS

The work of each employee will be evaluated at least annually. Evaluations shall be a collaborative effort between the employee and the employee's supervisor. The supervisor shall obtain input from the employee via a self-evaluation or some other format. The supervisor will meet with the employee to discuss the employee's performance for the preceding year and expectations for the next ensuing year. A written report of the evaluation will be prepared with a copy provided to the employee being evaluated and a copy for the personnel files. If the

employee believes that the report is unfair, the employee may prepare comments to be attached to the supervisor's evaluation report.

IX. HEALTH AND SAFETY

A. Workers' Compensation

Goochland County provides Worker's Compensation insurance coverage at no cost to all regular and temporary employees. This insurance program covers an injury (by accident) or illness (occupational disease) which arises out of and in the course of employment that requires medical, surgical, or hospital treatment. If the injury or illness is compensable, medical and disability benefits may be awarded.

A job related injury or disease, no matter how insignificant, must be reported to the supervisor as soon as possible, but no later than twenty-four (24) hours of its occurrence. The employee is responsible for calling The Company Nurse Injury Hotline and reporting the incident. The supervisor may call on behalf of the employee. A report will be generated by Company Nurse and sent to the County's insurance carrier and the County. The following information will be needed when reporting

1. Employee's name and job title;
2. Nature of injury;
3. Date and time of injury;
4. Cause of injury;
5. Place where injury occurred;
6. Nature of any medical services required; and
7. Any known or projected time lost from work as a result of injury.

Such report shall be completed and submitted to the Director of Human Resources by the close of business that day, but no later than twenty-four (24) hours after the accident, injury, or illness.

The County has selected a panel of physicians to whom employees must go for all work-related injuries. In the event an injury requires immediate medical attention, the employee may go directly to the nearest hospital emergency room. However, an examination and follow-up care must be with a doctor included in the panel of physicians. All time away from work must be authorized by the panel physician.

If an employee is unable to report to work because of a compensable Workers' Compensation injury or illness, the employee will be paid at 100% of the employee's regular earnings for a maximum period of 90 days (60 work days). If the employee is unable to return to work after 90 days, the Worker's Compensation insurance carrier will begin compensating the employee directly at 66.6% of the employee's regular earnings on the 91st day. These wages are not subject to state or federal tax withholding.

If a claim is found not to be compensable under worker's compensation and the County has paid wages as such, the employee will be responsible for reimbursing the County.

Worker's Compensation leave will run concurrent with FMLA.

B. Occupational Safety and Health

The County attempts to provide a safe and healthy working environment for all employees. Employees shall follow all prescribed safety procedures when performing their daily activities and shall further exercise all reasonable and prudent judgment to ensure safety. If an employee does not know, or is uncertain, on how to properly operate equipment, before doing so they should seek training from the supervisor.

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 or while performing work duties off-site must be reported to the Director of Human Resources by the close of business that day, but no later than twenty-four (24) hours after the accident, injury, illness or of discovery of the safety violation.

Employees are directed to utilize all applicable safety procedures 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 workstation. Supervisors are responsible for developing and maintaining work safety rules and for providing these rules in writing to their subordinates.

Specifically, employees shall:

1. 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 must be reported to the Director of Human Resources before medical treatment is sought unless the injury is one requiring emergency treatment;
2. Report and, if possible, correct all unsafe conditions or acts;
3. Avoid horseplay and mischief, which could cause injury;
4. Take all standard safety precautions to prevent injury; and
5. Follow all safety rules.

C. Operation of a Motor Vehicle when Performing Job Duties

Any applicant or employee who will operate a motor vehicle in the course of performing job duties must possess and maintain a valid Virginia driver's license with a driving record that is acceptable to the County. Generally negative points on a driver's license may disqualify the employee from using such vehicle in the performance of the job duties. Driving records will be checked prior to hiring and periodically during employment. Consent to this driving record check is a condition of employment.

Motor vehicle operators required to possess a commercial driver's license (CDL) will be subject to drug testing in accordance with federal law.

Employees provided with County-owned vehicles are to use them on official business only. Travel to and from an employee's home and the place of employment must be approved by the County Administrator and the value of such personal use of the vehicle will count as income to the employee with the exclusion of Public Safety personnel. Any other use of the vehicle is not authorized, including the transport of non-County employees and passengers not related to County business.

Employees, who are assigned County vehicles, are responsible for assuring that the vehicles are properly operated, maintained, and the interiors kept clean. Smoking is not permitted in County vehicles. Employees are required to check their vehicles at least weekly to determine if they are operating properly, tires are properly inflated, etc., and report any problems promptly to their supervisor for attention.

The use of seat belts is required at all times when the vehicle is in operation. If weather conditions are such that the use of windshield wipers is required, employees are required to use headlights while operating the County vehicle.

D. Reviewing Violations

In reviewing an employee's Motor Vehicle Driver Record, the following may be utilized to determine disciplinary action to include termination. Drivers with the following may be unsuitable for operating a vehicle on County business.

1. Conviction for the following serious motor vehicle violations:
 - a. Operating under the influence of drugs, alcohol or other impairment;
 - b. Failure to stop following an accident, or "hit and run";
 - c. Homicide or manslaughter with a motor vehicle;
 - d. Operating a vehicle while license under suspension;
 - e. Participating in a speed contest or drag race;
 - f. Fleeing or eluding a police officer;
 - g. Reckless driving or driving to endanger;
 - h. Use of a motor vehicle in the commission of a felony;
 - i. Theft or use of motor vehicle w/out permission from the owner; or
 - j. Assault with a motor vehicle.
2. More than three (3) convictions for motor vehicle moving violations (other than those listed in (1) above) during the previous thirty-six (36) months. Violations may have occurred in either a commercial or private vehicle.
3. Involvement in more than two (2) avoidable (at fault) accidents during the previous thirty-six (36) months in a commercial vehicle.

4. Any combination of three (3) incidents, (other than those listed in (1) above) accidents/violations within the previous thirty-six (36) months in a commercial vehicle.

E. Vehicle Accident Investigation

Accidents involving any County vehicle or equipment must be reported immediately to the Directors of Human Resources and Purchasing.

A review of the circumstances surrounding any vehicle accident will be made by the Director of Human Resources, utilizing reports of the accident including those filed by the employee and by the appropriate law enforcement agency. If an accident is found to be the result of employee negligence, the employee may be required to pay the costs of repairing or replacing the vehicle as well as any other damages to the County and third-parties. Additionally, the employee may be subject to disciplinary action.

F. Workplace Violence

The County has no tolerance for violence. If an employee displays any violence in the workplace or threatens violence in the workplace, the employee will be subject to immediate discipline, up to and including discharge, and criminal charges. The County defines violence to include physically harming another, shoving, pushing, harassment, intimidation, coercion, brandishing weapons and threats or talk of violence.

Employees are expected to prevent violence in the workplace by reporting what they see in the workplace that could indicate that a coworker is in trouble. Employees often are in a better position than management to know what is happening with those with whom they work. Concerns may be presented to the employee's supervisor or the Department Head.

Employees may not carry weapons on their person either inside the workplace or in the parking areas, nor transport weapons in County vehicles unless part of their positions.

Weapons include guns, knives, explosives and other items used to threaten harm to another person. Appropriate disciplinary action, up to and including discharge, will be taken against any employee who is in violation of this policy.

X. ELECTRONIC COMMUNICATIONS

A. Communication Equipment and the Internet

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

all usage, including a list of employees who have used the Internet and the sites they visited.

The County may provide unlimited access to the Internet and the World Wide Web to its employees as one of the many resources available to assist them in doing their jobs better and more efficiently. Therefore, the County may establish an Internet account that may be accessed by employees.

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

Upon approval by the County Administrator, the Information Systems Department may require access to employee's passwords and may use such password to log on to the computer at any time for purposes of monitoring. Employees must not share their passwords with any other individual, including other employees or outsiders. Nor is it appropriate to attempt to subvert network security either by accessing the Internet without using your password or by seeking to discover other passwords to gain access.

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

Using the Internet for personal reasons may result in disciplinary action. The following applies to Internet usage:

1. Acceptable Activities – Activities that conform to the purpose, goals, and mission of the County and to each user's authorized job duties and responsibilities. The following list, although not all-inclusive, provides some examples of acceptable uses:
 - a. Communication with federal, state, or local government personnel, vendors and other private businesses;
 - b. Communications, including information exchange, for professional development or to maintain knowledge or skills;
 - c. Activities involving university-association, government-advisory, or standards activities; or
 - d. Communications for administrative purposes.

2. Unacceptable Activities – Activities that do not conform to the purpose, goals, and mission of the County and to each user’s authorized job duties and responsibilities. The following list, although not all-inclusive, provides some examples of unacceptable uses:
 - a. Private or personal, for-profit activities (e.g., consulting for pay, sale of goods such as Avon and Amway products, etc.);
 - b. Use for private or personal business and/or gain;
 - c. Use for any illegal purpose, including communications, which violate any laws or regulations; or
 - d. Use for accessing pornographic websites.

B. Consent to Monitoring

Before using electronic, digital, and wire communications equipment employees will be required to consent to the monitoring of all communications sent, received and stored on equipment provided by the County or an electronic, wire, or digital services provided by the County.

XI. ALCOHOL AND DRUG FREE WORKPLACE

A. General Overview

All County workplaces shall be free from drugs and alcohol. The unlawful manufacture, distribution, dispensation, possession, or use of an illegal drug, controlled substance, or alcohol is prohibited in any County workplace. A “controlled substance” is any illegal drug or any controlled substance listed in Schedule I through V of Section 202 of the Controlled Substances Act (21 U.S.C. § 801). Employees shall not be involved with activities involving the unlawful application, possession, market, or transfer of controlled substances in any manner.

B. Employee Responsibilities

1. No employee shall unlawfully manufacture, dispense, possess, use, or distribute any controlled substance, prescribed medication, or alcohol.
2. No employee shall dispense, possess, use, or distribute any controlled substance, prescribed medication or alcohol while at work.
3. Any employee convicted under a federal or state statute regulating controlled substances shall notify their supervisor and the County Administrator within five (5) days after the conviction.
4. No employee shall consume alcoholic beverages immediately before work, during work hours, or while at work during breaks or lunches.

5. No employee shall be impaired by alcoholic beverages or illegal drugs during work hours, or consume such while at work during breaks or lunches.
6. No employee shall represent the County in an official capacity while impaired by alcohol, illegal drugs, or medication.
7. No employee using medication that may impair performance shall operate a motor vehicle or engage in safety sensitive functions while on duty for the County.
8. If an employee is using prescription or non-prescription medication that may impair performance of duties; the employee shall report the nature of the impairment to his or her supervisor.
9. An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, and/or medication shall immediately notify the supervisor or County Administrator.
10. Because of the serious nature of illegal use or abuse of alcohol, controlled substances, and/or non-prescribed use of medication, appropriate employee disciplinary action, up to and including termination, will be taken if an employee uses, distributes, or reports to work impaired by such substances.

C. Drug & Alcohol Screening

1. All Positions

The County reserves the right to test all applicants and employees, regardless of position, for the presence of controlled substances and/or alcohol under the following situations:

- a. Prior to hiring;
- b. Upon reasonable suspicion that an employee is using a controlled substance and/or alcohol or is under the influence of a controlled substance and/or alcohol;
- c. Upon returning to work after a serious on-duty accident that involved the use of alcohol and/or a controlled substance. For the purpose of this section, a “serious on-duty accident” is defined as an event that causes:
 - (1) Death to a person;
 - (2) Personal injury requiring transporting of a person to a hospital for emergency or inpatient medical attention; or
 - (3) Property damage requiring a vehicle to be towed.

- d. Upon returning to work after testing positive for using a controlled substance and/or alcohol. All employees who have tested positive and are subsequently returned to duty pursuant to this section shall be designated as “safety-sensitive” employees and shall be subject to random testing for a period not to exceed twelve (12) months following the date the employee returns to work.

2. Safety Sensitive Positions Not Requiring a Commercial Drivers License

For the purpose of this section, “Safety Sensitive” positions shall mean those positions that are directly responsible for the health, safety or welfare of the general population or for the protections of critical County infrastructure. The County Administrator shall maintain a list of all positions that have been designated as Safety Sensitive positions, which shall be attached hereto as Appendix A. The County reserves the right to test all employees and applicants of Safety Sensitive positions for the presence of controlled substances and/or alcohol under the following situations:

- a. Prior to hiring;
- b. On a random basis;
- c. Upon reasonable suspicion that an employee is using a controlled substance and/or alcohol or is under the influence of a controlled substance and/or alcohol;
- d. Upon returning to work after a serious on-duty accident that involved the use of alcohol and/or a controlled substance. For the purpose of this section, a “serious on-duty accident” is defined as an event that causes:
 1. Death to a person;
 2. Personal injury requiring transporting of a person to a hospital for emergency or inpatient medical attention; or
 3. Property damage requiring a vehicle to be towed.
- e. Upon returning to work after testing positive for using a controlled substance and/or alcohol.

3. All Positions Requiring a Commercial Drivers License

Pursuant to the Omnibus Transportation Employee Testing Act of 1991 and the implementing regulations (49 C.F.R., Parts 40 and 382, et. al.) and this policy, applicants and employees for positions requiring a Commercial Drivers License (CDL) will be tested for controlled substances and/or alcohol under the following situations:

- a. Prior to hiring;

- b. On a random basis;
- c. Post-accident testing for accidents involving an employee:
 - (1) Who was performing safety sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
 - (2) Who receives a citation within eight (8) hours of the occurrence under state or local law for a moving traffic violation arising from the accident, if the accident involved:
 - (a) bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - (b) one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
- d. Upon reasonable suspicion; and
- e. Upon return-to-duty and follow-up testing in accordance with 49 C.F.R. part 40, subpart O.

D. Refusal to Submit to Test

Applicants who refuse to submit to a pre-employment controlled substance and/or alcohol test shall be removed from consideration for employment. Employees who refuse to submit to a controlled substance and/or alcohol test will be subjected to disciplinary action, including termination.

E. Consequence of Positive Controlled Substance or Alcohol Test

1. The County shall develop procedures which allow an applicant or employee to retest a positive sample at the applicant's or employee's own expense. The results of the retest shall be considered by the County in the respective hiring or disciplinary decision.

When a controlled substance or alcohol test is positive, or when the employee engages in the prohibited conduct by this policy, the employee shall be disciplined for such conduct. The discipline may be up to and including termination depending upon the circumstances. In lieu of termination for a first positive test, and with the concurrence of the County Administrator, an employee may be placed on leave without pay if the employee elects to participate in an approved rehabilitation program at the employee's expense. Upon the satisfactory completion of the rehabilitation program, the employee will be permitted to return to work under the following conditions: (i) the

employee presents adequate documentation that the rehabilitation program was successfully completed; (ii) the employee consents to having the documentation verified through consultation with the rehabilitation program; (iii) the employee submits to and passes a controlled substance or alcohol test; and (iv) the employee consents to subsequent testing on a random basis for a period of a year.

2. Notwithstanding the requirements above, no employee required to have a Commercial Drivers License (CDL) who has engaged in conduct prohibited by Section XI(B) may perform safety-sensitive functions, including driving a commercial motor vehicle, unless the employee has met the requirements of 49 C.F.R. part 40, subpart O.

F. Reporting Requirements

Employees must notify the County Administrator in writing of a conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction. The County shall inform any federal contracting or granting agency from which the County has received a grant or award of financial assistance within ten (10) calendar days after receiving actual notice that an employee covered under the federal Drug-Free Workplace Act, has been convicted of a criminal drug statute violation occurring in the workplace.

XII. POLITICAL ACTIVITY

A. General Rules

1. An employee shall not be asked or coerced to support a political activity, whether funds or time are involved.
2. An employee shall not engage in political activity on work premises during work hours.
3. An employee shall not use County-owned equipment, supplies or resources, and other attendant material when engaged in political activities.
4. An employee shall not use, discriminate in favor of or against, any person or applicant for employment based on political activities.
5. An employee shall not use the employee's title or position while engaging in political activity.

B. Federally Funded Positions

Employees who work in positions that receive federal funding must abide by the provisions of the federal Hatch Act. The Hatch Act restricts certain political activities of employees in the agency. This policy is to set forth what activities fall within this Act.

1. Prohibited Activities

a. An employee may not

- (1) be a candidate for public office in a partisan election (an election in which one (1) of more of the candidates was elected as or is a representative of a political party whose presidential candidates received votes in the preceding presidential election);
- (2) use official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office; or
- (3) directly or indirectly, coerce, attempt to coerce, command, or advise an employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.

- b. These prohibitions are aimed at activities such as threatening to deny promotion to any employee who does not vote for certain candidates, requiring employees to contribute to a political fund, influencing an employee to buy tickets to a political fund raising event or similar event, or advising employees to take part in a political activity.

2. Permissible Activities

a. An employee may take an active part in

- (1) political management which includes membership in as well as holding office in political parties, attendance and participation at political conventions, volunteer work for partisan candidates, political parties, etc.;
- (2) political campaigns which includes campaigning for candidates in partisan elections by making speeches, writing letters, drafting speeches, and soliciting voters to support or oppose a candidate as well as attending political meetings or rallies; or
- (3) fundraising which includes making financial contributions and soliciting and collecting voluntary political contributions.

- b. An employee may hold an office if appointed to a vacancy but cannot campaign for that office if it is in a partisan election.

- c. An employee may serve as an election official at the polls and may serve as a poll watcher, checker, or challenger for a political party or candidate in a partisan election.

3. Penalties for Violating the Law

If the federal Merit System Protection Board finds that the offense warrants dismissal from employment, the County will terminate the employee.

4. Further Information

- a. The full text of the federal regulations is found in Title 5 of the Code of Federal Regulations part 151.
- b. An employee can seek an advisory opinion from the Office of Special Counsel at this address: HATCHACT@osc.gov

XIII. OUTSIDE EMPLOYMENT

No employee may engage in any other employment, nor in any private business, nor in the conduct of a profession or other remunerative activity, during work hours or while engaged in work for the County. Additionally, employees may not engage in such remunerative activities outside work hours in a manner or to an extent that affects or is deemed likely to affect the employee's work productivity. In engaging in such activities, employees must adhere to the Virginia Conflict of Interests Act.

Any employee who wishes to work outside work hours must obtain prior written approval from the County Administrator.

XIV. CONFLICT OF INTERESTS

Employees are in a position of public trust; therefore, they may not engage in any activity, either privately or officially, where a conflict of interest may exist. Employees should never accept gifts, gratuities, or rewards for any services which they perform in their jobs. Additionally, County employees are prohibited from using information gained while performing their job to influence or further their own personal interests. All employees are subject to the Virginia Conflict of Interests Act, § 2.2-3100 et. seq. of the Code of Virginia (the "Act"), which prohibits an employee from engaging in a transaction or a contract in which the employee has a financial interest which comes to him or her directly or through an immediate family member. It is a crime to violate this Act and therefore every employee should read the Act and seek advice prior to engaging in an activity for which a conflict of interest may exist.

XV. PERSONAL CONDUCT

A. Personal Appearance

An important aspect of the County's public image is conveyed in an employee's personal appearance, as people tend to judge employees and any organization they may represent by their appearance. Respect to the people served by the County is reflected in part by personal appearance. Accordingly, employee's dress, grooming, and personal hygiene should be appropriate to the work situation. Employees are expected to dress in a manner that is presentable in a business environment. Employees are encouraged to talk with their

supervisors when they have questions about proper appearance.

Employees who are issued uniforms or protective clothing are required to wear them while on duty and are expected to maintain them in a neat, clean operational state.

For Fire Protection and Emergency Medical Services Employees, also see the Goochland County Fire – Rescue Department’s Career FF/EMT Staff Handbook.

B. Personal Finances

Employees should manage their personal finances so that they do not adversely impact job performance. The failure of employees to meet financial obligations may impose an administrative and financial burden on the County in terms of extra bookkeeping and the need to respond to, and comply with, court processes.

Employees shall serve as role models for our citizens and shall strive to pay their debts timely. The County Treasurer has legal authority to collect employee debts to the County through their County paychecks; however, every effort should be made by employees to make payment arrangements before this becomes an issue.

C. Misuse of Public Assets

1. For purposes of this section, “public assets” means personal property belonging to or paid for by the Commonwealth, or any city, town, county, or any other political subdivision, or the labor of any person other than the accused that is paid for by the Commonwealth, or any city, town, county, or any other political subdivision.
2. No County employee shall claim or otherwise take possession of County property regardless of condition for personal use.
3. No County employee shall misuse any public assets for private or personal use. Any violation of this section may be grounds for criminal prosecution and shall be subject to disciplinary action up to and including termination.

D. Telephone Usage

1. Personal Local Calls

All personal telephone calls should be kept to a minimum number and length. Monthly telephone bills will be monitored by the Department Head. The employee will be notified of any abuse of this policy for corrective action.

2. Personal Long Distance Calls

Personal long distance calls are not to be made from Department telephones unless charges are reversed or charged to the employee's personal telephone number or personal credit card account. Calls may not be charged to a Department account with the intent of reimbursing the Department. Such

reimbursements are not permitted due to stringent federal tax requirements.

3. Personal Calls on Cell Phones

- a. Personal calls shall not be made on County cell telephones. These telephones are provided to employees for work-related calls only. Abuse of this policy can result in disciplinary action and/or reimbursement to the County.
- b. Use of personal cell phones while on County business should be kept to a minimum.

E. Cell Phone Use

Employees whose job responsibilities include regular or occasional driving and who are issued a cell phone or other wireless communication device for business use shall refrain from using it to talk while driving. If acceptance or placement of a call is unavoidable, employees should pull off to the side of the road and safely stop the vehicle before using the phone. If pulling over is not an option, employees are expected to keep the call short and use hands-free options, if available. Furthermore, personal cell phones shall not be used while driving a County vehicle.

Texting on either a personal or County issued cell phone is strictly prohibited while operating a County vehicle.

Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cell phone for business use, are also expected to abide by the provisions above. Under no circumstances are employees allowed to place themselves at risk to fulfill County business needs.

Employees who are charged with traffic violations resulting from the use of their cell phone while driving will be solely responsible for all liabilities that result from such actions. Violators of this policy will be subject to discipline, including termination.

F. Performance of Job Duties

Employees are expected to report to work on time and to work their full scheduled hours. While at work employees are expected to diligently perform the duties of the job without taking time for non-County business or activities.

An employee may be terminated if the employee becomes physically or mentally unable to perform the duties of the position with reasonable accommodations. However, any such action shall be taken in a manner that complies with the requirements of the Americans with Disabilities Act and other federal and state laws.

XVI. PERSONNEL RECORDS

Each personnel file should contain, at a minimum, an application form, payroll change notice forms, employee performance evaluations, emergency contact information, written disciplinary notices, and any other information pertinent to an employee's status. Agencies who do not maintain personnel files with the Human Resources Office shall be responsible for these confidential files.

Each personnel file is to be kept current for tax and benefit deduction purposes and, therefore, any change affecting an employee's personnel record (name, marital status, address, number of federal and state exemptions claimed, retirement, insurance, etc.) must be reported to the Director of Human Resources immediately.

Personnel records are filed in the Human Resources Office and are maintained in confidence. An employee may have access to his/her personnel file upon written request to the Human Resources Director.

Medical records and other documentation such as the federal Immigration and Naturalization I-9 forms will be kept in separate, confidential files. Information from these files will be released in accordance with law and policies.

XVII. MISCELLANEOUS

A. Child Care

Although discouraged, there may be times when an employee does not have child care arrangements. At such times, an employee whose presence is necessary for the operations of the department may bring a child to work for however long work duties are required. Approval must be obtained from the Department Head prior to any employee bringing his/her child to work for longer than a brief period of time.

Not applicable for law enforcement, fire protection and emergency medical services employees.

B. Customer Service Standards

The County is an organization committed to enhancing the quality of life in Goochland by providing quality services in response to the needs of everyone who lives, works, and visits in our county. Customer service is the responsibility of every staff member.

Every Agency Head shall include customer service as a component of every employee's annual performance evaluation. Customer service training may be mandated for all County employees.

C. Inclement Weather Conditions and County Emergencies

There are times when emergencies or inclement weather conditions are such that it is necessary to close County offices to protect the health and safety of employees.

The decision to close offices will be made by the County Administrator. During times of emergency or inclement weather it is the responsibility of the employee to confirm when and where County facilities will be closed. Employees are advised to listen to local radio/TV announcements for notice if offices have not yet opened for the day. If you have any doubt, call your supervisor.

Some employees may be designated to work during an authorized closing or a holiday. Department Heads shall designate who is essential to their department. Those personnel designated as essential by the County Administrator or Department Head are required to report to work. Essential duty designation will be determined based on the circumstances of a given event and could include changes in duty assignments and changes in work schedules.

Except as otherwise noted, when there is an authorized all-day closing, salaried employees' pay will not be deducted for such absence. Employees whose scheduled rest day falls on a day when the offices are closed will not receive any extra compensation.

When emergencies or inclement weather conditions result in authorized changes in the work schedule for just a portion of the day, such as late openings or early closings, regular salaried employees will be paid for such authorized absences.

When the County is open and operating during an emergency or inclement weather, employees may opt to take annual leave if they cannot report to work and are not designated as essential.

D. Information Dissemination

Information obtained and disseminated in the workplace is the property of the County and may not be released except after approval through appropriate channels. Please refer to the County Administrator's Freedom of Information Act ("FOIA") policy for any FOIA requests.

E. Right to Inspect Property

Desks, telephones, lockers, and computers are the property of the County. The County reserves the right to enter or inspect County vehicles and an employee's work area including, but not limited to, desks and computer storage disks, with or without notice. Such searches for work-related purposes must be approved by the County Administrator and will be reasonable in their inception and reasonable in the scope of the intrusion.

F. Reduction in Work Force

1. Introduction. There may be a time when the County needs to adjust the size of the work force. Such reduction in the County work force may result from adverse economic conditions, reduction in services, programmatic changes, reorganization, or position abolishment.

The Code of Virginia preserves as a nongrievable management right the ability of the County to define its method of reducing its work force. The County Administrator has the right and obligation to manage the County work force. In determining how a reduction in work force will be implemented, the procedures set forth below shall apply.

2. Procedures. Unless specific instructions to the contrary are received from the Board of Supervisors, the following will serve as a general procedure for a reduction in work force for County employees.

- a. A reduction in work force will be managed on an individual department basis. The County Administrator and the Department Head together with the Director of Human Resources will identify those organizational sections, job classifications, positions and individuals affected.
- b. Employees of selected classification or positions will be separated based upon a combined criteria of quality of performance on the job, years of service and ability to satisfactorily perform in newly configured position. An employee's total performance record with the County will be reviewed (including performance evaluations, completion of continuing education and education qualifications) to determine if performance is meeting expectations. Those employees achieving less than a Satisfactory rating on their last performance evaluation will be the first considered for reduction in work force. Extraordinary circumstances may cause other considerations to be the basis for determining order of reduction in work force as approved by the County Administrator. Such considerations may include, but are not necessarily limited to, the essential nature of the position and workload.
- c. Whenever possible employees affected will be considered for transfers to a comparable position in their department.
- d. In so far as is practical, all employees to be separated from employment due to a reduction in work force will be provided with a minimum of two (2) weeks written notice.
- e. Employees separated as a result of a reduction in work force who are designated as eligible for rehire on their separation forms will be given first preference consideration in any reinstatement, reemployment or transfer to a vacant position of the same or lesser classification, provided the individual meets the minimum qualifications for that position. New hire processes must be followed for reemployment in a position of a higher classification. This preference for reinstatement or reemployment shall be limited to twelve (12) months from the official date of separation due to reduction in work force.
- f. Any employee who may be in the process of another administrative procedure (i.e. grievance, EEO complaint, disciplinary action, etc.) is still covered under this procedure. If such an employee is separated from

employment due to a reduction in work force, he or she will be entitled to continue, to pursue the other administrative procedure if he or she so chooses. However, it will be done in the status resulting from the effect of the reduction in work force procedure.

- 3. Department Reorganizations.** Notwithstanding anything to the contrary herein, separations from County employment due to departmental reorganizations in which responsibilities, duties and/or lines of authority are changed for more effective operation are not covered by these procedures.

G. Smoking

County buildings are designated as non-smoking. In addition, smoking is prohibited in vehicles owned by the County.

XVIII. DISCIPLINE AND GRIEVANCES

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

A. Disciplinary Actions

In the event that a non-probationary employee fails to meet acceptable standards of performance and behavior, the supervisor may choose one of several disciplinary actions, depending on the nature and seriousness of the problem. Any action other than reprimand should be taken only after consultation of the Director of Human Resources. Prior to all dismissals and in all other cases when practicable, the employee shall be given notice of the proposed action, reason for the action, and an opportunity to respond, prior to the disciplinary action being taken.

B. Progressive Discipline

It is the responsibility of each supervisor to maintain consistent, fair and high standards of discipline. The following are several disciplinary actions which may be used in a progressive manner appropriate to the nature and seriousness of the problem. The following list of disciplinary actions includes examples of progressive actions. The County retains; however, the right to discipline in a manner that promotes the effectiveness of the organization. This policy does not modify the status of employees as employees-at-will nor in any way restricts the County's right to impose discipline without consideration of progressive discipline. Depending on the nature and seriousness of the problem the appropriate level of discipline may be imposed without consideration to the progression. For example, it is not necessary to issue an Oral or Written Reprimand if the offense is of such a nature to warrant a suspension or termination. All written documents pertaining to an employee are part of the personnel record and copies shall be given to the employee and to the Human Resources Department.

ORAL REPRIMAND

The supervisor may or may not document the reprimand.

WRITTEN REPRIMAND

The supervisor may issue the employee a reprimand in writing, documenting the offense and stating a corrective course of action. Counseling records are active for at least 12 months, and multiple active counseling records will result in progressive disciplinary action, up to and including termination.

CONDITIONAL STATUS

The department head may place the employee in "Conditional" status with a written reprimand and a Corrective Action Plan. The Plan must have specified time frames for review.

SUSPENSION

Suspension is the removal of the employee from job duties for a determined period of time. Suspensions must be documented in writing, recommended by the immediate supervisor, reviewed and approved by the department head and Director of Human Resources. All disciplinary suspensions are without pay. The length of time will depend on the seriousness of the offense.

INVOLUNTARY DEMOTION

Involuntary Demotion is the movement from one classification to another with a lower pay grade approved by the department head and the Director of Human Resources based on the availability of a lesser position.

DISMISSAL

If an employee is dismissed, such dismissal shall be effective immediately unless there are extenuating circumstances which the department head determines require that the effective date of dismissal occur at a later date or time.

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

1. Neglect of Duty: flagrant or repeated poor performance; non-compliance with applicable rules, laws and policies; loafing or sleeping on the job.
2. Inadequate or unsatisfactory work performance.
3. Unauthorized Absences: failure to report to work or tardiness without proper authorization by supervisor.
4. Excessive Absences: absences so frequent and/or irresponsible as to seriously impair the department's functioning and discipline.
5. Alcohol/Drugs: reporting to work under the influence of or impaired by alcohol and/or illegal drugs and narcotics or the use, sale, dispensing, or possession of alcoholic beverages and/or illegal drugs and narcotics on County premises.

6. Insubordination: refusal to perform assigned duties; refusal to follow management's instructions concerning a job-related matter; use of physical violence or offensive/profane language to a superior or the public; open defiance.
7. Gross violation of acceptable behavior: any activities disrupting normal work routine or creating a risk of danger to the safety of others; provoking, instigating or participating in a fight on duty or on County property; assaulting, threatening or intimidating other employees, clients, vendors or visitors.
8. Fraud and/or intentional waste or misuse of County property or funds: stealing, destroying, defacing, or misusing County property or property of other employees, clients, vendors or visitors; unauthorized use of County property or equipment (including the internet).
9. Violation: of the County's privacy policies and procedures or security policies and procedures relating to use of information systems.
10. Falsification of information: falsification or altering any County record or report, such as an application for employment, a medical report, a time record, an expense account, an absentee report, etc.
11. Conviction: of a felony, sex offense, offense involving moral turpitude, or other related offenses.
12. Changes in position requirements: which make it impossible for the employee to perform satisfactorily and when the Human Resources Department is unable to place the employee elsewhere in the County Service.
13. Harassment/Unlawful Discrimination: sexual harassment, or any other conduct inconsistent with sound merit principles; using profane, vulgar, abusive harassing, discriminatory, hostile or angry words or gestures at work.
14. Conduct unbecoming a County employee: including violating the public trust.
15. Civil or criminal offense: where merits of the case are reviewed and a determination is made that there is a reasonable basis to believe that the employee committed an act incompatible with employment.
16. Weapons: possessing firearms, explosives, or other weapons, without authorization, on County property.
17. Gambling on County property.
18. Smoking: where prohibited by local ordinance or County rules.
19. Solicitation: for the purchase of goods and services or distributing goods on County property or while on the job.

20. Improper attire or inappropriate personal appearance.
21. Disruptive behavior: including, but not limited to, disturbing fellow workers, hindering work processes, etc.
22. Failure to abide by any County policies and procedures.

Deliberate and intentional misuse of funds will be met with the strongest disciplinary action. If an employee is criminally convicted or terminated due to misuse of County property or funds, s/he may be ineligible to receive certain benefits (health insurance under COBRA, VRS retirement benefits, etc.).

Confidentiality:

Employees having access to personal information or data in the course of providing County services to clients, customers, and employees shall maintain the confidentiality of that information and shall release that information only in accordance with the Government Data Collection and Dissemination Practices Act and any other regulations which are applicable to specific program. Failure to adhere to those requirements and to maintain the confidentiality of personal information may result in disciplinary action, including dismissal.

C. Administrative Leave Pending Investigation

In cases involving alleged serious misconduct, such as a major breach of policy or violation of law, the employee may be immediately placed on administrative leave pending investigation into the matter.

Administrative leave pending investigation is not disciplinary. Administrative leave pending investigation is with pay and shall not last longer than ten (10) work days. In certain circumstances, administrative leave without pay shall be approved by the County Administrator.

D. Use of Grievance Procedure

Employees who believe that they have been disciplined too severely or who question the reason for receiving disciplinary action may utilize the County's grievance procedure to challenge such action.

E. Grievance Procedure

Employees are encouraged to resolve problems and complaints through informal means so that employees can freely discuss concerns with their immediate supervisors and upper-management. However, to the extent such concerns cannot be resolved informally, the County has a grievance procedure that affords a prompt and fair method for the resolution of disputes which may arise between the County and its employees.

1. Covered Employees

The grievance procedure is available to all full-time and part-time County employees excluding probationary employees, with the following exceptions: (i) elected officials, (ii) appointees of elected groups or individuals, (iii) deputies and executive assistants to the County Administrator, (iv) agency/department heads or other chief executive officers of government operations, (v) employees whose term of employment is limited by law, (vi) temporary, limited term and seasonal employees, and (vii) employees electing to proceed pursuant to any other applicable existing procedure in the resolution of their grievance, e.g., law enforcement officers as defined in Chapter 5 (§ 9.1-500 et seq.) of Title 9.1 whose complaint qualifies as a grievance under these procedures but who have elected to proceed pursuant to the provisions set forth in Virginia Code § 15.2-1507(A)(3)(a)(7).

Pursuant to Virginia Code § 15.2-1507(A)(3)(c), the County Administrator, or his/her designee determines the officers and employees exempted from this grievance procedure and is responsible for maintaining an up-to-date list of positions ineligible for participation in the grievance procedure, which shall be attached hereto as Appendix B.

2. Time Extensions

The time frames provided in these procedures may be extended by mutual agreement of the employee and the County. Time frames may also be extended for just cause by the County Administrator.

3. Matters That Can Be Grieved

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

- a. disciplinary actions, including dismissals, disciplinary demotions, and suspensions, provided that dismissals shall be grievable whenever resulting from formal discipline or unsatisfactory job performance;
- b. the application of personnel policies, procedures, rules and regulations, including the application of policies involving matters referred to in subsection 4(c) below;
- c. discrimination on the basis of race, color, creed, religion, political affiliation, age, disability, marital status, pregnancy, national origin or sex; and
- d. acts of retaliation as a result of utilization of the grievance procedure or participation in the grievance procedure of another County employee, 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 Congress of the United States or the General Assembly of Virginia; or has reported an incidence of fraud, abuse, or gross mismanagement. For the purposes of this paragraph there shall be a rebuttable presumption that increasing the penalty that is the subject of the grievance at any level of the grievance process shall be an act of retaliation.

As used herein, the term, “grievance” shall not be interpreted to mean negotiations of wages, salaries, benefits or terms of employment.

4. Matters That Cannot Be Grieved

Management reserves the exclusive right to manage the affairs and operations of County government. Accordingly, the following complaints are nongrievable:

- a. establishment and revision of wages or salaries, position classifications, or general benefits;
- b. work activity accepted by an employee as a condition of employment or work activity which may reasonably be expected to be part of the job content;
- c. the contents of ordinances, statutes or established personnel policies, procedures, rules and regulations;
- d. failure to promote except where the employee can show established promotional policies or procedures were not followed or applied fairly;
- e. the methods, means and personnel by which such work activities are to be carried on;
- f. termination, layoff, demotion, or suspension from duties because of lack of work, reduction in work force, or job abolition, except where such action affects an employee who has been reinstated within the previous six months as 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:
 - (1) There was a valid business reason for the action; and
 - (2) The employee was notified of the reason in writing prior to the effective date of the action;
- g. the hiring, promotion, transfer, assignment and retention of employees within the County government;
- h. the relief of employees from duties, or reassignment of duties of the County in emergencies; and

- i. evaluation of the work of County employees.

5. Determination of Grievability/Qualification for a Panel Hearing

If some questions should exist concerning the grievability of a specific problem or if the employee is covered under the procedure (has access), and if the questions cannot be resolved, a request for a ruling of grievability, including the question of access to these grievance procedures, may be made by either party. The request must be made in writing to the County Administrator, who shall respond within ten (10) calendar days. In any case, no grievance may proceed to a panel hearing before grievability has been determined. Only after grievability has been determined may a grievance be processed through to the grievance panel stage. The County Administrator shall make a determination of whether an issue qualifies for a panel hearing within ten (10) calendar days of receipt of a request for a panel hearing. A copy of the County Administrator's ruling on grievability shall be sent to the employee.

The decision of the County Administrator may be appealed by the employee to the Goochland County Circuit Court by filing a notice of appeal with the County Administrator within ten (10) calendar days after the date of receipt of the County Administrator's decision. Within ten (10) calendar days thereafter, the County Administrator shall transmit to the Clerk of the Goochland County Circuit Court: a copy of the decision of the County Administrator, a copy of the notice of the appeal, and the exhibits. A list of the evidence provided to the Court shall also be furnished to the employee.

Within thirty (30) days of receipt of such records by the Clerk of Court, the Court, sitting without a jury, shall hear the appeal on the record transmitted by the County Administrator and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The Court, in its discretion, may receive such other evidence as the ends of justice require. The decision of the Court is final and is not appealable.

6. Compliance with Procedure

After the initial filing of a written grievance, the failure of either party to comply with all substantial requirements of the grievance procedure without just cause will result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the non-compliance within five (5) work days of receipt of written notification by the other party of the compliance violation. Such written notification by the employee shall be made to the County Administrator, who shall make a determination regarding compliance with these procedures. The County Administrator may require a clear written explanation of the basis for just cause extensions or exceptions.

Failure of either party without just cause to comply with any substantial procedural requirements at the panel hearing shall result in a decision in favor of

the other party.

7. Grievance Procedure

An employee wishing to file a grievance shall have the right to follow all steps of this procedure as listed below with complete freedom from reprisal. Except for the final management step (Step III), the only persons who may be present in a management step meeting are the grievant and the appropriate County official at the level at which the grievance is being heard. Witnesses may appear during the management steps (Steps I through III) of these procedures, but shall only be present when actually providing testimony.

a. Step I (oral presentation)

A grievance must be initiated within twenty (20) calendar days after the event giving rise to the grievance by informing the immediate supervisor or the person who issued the disciplinary action for a discussion of the grievance. If the last day to file the grievance falls on Saturday, Sunday, or an official County holiday, then the final day for filing the grievance shall fall on the next work day. The supervisor or person who issued the discipline shall discuss the grievance with the employee and make an inquiry into the facts and circumstances of the complaint. The supervisor or person who issued the discipline shall give the employee a written response within five (5) work days following the discussion of the grievance. If the grievance alleges discrimination or retaliation, the employee may initiate the grievance with the manager above the person(s) who allegedly discriminated or retaliated (e.g., the Department Head or the County Administrator).

b. Step II (written presentation)

If the grievance is not resolved as a result of Step I, the employee may within five (5) work days thereafter file a written grievance with the Department Head. The employee must be sure that the written grievance is complete in all detail and specifies the specific relief expected. No additions, deletions or adjustments to the written grievance will be allowed or accepted at a later point within the procedure. The Department Head will have a meeting to discuss the complaint with the employee within five (5) work days following receipt of the written grievance. Within five (5) work days following this meeting, the Department Head must respond in writing to the employee outlining the decision and the reason therefore. In the event that the employee's supervisor is the County Administrator, the employee should omit Step II and proceed to Step III.

c. Step III (meeting with County Administrator)

If the Department Head's response does not resolve the grievance, the

employee may within five (5) work days thereafter file a written request for a meeting with the County Administrator. A copy shall also be sent to the employee's Department Head. Upon receipt of the written request for a hearing, the County Administrator shall within five (5) work days schedule the meeting. The County Administrator may request the presence of the Department Head or any other County official. The grievant may have present at the meeting a representative or legal counsel at the grievant's own expense. If the employee is represented by legal counsel, the County may be represented by the County Attorney or other appropriate legal representative. Witnesses for either side may appear. The County Administrator will establish the procedures to be used for the meeting, which shall be attached hereto as an Appendix C. The County Administrator shall give the employee a written reply within five (5) work days after the conclusion of the meeting. A copy of the reply shall be sent to the employee's Department Head.

d. Step IV

If the County Administrator's reply does not resolve the grievance, the employee may within five (5) work days thereafter request that the grievance be submitted to a panel hearing. Such request must be in writing and made to the County Administrator.

In submitting this written request it is not necessary that the employee again provide a written statement of what has occurred as this was contained in employee's written grievance submitted at Step II and as part of the record will be made available to the grievance panel.

The County Administrator will establish the procedures to be used for the hearing, which shall be attached hereto as an Appendix C.

e. Appointment of Grievance Panel

Within ten (10) work days after the date of the written request for a panel hearing, a panel shall be chosen.

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

The employee and the County Administrator shall each respectively select a panel member within ten (10) work days. A third member shall be chosen by the first two (2) appointees within ten (10) work days. If no agreement on a third member can be made, the selection shall be made by the Judge of the Circuit Court. The third panel member shall be the chairperson of the panel.

In employee termination and retaliation cases, the County at its sole discretion may choose to have an administrative hearing officer selected by the Executive Secretary of the Supreme Court serve as the third panel member. The County shall bear the expenses of such administrative hearing officer, when selected.

8. Hearing

Within ten (10) work days from the date of selection of the full panel, the panel shall establish a date, time and place for the hearing. The panel chairperson shall immediately notify all parties of the date. Copies of the written record in the case from Step II and III shall be provided to the panel members by the County.

The employee may have present at the hearing a representative or legal counsel at employee's own expense. Witnesses may appear.

The conduct of the hearing shall be as follows:

- a. The panel which hears the final grievance appeal is the last administrative step in the resolution of the grievance. The panel has the responsibility for determining whether the County policies and procedures have been applied properly in each instance. The panel does not have the authority for formulating policies or procedures and cannot change any such policies or procedures. In determining whether to award back pay for loss of salary, the panel may not order the payment of money in excess of the available appropriation at the time of the hearing.
- b. The panel shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing.
- c. The County shall provide the panel with copies of the grievance record prior to the panel hearing. A listing of documents provided to the panel shall be provided to the grievant and his/her representative. In addition, the grievant and his attorney, at least ten (10) days prior to the hearing, shall be allowed access to and copies of all relevant files intended to be used in the grievance hearing. During the course of the hearing, the panel shall also determine the admissibility and presentation of materials or exhibits other than the grievance record.
- d. Without regard to burden of proof, the panel has discretion as to the order of the presentation of information or evidence by the parties, but shall

afford full and equal opportunity to all parties for the presentation of such materials.

- e. The parties may offer evidence and shall produce such additional evidence as the panel may deem necessary to an understanding and resolution of the dispute. The panel shall determine the relevancy and materiality of the information or evidence and may ask clarifying questions of any person appearing before the panel. All evidence shall be presented in the presence of the panel and of the parties except by mutual agreement of the parties.
- f. Both parties shall submit and exchange documents, exhibits and witness lists that they wish to be considered in the hearing at least five (5) work days prior to the hearing date to allow panel members time to read them.
- g. Panel hearings are not meant to be conducted like proceedings in a court of law; the rules of evidence do not necessarily apply and hearsay may be admitted at the discretion of the panel. The panel is also responsible for deciding procedural issues arising at the hearing and should rule on objections by a majority vote.
- h. The majority decision of the panel shall be final unless reconsidered as provided below, and shall be consistent with written policy and applicable law. Such decision shall be rendered within ten (10) work days following the conclusion of the hearing.

9. Challenges to Decision

- a. Either party may petition the Goochland County Circuit Court for an order requiring the implementation of the decision of the panel.
- b. If a written request to reconsider the panel decision is submitted by either party within five (5) work days of receipt of the decision, the panel by majority vote may elect to review its decision or reopen the hearing for good cause shown, or both. A response to a request to reconsider shall be rendered by the panel within five (5) work days of its receipt of such request.
- c. The decision of the panel shall be final and binding and shall be consistent with provisions of law and written County policy. Any challenge of panel decision on the grounds of inconsistency with laws or written policy shall be submitted by either party within five (5) work days to the County Administrator for a decision. If the County Administrator has a direct personal involvement in the event or events giving rise to the grievance, the County Administrator shall forward the challenge to the Commonwealth's Attorney for Goochland County for a decision. The challenge is to be decided within five (5) work days after submission of the challenge to the Commonwealth Attorney.

XIX. SEPARATION FROM COUNTY EMPLOYMENT

Employees may be separated from County employment by either resignation or termination. All employees are expected to give at least two (2) weeks advance notice prior to resigning his or her position with the County. If special circumstances exist, the notice requirement may be waived by the County Administrator.

Employees who separate from County service shall, prior to their last day of employment, return all County property and reimburse the County for any personal expenses that are due the County. A failure to comply with these provisions will result in an adjustment to the separating employee's final paycheck.

XX. MODIFICATION OF POLICIES

These policies do not constitute a contract of employment. The policies as a whole, or individually by section, may be modified, amended, or rescinded at the sole discretion of the County without notice.

APPENDIX

Appendix A
“Safety-Sensitive” Positions subject to
Random Testing for Drugs and Alcohol

The following categories of positions have been designated as “Safety-Sensitive” positions by the County Administrator and shall be subject to random testing for the use of drugs and alcohol:

1. All Animal Control Officers;
2. All uniformed employees of the Fire -EMS Department;
3. All Public Utilities employees who regularly work with or test chemicals or other substances under circumstances that have a significant potential to cause harm to employees, the public, County property or private property;
4. All employees who are required to have a Commercial Driver’s License (“CDL”) or who operate heavy equipment, machinery or vehicles as part of their job duties; and
5. The County Administrator, Deputy County Administrators and all Department/Agency heads.

Appendix B
Positions Excluded from Grievance Procedure
per Section XVIII of Employee Handbook

County Administrator

County Attorney

Deputy County Administrator for Financial Services

Deputy County Administrator for Community Development

Director of Animal Control

Building Official

County Assessor

Director of Utilities

Director of Economic Development

Director of Finance

Director of Human Resources

Director of Information Systems

Director of Parks and Recreation

Director of Planning

Director of Purchasing

Fire Chief

Office on Youth Director

Appendix C
Procedural Rules for Steps 3 and 4 of the
Goochland County Grievance Procedure

Except, as otherwise may be noted in the Goochland County Employee Handbook, the following procedural rules apply to Step 3 and Step 4 of the County's Grievance Procedure (the "Grievance Procedure").

1. General Procedural Rules Applicable to Step 3 and Step 4 of the Grievance Procedure

- A. Role of the Director of Human Resources or designee (the "Coordinator"):
 - i. The Coordinator shall advise both employees and Goochland County (the "County") in matters concerning the Grievance Procedure.
 - ii. When a grievant appeals to Step 3 or Step 4 of the Grievance Procedure, the Coordinator shall transmit the grievance record (the "Grievance Record") to the Goochland County Administrator or designee (the "County Administrator") for Step 3 grievances, or the grievance panel (the "Panel") for Step 4 grievances, with a listing of the documents transmitted to the Panel provided to the grievant and his/her representative, as the case may be.
 - iii. During Step 3 and Step 4, the Coordinator shall serve as facilitator and advisor on procedural and personnel-related matters.

- B. When a grievant has obtained partial relief at one level of his grievance procedure but decides to appeal to the next higher level, the filing for appeal to the next higher level shall constitute rejection of, and relinquishment of any claim to, any and all relief granted at the previous level.

- C. Because it is important that grievances be resolved quickly and without unnecessary delay, postponements are not favored. A party seeking a postponement of a grievance at Step 3 or Step 4 must submit his request in writing, with a copy delivered to the opposing party, the Coordinator and the County Administrator for Step 3 grievances and to the chairperson of the Panel and Coordinator for Step 4 grievances. The County Administrator or chairperson of the Panel, as the case may be, may grant a postponement only for good cause shown. The decision on the request for a postponement for Step 3 and Step 4 grievances shall be in writing to the requesting party with a copy to the opposing party and the Coordinator.

- D. As far as practical, all grievance meetings and hearings shall be held during normal County working hours.

- E. County employees who are necessary participants at grievance hearings or meetings shall not lose pay for time necessarily lost from their jobs and will not be charged leave because of attendance at such hearings.

- F. No recording or reporting equipment or devices will be permitted.
- G. Each party shall bear the costs and expenses of his or its legal counsel or representative, if any.

2. Procedural Rules Applicable to Step 3 of the Grievance Procedure

- A. The County Administrator may request the presence of the Department Head or any other County official, deemed appropriate, including the Coordinator at the meeting.
- B. The grievant may have present at the meeting a representative or legal counsel. If the grievant is represented by legal counsel, the County may be represented by the County Attorney or other appropriate legal representative.
- C. The purpose of this meeting is for the presentation of facts and not for the presentation of arguments.
- D. The County Administrator shall afford full and equal opportunity to all parties to present any material and relevant facts.
- E. Witnesses for either side may appear. Witnesses will be asked to remain outside the meeting room until called upon.
- F. The parties or their counsel, if present, may make opening and closing statements; however, such statements must be confined to explaining or clarifying the presentation of facts. The opening and closing statements shall each be limited to no more than ten (10) minutes.
- G. The grievant will proceed first with his/her presentation of facts supporting the remedial action requested by the grievant, with an opportunity given to the County for questions. If the grievant has any witnesses, they may be called upon at this time.
- H. Following the presentation of facts by the grievant, the County will proceed with its presentation of facts with an opportunity given to the grievant for questions. If the County has any witnesses, they may be called upon at this time.
- I. Following presentation of facts by the grievant and the County, the County Administrator may ask further questions, as he/she deems appropriate, including asking witnesses, if any, further questions.

3. Procedural Rules Applicable to Step 4 of the Grievance Procedure

- A. This will be an informal, non-judicial hearing and the rules of evidence do not

necessarily apply. The decision by the Panel will be based upon the facts presented by both parties. The purpose of the hearing is for the presentation of facts and not for the presentation of arguments.

- B. The Panel has the responsibility for determining whether the County policies and procedures have been applied properly in each instance; however, the Panel does not have the authority to formulate or change any county policies or procedures.
- C. The Coordinator shall provide the Panel copies of the Grievance Record at least seven (7) days prior to the hearing and provide the grievant a list of documents given to the Panel.
- D. At the request of the grievant, at least ten (10) days prior to the hearing, the grievant and his attorney shall be allowed access to and copies of all relevant files intended by the County to be used by it at the Panel hearing.
- E. Both parties shall submit to the Panel and each other documents or exhibits that they wish to be considered in the hearing at least five (5) work days before the hearing date.
- F. The parties shall submit to the Panel and exchange a list of their witnesses at least five (5) work days before the hearing date.
- G. The Panel shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing and at the request of either party, the hearing shall be private.
- H. The Panel shall decide procedural questions and rule upon objections by majority vote raised during the course of the hearing.
- I. The Panel shall determine the order of the presentation of information or evidence by the parties, but shall afford full and equal opportunity to all parties for the presentation of such materials. The Panel shall determine the admissibility of evidence, other than the Grievance Record. Hearsay may be admitted at the discretion of the Panel. Evidence shall be taken in the presence of the Panel, the parties, and their counsel, except by mutual agreement of the parties. The Panel shall be the judge of materiality and relevancy of information and evidence offered and may ask clarifying questions of any person appearing before the Panel. The parties may offer evidence and shall produce such additional evidence as the Panel may deem necessary to an understanding and resolution of the dispute. It is recommended that the following procedure for the presentation of the parties' respective cases be used:
 - i. The parties or their counsel may make opening and closing statements of no more than fifteen (15) minutes; however, such statements must be confined to explaining or clarifying the grievant's case, rather than

attempting to introduce evidence outside the record.

- ii. The grievant will proceed first and present his/her case supporting the remedial action requested by the grievant. Witnesses will testify at this time and are subject to cross-examination by the County and the Panel.
 - iii. Following presentation of case by the grievant, the County will present its case with an opportunity for cross-examination by the grievant and the Panel. Witnesses for the County will testify at this time and are subject to cross-examination by the grievant and the Panel.
- F. Either party, upon its motion, has the absolute right to segregate witnesses during the hearing. If witnesses are segregated, witnesses other than the parties will be permitted in the hearing room only while giving their testimony.
- G. The hearing shall be reopened at any time before the Panel issues its decision:
- i. Upon a majority vote of the Panel on its own motion.
 - ii. Upon a majority vote of the Panel on the application of a party for good cause shown.
- H. In a closed session, the Panel will consider information presented and, following a majority determination by the Panel, the chairperson of the Panel will notify all parties to the grievance of the Panel's decision. The Panel shall render its decision within ten (10) work days of the conclusion of the hearing. The Panel shall include in its decision the reason or reasons for that decision, which must be consistent with written policy and applicable law.
- I. The Panel's decision is the last administrative step in the resolution of grievance and the decision of the Panel is final and binding upon all parties to this grievance, except:
- i. Either party may submit a written request within five (5) work days of the Panel's decision for the Panel to reconsider its decision. The Panel, by majority vote may elect to review its decision or reopen the hearing for good cause shown, or both. A response to a request to reconsider shall be rendered by the panel within five (5) work days of its receipt of such request.
 - ii. Any challenge of the Panel's decision on the grounds of inconsistency with laws or written policy shall be submitted by either party within five (5) work days to the County Administrator for a decision. If the County Administrator has a direct personal involvement in the event or events giving rise to the grievance, the County Administrator shall forward the challenge to the Commonwealth's Attorney for Goochland County for a decision. The challenge is to be decided within five (5) work days after

submission of the challenge to the Commonwealth Attorney.

- J. Either party may petition the Goochland County Circuit Court for an order requiring the implementation of the decision of the Panel.