



HUMAN RESOURCES POLICY MANUAL

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

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PURPOSE

The objective of this Policy Manual 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. Whenever responsibilities fall to the County Administrator under these Policies, those duties may be delegated.

This Manual applies to all County government employees. Constitutional Officers may adopt separate policies for their employees: if they do not do so, then this Manual applies to employees of Constitutional Officers except for the following sections:

- Section 2: Recruitment and Selection (2.1, 2.9, 2.11)
- Section 3: Employee Compensation (3.4, 3.10, 3.13)
- Section 6: Employee Development
- Section 7: Health and Safety (7.3, 7.4, 7.5)
- Section 8: Alcohol & Drug Free Workplace
- Section 11: Personal Conduct (11.4, 11.5, 11.6, 11.7, 11.9)
- Section 13: Miscellaneous (13.2, 13.3, 13.4, 13.5, 13.6)
- Section 15: Discipline
- Section 16: Grievance Procedure

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. Unless an employee has an individual written contract with the Board of Supervisors, County employees are employed at-will which means they can resign or be terminated at any time with or without cause. This manual is not, and shall not be construed as, an explicit or implied contract, shall not modify the 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. These policies as a whole, or individually by section, may be modified, amended, or rescinded at the sole discretion of the County without notice.

DEFINITIONS

Exempt Employee: A salaried employee who either performs executive, administrative, professional, or certain computer duties as defined under the Fair Labor Standards Act and its regulations and is exempt from the overtime provisions of the Fair Labor Standards Act.

Essential Employee: Employees who have been designated by their Department Director as performing an essential service and must report to and/or continue working when the County suspends operations or when Liberal Leave is in effect. In instances of a Public Health Emergency,

all County employees may be deemed essential by the County Administrator. (See Appendix C for list of essential employees.)

Essential Services: Those County Services critical to the protection of life and property. The loss of any of these essential services would be intolerable in that their absence would affect the health, safety and welfare of County residents or the community could not function without these services. Essential services should be identified in each department and be distinguished from services that are determined to be merely desirable or valued services.

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.

Non-exempt Employee: Employees in positions subject to the overtime requirements of the Fair Labor Standards Act.

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.

Part-time Health Insurance Eligible Employee: An individual hired on a wage basis for an established position for an indefinite term who works at least thirty (30) hours per week, but less than thirty-two (32) hours per week.

Part-time Employee: An individual hired on 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 (30) hours per week.

Probationary Employee: A full or part-time employee who has served for less than twelve (12) months, who has started a new position in the last six months, or who has been placed on probation through the disciplinary process. (See Section: 4.12 for more information.)

Public Safety Essential Employee: Full and part-time employees who have been designated as performing essential services in the following departments: Fire-Rescue, Sheriff's Office, and Animal Protection. These employees are required to report to work and continue responding to resident emergencies and 911 calls during inclement weather, a public health emergency, or County closings and delayed openings.

Temporary Employee: An individual hired on a term basis, *e.g.*, day, week, period of months or on a project or sporadic basis. Includes seasonal workers, interns, commissions/boards, and emergency hires.

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.

SECTION 1: EQUAL EMPLOYMENT OPPORTUNITY

1.1 Policy Statement:

- A. 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.

1.2 Diversity Statement:

We encourage and welcome diversity. By creating a supportive environment that allows everyone to perform to their potential, we achieve success, and that success reflects the quality of our employees.

The value of different backgrounds and perspectives should not be overlooked. Having a diverse workforce assists us in looking at all situations from a variety of angles and coming up with innovative ideas and solutions. Embracing and understanding what each employee's background and perspective contributes allows us to progress more quickly than other localities.

Some types of diversity are as follows: Life experiences, Work experiences, Perspectives, Cultures, Ethnicity, Gender, and Age.

Respecting each individual and recognizing the value that they bring to our diverse team is essential.

1.3 Harassment:

The County is committed to complying with all federal, state, and local laws on equal employment opportunity, having a diverse workforce with all employees being valued for their individual capabilities and contributions, 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 digital, printed or photographic materials, objects), and other actions that are demeaning or hostile.

1.4 Sexual Harassment:

A. 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 a basis for employment decisions; or
3. The conduct is severe or pervasive enough to create an intimidating, hostile, or offensive work environment.

B. 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, 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.

1.5 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 in permitting the employee to perform the essential job functions, or if it places an undue burden on the County.

1.6 Violations:

An employee who believes that this Equal Employment Opportunity policy is being violated should (a) inform the offending person(s) that the conduct is unwelcome and (b) 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, the County will provide appropriate relief for the person subject to the complaint and appropriate disciplinary action, up to and including discharge, against the person(s) who violated the policy.

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.

1.7 Retaliation:

Retaliation is a negative action taken against an individual because the person reported a violation, provided information during an investigation, or otherwise opposed discriminatory acts. 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.

SECTION 2: RECRUITMENT AND SELECTION

2.1 Hiring Authority:

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

2.2 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. Selection shall be based on the best-qualified person available at the salary offered for the particular position.

2.3 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 for 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.

2.4 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.

2.5 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 are practical, effective dates shall be established at the beginning of regular pay periods.

2.6 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.

2.7 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 must 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 should be followed. No employment commitment under this provision can be made prior to the approval of the County Administrator.

2.8 Provisional Hiring:

The Director of Human Resources will 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.

2.9 Standards for Pre-Employment Inquiries: References, Credit, and Background Checks:

Goochland County has very high standards for its employees and candidates for employment with the County. The County takes seriously the need to foster and promote the public's trust in government. Moreover, the County wants to select individuals with the highest chance of success in completing their training and continuing employment; accordingly, these standards are designed to identify the kinds of behaviors which are required of employees serving the residents of Goochland County. Each candidate's past choices, judgments, and behaviors will be compared to these standards. Candidates who fall short of demonstrating consistently sound decision making, maturity, and responsibility will not be further considered for employment.

Candidates for all positions will be subjected to a check of their employment history, references, criminal record, and military record, if any. All candidates for full-time employment with the County, as well as part-time candidates for employment in "Security-Sensitive Positions", will be required to pass a pre-employment drug screen. Driving records will be reviewed and evaluated for candidates for positions involving driving a County vehicle. In addition, Animal Protection Officers, uniformed employees of Fire/EMS, and other "Security-Sensitive Positions" may also undergo a credit check and background investigation which typically involves an in-person interview. (See Appendix A for a list of Security-Sensitive Positions)

The County reserves the rights to make other, informal inquiries about potential employees. These standards apply to any pre-employment information we obtain about a candidate, whether learned through a formal check or an informal inquiry.

It is in every candidate's best interest to be completely forthcoming and truthful during any pre-employment inquiries. Purposeful omission of information may result in removal from the selection process. The failure to provide complete, accurate, and honest information is interpreted as dishonesty and lack of integrity about one's character.

Some examples of potentially disqualifying behavior are identified below. These examples are designed to give candidates a sense of what behavior will be judged as inappropriate - and are not

designed to be an all-inclusive listing of disqualifying behavior. Candidates are asked to critically assess their own background in light of these standards before beginning the employment process.

The Standards:

A. Interpersonal Skills, Sensitivity, and Respect for Others

Examples of Potentially Disqualifying Behavior - Incidents of domestic violence; use of verbal or physical abuse or violence toward others indicating a lack of self-control; inability to get along with others in work or personal life; failure to listen effectively; use of derogatory stereotypes in jokes or remarks; use of rude and/or condescending remarks to or about others; use of physical force to resolve disputes; demonstrated overreaction to criticism; inability to work effectively as a "team player"; disruptive/challenging to authority; use of harassment, threats, or intimidation to gain an advantage.

B. Decision Making and Judgment

Examples of Potentially Disqualifying Behavior - making poor choices given known circumstances; failure to take action when appropriate, or demonstrating insecurity about making a decision; behavior indicating poor judgment or failure to consider appropriate options; failure to learn from past mistakes; inability or unwillingness to modify a position; rigid adherence to rules without consideration of alternative information; failure to see or consider all options; or succumbing to peer pressure.

C. Maturity and Discipline

Examples of Potentially Disqualifying Behavior - use of illegal drugs; abuse of alcohol or prescription medications; failure to follow all laws and common rules of conduct; associating with individuals who break the law; being argumentative, defensive, or blaming others (or circumstances) for mistakes made; past behavior which indicates a tendency to resort to use of force to gain objectives; overbearing in approach to resolving problems; unnecessarily confrontational; taking unnecessary personal risks; placing others at risk through one's own actions; reacting childishly or with anger to criticism or disappointment.

D. Honesty, Integrity, and Personal Ethics

Examples of Potentially Disqualifying Behavior - making false and/or misleading statements or intentionally omitting relevant information; purposefully withholding information; minimizing past mistakes or errors; blaming others/making excuses for mistakes; attempting to induce others to give false information; "bending" the rules or using a position of authority for personal gain; refusing to accept responsibility for improper actions; condoning the unethical behavior of others through silence; engaging in illegal or immoral activities of such a nature that would be offensive to contemporary community standards of propriety; theft; fraud.

E. Criminal Convictions

As an applicant for a County position, you will be subject to a check of your criminal history as recorded by federal, state, county, city, foreign or other government body. For purposes of employment consideration, a plea of no contest or nolo contendere will be considered a conviction. The following guidelines are being provided to allow you to determine your likelihood of success in the employment process, but in all instances, the nature and gravity of the offense or conduct, the time that has passed since the offense, the completion of the sentence and any probation, and the nature of the position the candidate seeks will be considered in evaluating candidates for employment. A candidate with more than the following is unlikely to be hired:

1. Felony conviction – more than 1, any in the prior 5 years;
2. Misdemeanor conviction – more than 1 in the prior 5 years;
3. Theft conviction – within prior 2 years
4. Misdemeanor conviction for drug use, possession, or sale – within prior 3 years
5. Driving/Boating under the influence conviction – within prior 3 years
6. A history of use of marijuana or alcohol that displays a pattern of abuse, as determined by the County
7. Any convictions for felony possession, use, or sale of controlled substance
8. Any convictions for any offenses involving disrespect for law enforcement or authority, animal cruelty, neglect or abandonment, or aggravated crimes involving sexual offenses, domestic violence, or against children.

F. Employment History

Applicants should have a stable employment history. The quantity and type of employment history required is position dependent. Applicants may be disqualified from consideration for a position with the County if any of the following statements is true:

1. Applicant has been terminated for cause from a place of employment more than one time in the prior five years.
2. Applicant has been terminated for cause by a federal, state, county, or municipal civil service or merit system
3. Applicant has been dishonorably discharged from the military.

4. Applicant has received reprimands or counseling for poor work performance.

G. Financial Standing – Only for Security-Sensitive Positions

Applicants for Security-Sensitive Positions must be in good credit standing with a history of credit stability. The County is unlikely to hire any candidate who has a current garnishment, bankruptcy (unless only within the repayment plan), or debt currently assigned to collections, but the county will review the circumstances to determine the suitability of the candidate for the particular position sought. Further, applicants must not have filed bankruptcy more than one time within the ten-year period immediately prior to applying.

H. Driving History – Only for Positions Requiring the Use of County Vehicles

Applicants whose positions require use of County vehicles must have a valid Virginia driver's license. Applicants who have, in the prior seven years, driving history convictions (including pleas of no contest or nolo contendere) for the offenses of hit-and-run (or similar statute), or felony eluding are not eligible for employment. An applicant cannot have a negative point balance on his or her license at the time of application. For the purpose of this section, the points will be computed by standards in the Virginia Code. The County will review the circumstances of an applicant's inability to meet any of these standards.

A candidate's license cannot contain restrictions which would hinder or limit his or her ability to operate vehicles in accordance with the policies of his/her department and the Virginia Code. No applicant may have a driving history which reflects a recurring pattern of traffic violations which may represent a perpetual disrespect for traffic laws.

I. Pre-Employment Drug Screens

A pre-employment drug screen will be required of all full-time employees and part-time Security-Sensitive Employees. An applicant who tests positive may result in the conditional offer of employment being withdrawn.

2.10 Employment of Relatives:

Nepotism is favoritism granted in employment to relatives, regardless of merit. Nepotism at work can mean increased opportunity at a job, attaining the job or being paid more than other similarly situated employees. The State and Local Government Conflict of Interests Act (Virginia Code §2.2-3106) 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. The County will hire or consider other employment actions concerning relatives of persons currently employed only if: a) candidates for employment will not be working directly for or supervising a relative, and b) candidates for employment will not occupy a position in the same line of authority in which employees can initiate or participate in decisions (e.g. hiring,

retention, transfer, promotion, performance evaluations, wages, and leave requests) involving a direct benefit to the relative. Furthermore, immediate family may not be hired if employment would have the potential for creating an adverse impact on work performance or create either an actual conflict of interest or the appearance of a conflict of interest.

For the purpose of implementation, “relative, family or household member” includes the following relationships established by marriage, legal action or blood: spouse, mother, father, stepparent, brother, sister, son, daughter, stepchild, aunt, uncle, nephew, niece, grandparent, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, grandson, granddaughter, cousins, spouse/partner of any of the above, and other members of the employee’s household whether or not related by blood or marriage. The term also includes domestic partners and relatives of the domestic partner. This policy also applies to romantic relationships. Employees who become immediate family members or establish a romantic relationship may continue employment as long as it does not involve any of the above. If one of the conditions outlined should occur, attempts will be made to find a suitable position within the County to which one of the employees will transfer. If employees become immediate family members or establish a romantic relationship, the County will make reasonable efforts to assign job duties so as to minimize problems of supervision, safety, security, or morale. If accommodations of this nature are not feasible, the employees will be permitted to determine which of them will resign. The County retains the authority to decide who will remain employed.

2.11 Probationary Period:

Every employee must serve a probationary period in his or her 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 Director shall consult the Director of Human Resources prior to action in such cases. At the end of any 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.

- A. All new full-time and part-time employees serve a one (1) year probationary period.
- B. All employees who apply for and obtain another position within the County will serve a six (6) month probationary period in the new position.
- C. 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.
- D. In establishing a probationary period, the County does not abrogate or modify in anyway the employment-at-will status that applies to its employment relationship with its employees.
- E. A probationary employee is not eligible to grieve or otherwise use the County’s grievance procedures.

SECTION 3: EMPLOYEE COMPENSATION

3.1 Pay and Classifications:

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

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

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

3.2 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:

- A. **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.
- B. **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.
- C. **Law Enforcement and Fire-Rescue Employees:** Employees who perform law enforcement, fire protection, 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 number of hours worked before overtime is due in the work period established.

3.3 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.

3.4 Hours of Work:

A. Hours of Work

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

B. 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.

C. Breaks

Full-time employees may have two (2) fifteen (15) minute rest breaks per day which are included within the paid hours of work. Full-time 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 workday. Part-time employees may take one 15-minute rest break per day. Meal and rest breaks may not be accumulated or carried over from one shift or one day to another.

D. Adjustments to Work Schedules

Hours of work, schedules, and duty assignments within a work period are to be established by the Department Director. 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.

3.5 Teleworking:

A. Objective

Teleworking, or telecommuting, is the concept of working from home or another location on a full- or part-time basis. Goochland County considers telecommuting to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Telecommuting arrangements may be approved for circumstances such as inclement weather, special projects, business travel, or other business-related or employee safety-related needs. Telecommuting is not an entitlement, it is not a companywide benefit, and it in no way changes the terms and conditions of employment with the County of Goochland. Rather, it is an alternative method of meeting the needs of the County. All telecommuting arrangements will be approved on an as-needed, case-by-case basis, with no expectation of ongoing

continuance.

B. Procedures

Telecommuting can be informal, such as working from home on an infrequent basis or on a short-term project. It can also be formal, with a set schedule of working away from the office. Either an employee or a supervisor can suggest telecommuting as a possible work arrangement. Occasional Telework may be approved by the employee's department director. Regular Telework (occurring on the same day or days every week on a consistent basis) requires the approval of the department head and the Human Resources Director. The department director may revoke a telecommuting arrangement at any time. The County Administrator also has the right to refuse to make teleworking available to employees and to terminate teleworking arrangements at any time.

C. Eligibility

Telecommuting may be appropriate for some employees and jobs but not for others. In general, positions requiring face-to-face interaction with customers and office personnel are not suitable for telecommuting arrangements. Furthermore, all employees of the Fire-Rescue department and the Animal Protection department are not eligible.

Before entering into any telecommuting agreement, the manager will evaluate the suitability of such an arrangement, reviewing the job responsibilities and work habits of the employee, as well as equipment needs, to determine if telecommuting could be successful.

Consideration will be given to employees who have satisfactory or above performance evaluations, demonstrated work habits and performance well-suited to successful telework. Additional consideration will be given in cases where the telework would provide opportunity for improved employee performance, employee retention, reduced commuting miles, or organization savings. It is not intended to be used in lieu of sick leave or vacation time, nor is it intended to solve long-term childcare issues. Consideration must be applied equitably and consistently using the following guidelines:

- **Work habits:** Teleworkers must have demonstrated self-motivation, self-discipline, the ability to work independently, the ability to manage distractions, and the ability to meet deadlines.
- **Position:** The teleworker's position must have minimum requirements for direct supervision or contact with customers; the teleworker's need for specialized material must be minimal or flexible; and the teleworker's work objectives and tasks must be clearly defined with measurable results.

The telework must be arranged so that the employee can be reached/contacted during assigned work hours, maintain a full-time workload, and can function independently and reliably to serve the citizens in a seamless manner as if they were available in person.

Evaluation of telecommuter performance will include regular interaction by phone and e-mail

between the employee and the manager, and weekly face-to-face meetings to discuss work progress and problems focusing on work output and completion of objectives.

D. Equipment

The employee must have appropriate internet access with a minimum of a 10 Mb internet download speed. Appropriate equipment needs (including hardware, software, modems, phone, data lines and other office equipment) will need to be identified by the employee and Manager. The Information Technology department will serve as resources in this matter. Equipment supplied by the County will be maintained by the County. Equipment supplied by the employee, if deemed appropriate by the County, will be maintained by the employee. The County of Goochland accepts no responsibility for damage or repairs to employee-owned equipment. Equipment supplied by the County is to be used for business purposes only. Upon termination of employment, all County property will be returned to the County.

The employee will establish an appropriate work environment within his or her home for work purposes. The County will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space.

E. Security

Consistent with the County's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary county and customer information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, dual authentication, and any other measures appropriate for the job and the environment. (See Section 9- Computer/Mobile Device Acceptable Use Policy)

F. Conditions of Employment

The teleworker's conditions of employment shall remain the same as for non-teleworking employees; wages, benefits and leave accrual will remain unchanged unless there is a change in employment status or scheduled hours that impacts benefit eligibility. In addition, all policies, rules and procedures shall apply at the telework site, including those governing communicating internally and with the public, employee rights and responsibilities, facilities and equipment management, financial management, information resource management, purchasing of property and services, and safety. Failure to follow policy, rules and procedures may result in termination of the telework arrangement and/or disciplinary action.

Employees must be available by phone and email during normally assigned work hours. Participants must be available for staff meetings, and other meetings deemed necessary by management. Leave time must be submitted should an employee not be available during assigned work hours.

Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using the County's

time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's supervisor. Failure to comply with this requirement may result in the immediate termination of the telecommuting agreement.

3.6 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.

3.7 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 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.

3.8 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.

3.9 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.

3.10 On Call Pay

There are certain operations/functions of the County which require an employee to be available to be called back to work to handle an emergency outside of the normal working hours. "On-Call"

Pay is compensation for those employees who are regularly required to be available if needed to handle situations occurring outside standard working hours. It is available only to those employees determined eligible by the department head and the County Administrator. "On Call" time is a period when an employee is not required to remain at his or her work station and is free to engage in personal activities, but the employee will conform to the department or agency's requirements for availability and prompt response when necessary. Non-exempt employees who are on-call will receive on-call pay at a rate of \$2.00 per hour for every hour they are on-call outside the normal working hours. On-call hours are not applied toward the 40-hour work week for calculation of overtime.

Employees on-call must be available and fit to report to duty when called back into work. When an employee is called back to work after regular work hours, they will be paid for actual time worked at their hourly rate. This actual time worked is applied to the 40-hour work week for calculation of overtime. On-call pay is not paid for the hours when the employee is called back to work.

If an on-call employee cannot be contacted by their supervisor via the agreed upon device (cell phone, etc.) or is not available to work, he or she is not entitled to on-call pay and may be subject to disciplinary action.

3.11 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. Payment of overtime compensation and/or awarding compensatory leave for fire protection employees and law enforcement employees shall be in accordance with the provisions of Virginia Code 9.1-700 through 9.1-706.

Unless authorized to do so, non-exempt employees should not work over forty (40) hours during a work week. Non-exempt employees should not access job-related emails or conduct other business outside of work hours. Employees may not work overtime without advanced permission from their supervisors. Working unapproved overtime may be subject a non-exempt employee to disciplinary action. 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.
(Refer to Section 5.12 Compensatory Leave)

3.12 Performance Increases:

The County promotes excellence in its workforce. To that end, salary increases within budget

constraints may be given if warranted. 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.

3.13 Performance Evaluations:

The work of each employee will be evaluated at least annually. Evaluations are a collaborative effort between the employee and the employee's supervisor. The supervisor should 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 upcoming year. A written report of the evaluation will be prepared with a copy provided to the employee being evaluated and a copy for the employee's personnel files. If the employee believes that the report is incomplete or inaccurate, the employee may prepare comments to be attached to the supervisor's evaluation report.

SECTION 4: BENEFITS

The County offers a comprehensive benefit package to full-time employees and part-time benefit eligible employees. Part-time health insurance eligible employees are only eligible to participate in the County's Group Health Plan. Plan information is available through the Human Resources Department. Employees have a specific annual open enrollment period to enroll or make changes to their benefit plans. Outside of this annual open enrollment period, changes may be made within 30 days of a qualifying lifestyle event (i.e., birth/adoption of a child, marriage, loss of other insurance, etc.) with the proper documentation.

Full-time and part-time benefit eligible employees are eligible for the following benefits:

4.1 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.

4.2 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.

4.3 Retiree Health Insurance Coverage

Employees (including Social Services) who are on the County's health insurance plan at retirement will have access to health insurance upon retirement if the following criteria is met: eligible retirees must be full-time employees who have at least 5 years of consecutive service with Goochland County and who retire directly from the County and immediately begin to collect a retirement benefit from VRS. Employees who defer retirement will not qualify. Employees who are terminated are not eligible. All retirees will be required to leave the County's group insurance plans at age 65.

Employees who meet the above requirements and began employment with the County on or after date of July 1, 2011 are eligible to continue on the County's health insurance plan if they pay 100% of the full group premium rates.

Employees who meet the above requirements, who began employment with the County prior to July 1, 2011, who have at least 15 years of VRS service, and who meet the criteria below are eligible for a monthly health insurance credit of \$4 per year of VRS service (capping at \$140 per month):

VRS Plan 1 Retirees (those with membership dates before July 1, 2010) must be at least age 50 with 5 consecutive years of service with Goochland County.

VRS Plan 2 Retirees (those with membership dates from July 1, 2010 to June 30, 2011) must be at least age 60 with 5 consecutive years of service with Goochland County.

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.

4.4 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.

4.5 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 to the VRS. 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 for Plan 1 and 2 members. VRS offers regular retirement and short-term disability benefits for hybrid members. Employees who qualify for short-term disability benefits through the hybrid plan will receive 60% of their salary from the County. Employees receiving this benefit are allowed to supplement this pay with accrued leave, not to exceed the FMLA period (unless approved by the County Administrator) or termination of employment date. Further information on all VRS plans may be obtained on-line at www.varetire.org.

4.6 Other Benefits Deductions

In addition to the above benefits, employees may choose to 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
- Virginia Credit Union
- Short-Term Disability
- Accident, Cancer, Critical Illness
- Deferred Compensation Plans
- Whole Life Insurance

4.7 Voluntary Short-Term Disability

Full-time employees who do not participate in the hybrid VRS plan are eligible to purchase a short-term disability plan offered by the County. The short-term disability plan provides income replacement for illnesses, off-the-job accidents, and other qualifying employee medical conditions. It is paid directly from the insurance company. The County allows employees to supplement this benefit by using their accrued leave time, not to exceed the FMLA period (unless approved by the County Administrator) or termination of employment date.

4.8 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.

4.9 Workers' Compensation

Worker's 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 Worker's Compensation is found in the section (7.1) of this policy.

SECTION 5: HOLIDAYS AND LEAVE

5.1 Holidays

The following holidays are observed by the County. In addition, the County may also observe any other holiday designated by the Governor as a legal holiday for the Commonwealth of Virginia. If special circumstances warrant, the County Administrator can amend the holiday schedule after consultation with the Board of Supervisors.

New Year's Day	January 1
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
Election Day	Tuesday following 1 st Monday in Nov.
Veteran's Day	November 11
Thanksgiving Day	4 th Thursday in November
Day after Thanksgiving	4 th Friday in November
Christmas Eve	December 24
Christmas Day	December 25

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

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 (These rules do not apply to

firefighters/EMS workers who are on a 56-hour work week):

- Holiday pay **will not** be considered as time worked for the purpose of overtime calculations.
- Compensatory Leave cannot be accrued in lieu of holiday pay.
- Holiday pay is computed at individual employee's base rate of pay.
- If a full-time non-exempt employee is scheduled to work on a County holiday and he/she does not work, the holiday will automatically be paid in his/her regular pay at his/her regular rate, based on his/her normally scheduled hours.
- If a full-time non-exempt employee is not scheduled to work on a day an observed holiday falls on (i.e., employee is working a four 10-hour schedule) the supervisor must notify the payroll department to pay the employee an additional day at straight time, based on his/her normally scheduled hours, to receive the benefit of the holiday.
- If a full-time non-exempt employee is required to work on a holiday, he or she will be paid their normally scheduled hours for the holiday plus he or she will be paid at time and a half for each hour worked.
- If a part-time employee is scheduled to work on a day that County offices are closed for a holiday and the employee does not work, the employee will not be paid for the holiday.
- If a part-time employee is required to work on a holiday, he or she will be paid at time and a half for each hour worked.
- 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.

5.2 Accrual Charts

Annual Leave and Sick Leave allowances will accrue according to the following charts:
(Accrual rates will change on the first day of the employee's anniversary month.)

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 Fire-Rescue Employees Working a 56-Hour Schedule

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

Eligible firefighters/emergency medical services (EMS) employees 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/EMS employee'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/EMS employee'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 as a voluntary resignation by the affected employee.

5.3 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 pay dates. 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. Accrual rates will change on the first day of the employee's anniversary month.

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 Director. No more than one hundred and twenty (120) hours of consecutive annual leave may 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 the estate, payment will be made pursuant to Virginia Code 64.2-200.

5.4 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 who are members of the VRS plan 1 or plan 2 may carry over all accrued sick leave. Employees who are members of the VRS hybrid plan (hired on or after January 1, 2014), will have a maximum sick leave carryover of 80 hours. Up to five days of sick leave 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 medical appointments that could not be scheduled outside of work hours. Employees may use up to 40 hours (56 hours for Fire-Rescue employees 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. Additional time may be used if approved for FMLA. (Please see Family and Medical Leave policy.)

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 a health care provider 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 the lesser of twenty-five percent (25%) of the accrued sick leave balance or \$5,000. Employees covered by the VRS hybrid plan who were hired on or after January 1, 2014, will receive payment for twenty-five percent (25%) of the accrued sick leave balance or \$2,500 whichever is the lesser amount (Revised 1/1/14). Employees who are terminated for cause will not be eligible for any 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 will be made pursuant to Virginia Code 64.2-200.

An employee changing from regular full-time status to regular part-time benefits eligible status retains his/her 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.

5.5 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 granting unpaid leave. All types of leave (accumulated sick, annual, compensatory, and workers' compensation) will run concurrently with FMLA.

A. 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)

B. 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). A Covered Military Member means the employee's spouse, son, daughter or parent on Covered Active Duty (as described in FMLA regulations) or called to Covered Active Duty status.

Qualifying Exigency means one or more of the following circumstances:

- a. 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;
- b. 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;
- c. 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;

- d. Financial and legal arrangements - to make or update financial or legal arrangements related to 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;
 - e. Counseling - to attend counseling sessions related to the Covered Military Member's deployment or active duty status;
 - f. 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;
 - g. 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
5. Military Caregiver 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:
- a. to care for a spouse, son, daughter, parent, or next of kin (as defined by FMLA regulations) who is a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
 - b. 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.

A veteran is a person who served in the active military, naval, or air service and whose discharge or release was not dishonorable. 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; or

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 a 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, not sick leave, to cover periods of Exigency Leave as the reasons for using such Leave are non-medical, and do not qualify for sick leave usage.

C. 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 the 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, up to once every 30 days, fitness-for-duty certifications prior to the employee's return from intermittent FMLA leave. 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 that 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).

D. 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.

E. 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 Military 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.

A Human Resources 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 the Human Resources department 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.

F. Notice of Designation

After receiving the completed forms, the County will designate the leave as either FMLA or non-FMLA and provide the employee 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 to be counted as FMLA leave, the employee must notify the Human Resources department within two business days of returning to work that the leave was for an FMLA reason. Otherwise, the employee may not subsequently assert FMLA protections for the absence.

G. Reporting During Leave

Employees may be required to furnish the County reports on their status, intent to return and recertification of the serious health condition every 30 days.

H. Leave Coordination

Employees may use available paid leave time such as sick or annual leave, as appropriate, while on FMLA leave. Employees may only use annual leave, and not sick 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 and 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 Fire-Rescue employees 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)

I. 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 must submit an application for it on a form supplied by the County as noted in the above Procedures section. 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.

J. Benefits during Leave

Employee Benefits. During FMLA leave, the County will continue the employee's health insurance coverage as follows. If the employee is using paid leave, the County will deduct the employee's portion of the group health premium as a regular payroll deduction. If the employee is not using paid leave, 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 FMLA 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 employee's life insurance benefit for a period of ninety days, except in the case of Military Leave. After ninety days, the employee on leave-without-pay status must pay the full cost of the insurance premium for the balance of the leave-without-pay 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.

K. Return from Leave

Failure to Return. When FMLA 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.

L. 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.

5.6 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 health care provider 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.

5.7 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 leave without pay (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.

5.8 Civil Leave

An employee may be granted leave with full pay for the time serving on a jury or as a subpoenaed witness in court or an administrative proceeding. The employee must give reasonable notice of the jury duty or court appearance to the department director along with documentation. If the attendance at court or an administrative proceeding is required as part of the employee's job with the County, the time will be counted as hours worked. If less than five (5) hours is required, an employee is expected to work the remaining hours in the workday. Civil leave may not be used

for court or administrative hearing procedures if the matter is personal.

5.9 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, stepchildren, stepparents, guardian, and the same relatives of spouse.

An employee may request to use bereavement leave for a period not to exceed 24 hours for employees working an 8-hour day, 30 hours for employees working a 10-hour day and 36 hours for Fire-Rescue employees on a 56-hour per week schedule. Such leave must be used within the thirty (30) days immediately following the death of the family member. With approval of the department head, sick time may be utilized for additional time as needed. If leave is desired for a death other than for a member of the immediate family, sick leave may not be used.

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 may be granted accordingly.

5.10 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/her 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 fails to provide this notice, without justification, 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 later provide 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):

1. Less than thirty (30) days of service - within eight (8) hours of the first regularly scheduled workday after completed military service.
2. Thirty-one (31) to one hundred and eighty (180) days of service - within fourteen (14) days

of completing military service.

3. Over one hundred and eighty-one (181) days of service - no later than ninety (90) days of completing military service.
4. 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 on 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 (168 hours for Fire/Rescue employees on a 56-hour schedule) of paid leave per federal fiscal year (October 1 – September 30); 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's VRS life insurance will be paid by the County for the shorter of up to twenty-four (24) months or for the duration of the military leave. The employee may continue his/her health insurance coverage for up to twenty-four (24) months as well, provided that premiums are paid on a timely basis. If the employee does not wish to continue the insurance while on leave, he/she must complete a health insurance form to cancel the coverage. The employee will be eligible for coverage again upon their return to duty.

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.

5.11 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 if approved by the employee's supervisor or the Department Director. Special duty leave must be taken within thirty (30) days of time worked. There is no payment for special duty leave at separation.

5.12 Compensatory Leave

Employees in non-exempt positions are eligible for pay or compensatory leave at one and one-half times their regular rate of pay for any actual hours worked in excess of forty hours (40) during their standard work week. With respect to “fire protection employees” and “law enforcement employees,” as those terms are defined in Virginia Code 9.1-700, payment of overtime compensation and/or the awarding of compensatory leave will be in accordance with the provisions of Virginia Code 9.1-700 through 9.1-706. Employees may receive compensatory leave in lieu of cash wage payments on a time and one-half basis at the written request of the employee with approval of the department head. If approved, 1.5 hours of compensatory leave time will be given for each one hour of overtime worked.

An employee cannot accumulate more than 80 hours in a calendar year. After 80 hours have been accumulated, employees will be paid for the overtime hours they work instead of accruing additional compensatory leave. Department heads are responsible for knowing the compensatory leave balances of their employees and must develop a plan to either reduce or maintain compensatory leave balances at or below the maximum carryover hours. Up to 40 hours may be carried over to the following calendar year. Any compensatory leave in excess of 40 hours must be paid out in cash wages at the end of the calendar year. Department heads have the discretion to implement department specific requirements regarding compensatory leave with approval from Human Resources. An employee will be compensated for all unused compensatory time upon separation from employment with the County. (See 3.11 Overtime Compensation)

5.13 Sick Leave Bank/Catastrophic Illness or Injury

Goochland County will maintain a sick leave bank for all benefit eligible VRS Plan 1 and Plan 2 employees who have a catastrophic illness or injury. (Employees who are covered by the VRS Hybrid Plan are ineligible for participation in the sick leave bank.) Catastrophic illness/injury is defined as a severe medical condition which requires an employee’s absence from work for a prolonged period of time and includes, but is not limited to, cancer, major non-elective surgery, serious accident, heart attack, or complications of pregnancy requiring bed rest or hospitalization. The catastrophic illness or injury must require the services of a licensed health care provider.

Eligible employees may become a member by donating 8 hours of sick leave upon joining and 8 hours each year thereafter. Benefits are available to participating employees unless all hours have been depleted from the Bank. Upon notice, employees may be assessed for additional hours if the Bank balances become exhausted prior to the end of a calendar year.

A. Enrollment

An employee may enroll within the first 30 calendar days of employment. An employee who does not enroll when first eligible may do so between December 1 and December 15 for participation the following calendar year. Membership in the sick leave bank must be continuous unless the employee informs the Director of Human Resources in writing of

his/her intent to withdraw from participation in the sick leave bank during a future benefits open enrollment period. Employees who are subject to lose annual leave carryover at the end of the calendar year may donate a maximum of five days (40 hours) to the sick leave bank.

B. Application

1. The first 240 consecutive hours of illness or injury will not be covered by the sick leave bank but must be covered by the employee's own accumulated leave or leave without pay. Thereafter, a maximum of 240 hours each calendar year may be drawn by any one member. Sick Leave Bank benefits will be payable based on an 8 hour per day/40-hour workweek basis. Sick Leave Bank benefit payments will not extend beyond the date that leave is approved by the County (ex. FMLA end date).
2. A member of the bank will not be able to utilize sick leave bank benefits until his/her own leave is depleted. A member must make application for use of the sick leave bank entitlement within 15 calendar days after using all accrued sick, compensatory and annual leave.
3. Members utilizing days from the sick leave bank will not have to replace these days; that is, they will not have to donate subsequently accrued leave for leave taken from the sick leave bank.
4. Days drawn from the bank for any one (1) period of eligibility must be consecutive, except additional periods of disability resulting from recurrence or relapse of the original illness that will be covered fully on a continuing basis up to the annual maximum of 240 hours.
5. A health care provider's certificate is required before a sick leave bank member can use his sick leave bank entitlement. This statement is to be submitted in writing to the Director of Human Resources in advance of the absence for which the days are to be granted. Requests cannot be made retroactively.
6. The sick leave bank cannot be used for family care or in conjunction with workers' compensation leave.
7. Employees will not accrue annual or sick leave while receiving sick leave bank benefits.

C. Termination/Withdrawal

1. The Sick Leave Bank will be terminated if there are not enough eligible members participating in the program.
2. Upon termination of employment or withdrawal of membership, a participant will not be permitted to withdraw or be paid for his contributed day(s).

3. The sick leave bank will carry over its total days from one calendar year to the next.

5.14 Volunteer Leave

It is the policy of Goochland County to grant full-time employees up to 8 hours of paid leave in any calendar year to provide volunteer services to eligible non-profit organizations within Goochland County. The purpose of this policy is to set forth the County's philosophy and administrative guidelines regarding volunteer and school assistance leave and to support the Governor's Commission on National and Community Service which encourages Virginians to dedicate service to others.

A. Reasons for Leave

Leave under this policy may be used for providing volunteer service through volunteering for non-profit organizations or for school assistance as outlined below.

B. Volunteer Service Activities

Employees may be granted paid leave under this policy to provide voluntary service as part of an organized service project in Goochland County sponsored by a community, national, or other service organization. For example, an employee could be granted volunteer leave to:

1. deliver meals to the elderly or to needy community residents through an organization such as Meals-on-Wheels;
2. attend non-profit boards and committee meetings (Scouts, Big Brother/Big Sister, Red Cross, etc.);
3. participate in activities directly related to non-profit fundraising (e.g., set up/take down, registration, answering phones, recruiting/organizing/training volunteers);
4. do yard work, painting, cleaning, maintenance through a non-profit organization, or;
5. volunteer for Scouts, Big Brother/Big Sister, or other non-profit organization.

School Assistance – Employees may be granted paid leave under this policy to perform volunteer work approved by a teacher or school administrator to assist at a Goochland County public school.

C. Administrative Procedures

1. Supervisor's Approval
 - a. Employees must receive approval from their supervisors prior to using volunteer leave.
 - b. Supervisors may require written verification from an official of the service organization for use of volunteer leave. If the leave is used for school assistance, written

verification should be from a school administrator or teacher.

2. Scheduling

- a. Supervisors should make an effort to approve volunteer leave requested by employees, but have discretion to disapprove leave if it would significantly impact County operations.
- b. Departments may determine that it is not possible to release certain employees under this policy, such as employees in direct care or public safety positions, due to staffing requirements. If they are unable to grant volunteer leave requests, departments should identify these positions, notify the affected employees and send a copy of the notice to the Director of Human Resources.

3. Amount/Availability of Leave

- a. Volunteer Leave may be used in increments of one hour or more at a time.
- b. A maximum of 8 hours of paid leave per calendar year.

4. Duration

- a. No Carryover - Leave not taken under this policy in a calendar year will not be carried forward to the next year.
- b. No Payout - There will be no payment for unused volunteer leave upon an employee's separation from County service.

D. Glossary

Eligible Agencies - A public or private nonprofit organization that is representative of a community or a significant segment of a community, and is engaged in meeting human, educational, environmental, or public safety community needs. Excluded is service provided through a church where the only recipients of the service are the constituents of the church (e.g. painting and maintenance of church buildings, yard work, serving on the church Board, etc.).

Service Organizations - Organizations that (1) are community based or that have extensions of their organizations within a community, that (2) provide services through voluntary efforts of residents.

Note: Activities involving political groups or causes do not qualify for use of this leave.

The Director of Human Resources is responsible for the official interpretation of this policy and reserves the right to revise or eliminate this policy as necessary.

SECTION 6: 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.

6.1 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.

6.2 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 is 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.

SECTION 7: HEALTH AND SAFETY

7.1 Workers' Compensation:

Goochland County provides workers' 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 Human Resources. The following information will be needed when reporting:

- a. Employee's name and job title;
- b. Nature of injury;
- c. Date and time of injury;
- d. Cause of injury;
- e. Place where injury occurred;

- f. Nature of any medical services required; and
- g. Any known or projected time lost from work as a result of injury.

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, any follow-up care must be with a doctor included in the panel of physicians or approved by the workers' compensation insurance carrier. All time away from work must be authorized by a panel physician, an emergency room physician or a specialist approved by the workers' compensation insurance carrier.

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 60 calendar days. If the employee is unable to return to work after 60 days, the Workers' Compensation insurance carrier will begin compensating the employee directly at 66.6% of the employee's regular earnings on the 61st day. Wages paid by the workers' compensation carrier are not subject to state or federal tax withholding.

Starting on the 61st day, all employees will be eligible to supplement their workers' compensation benefit by using available leave balances to bring them to 100% of their regular earnings. This may take place for a maximum of 120 calendar days. Employee's may not use accrued leave to receive more than 100 percent of his/her regular compensation. In the event that the compensable disability lasts longer than 180 calendar days, the employee will receive only the workers' compensation benefit from the insurance carrier, except for sworn personnel in the Sheriff's Office, who may continue to supplement wages as required by Virginia Code 15.2-1511.01. (Revised July 5, 2017)

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

Workers' compensation leave will run concurrent with FMLA.

7.2 Occupational Safety and Health:

The County attempts to provide a safe and healthy working environment for all employees. Employees are required to follow all prescribed safety procedures when performing their daily activities and to exercise reasonable and prudent judgment to ensure safety. If an employee does not know, or is uncertain about, 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:

- a. Report all injuries, regardless of severity, to the supervisor immediately and before medical treatment is sought unless the injury requires emergency treatment. In any event, the report must be made not later than twenty-four (24) hours after the injury occurred. If the supervisor is not available, the injury must be reported to the Company Nurse;
- b. Report and, if possible, correct all unsafe conditions or acts;
- c. Avoid horseplay and mischief, which could cause injury;
- d. Take all standard safety precautions to prevent injury; and
- e. Follow all safety rules.

7.3 Operation of a County Vehicle when Performing Job Duties:

Any applicant or employee who will operate a county 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 a county vehicle in the performance of the job duties. No employee will be allowed to drive a county vehicle while their license is restricted, suspended, or revoked. Employees who operate county vehicles must report the following to their supervisors: DUI arrests, reckless driving convictions and negative point balances on their license. The ability to do one's job will be reviewed and could result in a termination of employment. Driving records will be checked prior to hiring and periodically during employment. Consent to this driving record check is a condition of employment. Employees required to possess a commercial driver's license (CDL) will be subject to drug testing in accordance with federal law.

Employees provided with county 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 essential employees. Any other use of the vehicle is not authorized, including the transport of persons who are not 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.

For county vehicles, all persons in the vehicle are required to use seat belts at all times when the vehicle is in operation. Further, if weather conditions are such that the use of windshield wipers is required, employees are also required to use headlights.

All moving violations or traffic tickets must be reported to your supervisor when received, and the outcome reported to your supervisor.

7.4 Vehicle Violations:

In reviewing an employee's motor vehicle driver record, the following may be utilized to determine disciplinary action, which may include termination. Drivers with the following may be unsuitable for operating a vehicle as part of their work responsibilities.

A. Conviction for the following serious motor vehicle violations:

1. Operating under the influence of drugs, alcohol, or other impairment;
2. Failure to stop following an accident, or hit and run;
3. Homicide or manslaughter with a motor vehicle;
4. Operating a vehicle while your driver's license is suspended;
5. Participating in a speed contest or drag race;
6. Fleeing or eluding a police officer;
7. Reckless driving or driving to endanger;
8. Use of a motor vehicle in the commission of a felony;
9. Theft or use of motor vehicle without permission from the owner; or
10. Assault with a motor vehicle.

B. More than three (3) convictions for motor vehicle moving violations (other than those listed above) during the previous thirty-six (36) months, regardless of whether violations occurred during work or personal time or in county or personal vehicles.

C. Involvement in more than two (2) avoidable (at fault) accidents during the previous thirty-six (36) months in a county vehicle.

D. Any combination of three (3) incidents, other than those listed in (A), accidents or violations within the previous thirty-six (36) months in a county vehicle.

7.5 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 Purchasing Director, 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.

7.6 Workplace Violence:

The County has no tolerance for violence. If an employee displays any violence in the workplace or threatens violence in the workplace, with or without a weapon, the employee will be subject to immediate discipline, up to and including discharge. The employee will also be subject to criminal charges, if appropriate. Violence means physically harming another, shoving, pushing, harassment, intimidation, or coercion.

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 director.

7.7 Safety Training

All employees are required to read the County's Safety Manual. The manual may be found on the Human Resources website. Employees are also required to take periodic online safety training courses required by OSHA or their supervisors, dependent on their job title and duties.

7.8 Pandemic Virus

A. Purpose

The county is committed to the health and safety of its employees, contractors and workplace

visitors and is committed to minimizing the risk of exposure and transmission of pandemic viruses through the workplace, like pandemic influenza and COVID-19. The county will make all reasonable efforts to provide essential services to residents on an uninterrupted basis during a pandemic viral outbreak.

During a pandemic outbreak, employees are expected to make all reasonable efforts to attend work and perform essential duties, unless otherwise notified by public health officials. This policy provides guidance to the County to properly handle infection control, to establish communication strategies, to provide needed support services to employees, and to provide our community with continued essential services during a pandemic outbreak.

B. Principles

1. All employees are encouraged to take responsibility for themselves by preparing their own pre-pandemic plans for caring for themselves and others in their households while fulfilling their work obligations.
2. Internal communication methods will be established in order to provide accurate, timely, and consistent information to all employees affected by an outbreak. A failure to present information to employees in a planned and comprehensive fashion can lead to lost confidence and may result in employees' failure to comply with their individual work responsibilities.
3. Coordination with the Goochland County Health Department is required in order to provide information, education, and services to employees regarding prevention precautions, infection control, quarantine/isolation guidelines, and safe work practices.
4. Sufficient income continuance will encourage employees' cooperation with safe work practices (i.e. self-reporting, self-quarantine and self-isolation) so they can fulfill their work obligations when able to do so without putting themselves, their co-workers, or the public at risk. An extension of some benefits beyond what is currently provided (such as administrative leave) may be available to qualifying employees.
5. It is prudent to pre-plan for a pandemic; however, it is impossible to anticipate every issue that may arise during a public health emergency. This procedure should be used as a pre-planning guideline.

C. Definitions

1. **Influenza**, commonly known as "the flu," is a highly contagious and common respiratory illness (an infection of the lungs and airways) caused by a virus. It is transmitted from person to person in one of two ways: (a) from droplets that enter your body through the eyes, nose or mouth when an infected person coughs, sneezes or talks, or (b) from indirect contact when a person's hands become contaminated with the virus by touching contaminated objects and then the person subsequently, without washing his hands first, touches his eyes, nose or mouth, or eats food.
2. **COVID-19 is the disease caused by a type of coronavirus known as SARS-CoV-2**, which is highly contagious and associated with respiratory infections. The virus is thought to spread person-to-person between people who are in close contact with each other (within about 6 feet) via respiratory droplets produced when an infected person coughs or sneezes. It may also be

possible for a person to get COVID-19 by touching a surface or object that has a virus on it and then touching their own mouth, nose, or, possibly, their eyes.

3. A **Viral Pandemic** occurs when there is an abrupt and major change in the structure of a disease-causing virus and infection reaches global proportions. Since people have no immunity to the completely new strain, the virus can spread very quickly, and outbreaks can occur in many countries.
4. **Public Health Emergency** occurs when there is a viral pandemic that is spreading very quickly and creating simultaneous outbreaks in many communities. The governor or state health commissioner may declare a public health emergency in coordination with federal health agencies.
5. **Quarantine** occurs when a person has been in close contact with someone else who is contagious with the pandemic virus or when a person has been in a high-risk contaminated area. Quarantine can be imposed by an order from the state health commissioner or by self-quarantine when that person realizes that he/she has had the close contact that may make them contagious. Self-quarantine should occur for a three to five-day period following exposure or as recommended by the Health Department.
6. **Isolation** should occur when a person starts to exhibit the actual signs and symptoms of pandemic virus and will, therefore, be capable of spreading the virus to others with whom he/she may be in contact. Self-isolation should occur for five days from the onset of symptoms or as recommended by the Health Department to prevent further spreading pandemic virus.

D. Responsibilities and Accountabilities

1. **Department Directors shall:**
 - a) Have the ultimate responsibility to provide the essential services within their departments to the best of their ability to do so.
 - b) Require that all supervisors and employees in their departments adhere to the responsibilities and procedures identified in this policy.
 - c) Assume the supervisor's responsibilities and accountabilities regarding all employees that directly report to them.
2. **Supervisors shall:**
 - a) Have responsibility to provide the essential services within their sections to the best of their ability to do so.
 - b) Consult with the Human Resources department to provide consistent application of this policy and procedures.
 - c) Require all employees they supervise to adhere to the responsibilities and procedures identified in this policy.
 - d) Require departmental timekeepers (or backup timekeepers) to continue to enter timesheet details ensure that employees can continue to receive pay during any pandemic virus emergency.
 - e) Assist in educating employees (and customers accessing their section) on the required protective strategies available to prevent and control the risk of infection (as per appendices of this policy). Supervisors shall also require employees and customers to

follow the attached guidelines to prevent risk of infection.

- f) Ensure employees are aware of and follow the procedures for self- quarantine and self-isolation, and for reporting absences. Ensure that employees do not report to, or remain at, work if they become symptomatic, or when they should be quarantined or isolated.
- g) Determine which job positions can telework, shift work hours, or work at alternative County work sites, if needed.
- h) Protect the confidentiality of all information employees provide them with respect to any symptoms, illness, or health condition.

3. Employees Shall:

- a) Develop personal plans so they can manage their responsibilities at home, plan on how to care for their families, and be able to come to work.
- b) Follow infection prevention and transmission control guidelines as applicable to their work situation.
- c) Properly use personal protective equipment and respiratory protection equipment that may be made available to them.
- d) Identify to their supervisor immediately any potential risks to infection transmission and assist in corrective actions to minimize these risks.
- e) Identify to their supervisor immediately if they are exposed to others with pandemic virus or if they become symptomatic themselves. Employees with pandemic virus-like symptoms should not be at their County work site.
- f) Assist in cleaning workstations and/or shared work areas, if requested.
- g) Be willing, if able, to telework, shift work hours, or work at alternative County work sites, if requested.
- h) Not report to work with pandemic virus-like symptoms. Sick leave call-in procedures must be followed. Employees who develop pandemic virus-like symptoms while at work should leave their County work site after notifying their supervisor.
- i) Return to work only when safe to do so. The Health Department will provide return-to-work guidance based on the particular pandemic virus.
- j) Refer to the VDH and CDC websites for the most current guidance.

4. Department of General Services shall:

- a) Ensure that there are sufficient amounts of appropriate cleaning supplies.
- b) Establish enhanced frequency of cleaning and disinfection of restrooms, public areas, door handles etc., and additional cleaning services as may be indicated by the Health Department to minimize viral contamination of surfaces.
- c) Ensure department employees wear the proper personal protective clothing (i.e. disposable gloves) when cleaning.
- d) Ensure department employees are knowledgeable and require them to follow appropriate infection control procedures while performing their job duties.

5. County Administration shall:

- a) Develop strategies for effective methods of establishing communication with appropriate groups in order to ensure accurate and timely information is disseminated.

- b) Partner with the Health Department to develop informational materials for distribution to employees, supervisors, directors, and county residents.

6. **Emergency Management:**

The County Administrator, as Director of Emergency Management under Goochland County Code Sec. 6-3, shall:

- a) Consult with the Health Department, prior to and during a pandemic virus outbreak regarding:
 - Pandemic virus and infection prevention and control strategies
 - Modes of transmission of pandemic virus
 - Signs and symptoms of pandemic virus
 - Personal protections methods
 - Travel guidelines
 - Social distancing guidelines
 - Quarantine and isolation guidelines
- b) Monitor pandemic virus situations.
- c) Follow the County's Emergency Operations Plan.
- d) Activate the Emergency Operation Center as needed.

7. **Fire-Rescue shall:**

- a) In accordance with County Code Sec. 6-3, the Fire Chief shall serve as Coordinator of Emergency Management.
- b) Follow CDC and VDH guidance for EMS and Public Safety Answering Points (PSAPs/ECC/EMD), department policies, standard operating guidelines, orders/directives, patient care protocols, and the Exposure Control Plan.

8. **Human Resources Shall:**

- a) Recommend amendments and updates to this policy and procedures as may be required on a periodic basis to respond to current circumstances and evolving needs.
- b) Provide information about this policy to supervisors and employees so that they are aware of their responsibilities and the procedures as identified in this policy. Attend departmental staff meetings and distribute information to staff as required.
- c) Provide advice and interpretation of this policy to department heads and supervisors.
- d) Consult with supervisors to ensure consistent application of this policy.
- e) Ensure supervisors and department directors are aware of their obligations to protect personal health information of employees.

9. **Information Technology shall:**

- a) Participate in county pandemic response planning efforts, providing information and assistance as appropriate.
- b) Be prepared to execute appropriate emergency plans and actions; implement expanded Internet capabilities with key suppliers, business partners and customers that may be

- unwilling or unable to provide services in person during a pandemic event.
- c) Determine and communicate the approved secure telecommuting and remote access infrastructure, and procedures for gaining access.
 - d) Provide technical support that enables crisis communications as necessary. This may be via the internet, intranet and/or voice services.
 - e) Provide guidance on approved methods of obtaining and securing alternative communication technologies if primary lines of communication are disrupted.
 - f) Provide teleconferencing and/or video teleconferencing technologies as required to support disparate, remote operations.
 - g) Provide approved methods for secure access to county information resources.
 - h) Provide infrastructure support for approved resources and tools to support a centralized or decentralized crisis management.
 - i) Provide support for web site updates and communications as necessary.

E. Procedures

1. **Infection Control** - The most common route of pandemic virus is droplet transmission and indirect contact from person-to-person. Scrupulous attention to hand hygiene and containment of respiratory secretions produced by coughing and sneezing will be essential in reducing the transmission of pandemic virus. Key actions in a pandemic situation include:
 - Education of employees and customers about transmission and prevention of pandemic virus with information that is understandable and applicable to their particular situation.
 - Prompt identification of employees or customers with pandemic virus symptoms.
 - Restriction of ill employees or customers from County work sites.
2. **Health and Safety** - The requirements for personal protective equipment will be based on Health Department assessments and guidance provided by Emergency Management. As practical, barriers or other personal distancing measures will be taken to reduce close physical contact between and among employees and the public.
3. **Alcohol Dispensers or Hand Sanitizers** – Hand washing is the most effective method to control the spread of pandemic virus. When necessary, hand sanitizers should be made available in employee work areas as well as areas that the public or customers utilize. People will be encouraged to use these pump foam dispensers whenever they are entering any public or shared workspace in order to control the transmission of any virus.
4. **Vaccinations** - It is anticipated that a vaccine may not be readily available in the early stages of a pandemic. When a vaccine does become available, it may initially be in a very limited supply. Therefore, any pandemic virus vaccines made available for county use will need to be administered on a restricted and pre-established priority basis. The priority will initially be to those employees who are directly involved in the delivery of essential services. After these employees have been immunized, and when additional vaccine is available, then other

employees will receive vaccine based upon a pre-established priority setting process.

5. **Communications and Education of Employees** - Infection control measures need to be implemented long before the population is at risk and then need to be reinforced as the situation manifests itself. County Administration & Emergency Management, in consultation with the Health Department, will coordinate and distribute pandemic-related information in order to provide consistent and timely messages to employees. Information will be distributed through such means as pamphlets and posters in strategic locations, intranet, Internet, e-mails, Code Red Alerts and other means.

Information also will be posted on the county's intranet and internet sites to allow employees to access related information, forms, and tips on how they can protect themselves and their family during a pandemic.

External strategies and networks shall be established to ensure that information and advice that is provided to county employees is consistent with information being provided to the general public. Communication strategies and networks with other external groups (such as the public, customers, suppliers, media, local employers, and other municipalities) shall be the responsibility of County Administration.

6. **County Departments/Human Resources Priorities**- County departments are responsible for ensuring that they have the optimum number of personnel available and trained to perform essential services. To do so, they will employ the following strategies in order of priority:
 - a) Suspend normal employee training programs.
 - b) Suspend vacations, leaves, and any other planned employee absences involved in essential services.
 - c) Suspend or re-schedule travel for business purposes.
 - d) Re-deploy employees from providing desirable services to providing essential services or functions.
 - e) Authorize overtime for employees in situations where re-deployment of other skilled employees is not an option due to the complexity of the essential task.
 - f) Use surplus employees from other county departments.
 - g) Rehire recently retired employees.
 - h) Use volunteers, where possible.
 - i) Recruit new employees.

The Human Resources department will coordinate the application of strategies (f) to (i) above.

7. **Canceling Vacations and Leaves** - If a public health emergency is declared, vacation leaves and planned absences (e.g. training or conferences) for many County employees will be canceled until further notice. The County's priority will be to ensure continued delivery of essential services, and reduced manpower may hamper those efforts.
8. **Travel Restrictions** – International travel restrictions may be imposed during a public health emergency. Self-Isolation may also be required upon a return from travel outside of the United States.

9. **Payroll and Benefits Services** - It is recognized that the accurate and timely provision of employees' paychecks and the continuance of their health insurance coverage is an essential service that must continue during a pandemic virus emergency. Health care, dental, and life insurance claims will continue to be submitted as they are normally. The most significant issue will be the need for accurate record keeping and timesheet entry by the operating departments. This will require departments to maintain a qualified timekeeper and backup timekeepers to continue to enter the pay details for employees on a weekly basis.
10. **Recruitment Processes** - The normal process of hiring new employees may be put on hold unless there is a critical need to fill the position. However, during a public health emergency, it may be necessary to recruit additional employees to perform some essential services, if the required staffing cannot be provided with existing employees. The Human Resources department will work directly with departments in order to determine priorities based upon their essential needs. It may be necessary (during a public health emergency only) to modify some recruitment procedures, to delay some pre-employment requirements, to hire some employees without all the necessary qualifications, or to recruit from alternate sources or retired county employees.
11. **Employees' Refusal to Work** - In accordance with the *Occupational Health and Safety Act*, Section 35: A worker shall not carry out any work if, on reasonable and probable grounds, the worker believes that there exists an imminent danger to the health or safety of that worker or another worker present at the work site. If a worker refuses to carry out any work, he shall, as soon as practical, notify the supervisor of the reasons. The supervisor should investigate the concern and consult with the Human Resources department for compliance guidance. The worker may be assigned to other work which they are reasonably capable of performing until the investigation is completed. Examples of the county controlling or eliminating the dangers include providing protective equipment, protective clothing, distancing measures and/or associated training (as long as it is reasonably practical for the county to do so). If a worker continues to refuse the work after the county concludes that imminent danger does not exist, the supervisor should then consult with the Department Director or the Human Resources department and appropriate disciplinary actions may be applied on a case-by-case basis in accordance with county policy.
12. **Workers' Compensation Benefits** - If an employee believes that he has contracted an infectious disease as a result of occupational exposure while performing duties on county business during a public health emergency, the employee should follow the normal procedures to complete a Workers' Compensation claim form. Claims will be investigated and adjudicated in accordance with requirements of the Virginia Workers Compensation Commission.
13. **Reporting Sick Leave Absences** - Employees shall contact their supervisor in accordance with current notification procedures when they are unable to report to work due to quarantine, isolation, or sick leave situations. It will be necessary for employees to report their absences, the reason for the absence, and anticipated return to work date to their supervisor who will be

responsible for ensuring that attendance records and timesheets are completed and entered properly.

14. **Absence Verification** - The criteria for verification of sick leave or FMLA leave may need to be relaxed during the actual public health emergency period. Undoubtedly, the level of review of claims will be different because of the significant increase in absences, the difficulty for the employees to gain access to medical staff, and the difficulty in acquiring medical certificates for absences. If a supervisor has reason to question the absence or the length of such absence of any employee, he/she shall consult with Department Director or the Human Resources department to determine if further information or action is required.
15. **Employees with Symptoms Excluded from Workplace** - Employees should not report to work with pandemic virus-like symptoms or if they have been quarantined. Some employees will develop symptoms of pandemic virus while at work. These individuals must notify their supervisor and then immediately leave the workplace and should not return to work until five days after the onset of symptoms or as recommended by the Health Department. Members of the general public or customers should be discouraged from entering the workplace if they are pandemic virus symptomatic.
16. **Disinfecting Shared Work Areas** - If an employee has been identified as having been at work with pandemic virus-like symptoms, the workstation, work vehicle and any shared work areas will require cleaning. The supervisor is responsible for:
 - Having cleaning supplies and appropriate protection available for employees to clean the area safely and without the risk of becoming infected themselves.
 - Assigning staff to be responsible for disinfecting shared work areas, using the proper protective equipment and procedures.
17. **Employee Assistance Program (EAP) Counseling Services** - Eligible employees who might need counseling services for any reason should access the county's EAP. In the event of critical illnesses or deaths of fellow employees or family members, the county will endeavor to arrange for critical incident stress debriefing conducted by a qualified provider for any affected county employee. Post-traumatic stress debriefing may also be necessary as the pandemic develops.
18. **Enhanced Benefits** – During a public health emergency, the following benefits shall be enhanced in order to better support employees:
 - Liberal Leave – When the County is open and operating during an emergency, non-essential/non-public safety essential employees may request the use of annual leave, leave without pay or compensatory leave if they cannot report to work. Employees taking Liberal Leave are required to inform their supervisors of that choice as quickly as possible.
 - Sick Leave - Up to 80 hours of Emergency Sick Leave may be advanced to an employee with zero or negative leave balances. Employees must make this request through the

- Human Resources department.
 - Administrative Leave with Pay - The County Administrator or designee may approve administrative leave with pay as necessary.
19. **Alternative Work Schedule** - Departments should review their normal business hours and work schedules to determine if they can be modified in a manner that best promotes social distancing, business continuity, or other pandemic response goals during an emergency. If feasible, supervisors should first ask for employees to volunteer to work hours other than their usual schedule. Regular work schedules may be changed by a supervisor subject to a 24-hour cancellation notice, when possible, upon the proclamation of a pandemic virus emergency. If less than a 24-hour notice is necessary, management may make such changes. Departments are encouraged to work with staff to minimize the impacts of decisions affecting schedule changes. Approved schedules shall also be formally documented.
20. **Telework** – Telework means that an employee is working one or more workdays from home or another location instead of commuting to his County work site. Telework is not appropriate for all employees. No employee is entitled or guaranteed the opportunity to telework. The purpose of this policy is to provide support for social distancing or other pandemic response goals as necessary to respond to a pandemic virus emergency. Departments should identify possible teleworkers as soon as possible and make the necessary technical arrangements with the IT department. Departments must identify essential functions that may be accomplished remotely and which systems the person performing the function needs access to, including voice communications. Questions about access, remote access capabilities and procedures can be directed to the Director of the IT department.

SECTION 8: ALCOHOL AND DRUG FREE WORKPLACE

8.1 General Overview:

The County seeks to maintain a safe and productive work environment free from drug and alcohol abuse. To that end, 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 the Controlled Substances Act (21 U.S.C. § 812). Employees shall not be involved with any activities involving the unlawful application, possession, market, or transfer of controlled substances.

All employees have the right to report any violation of this policy without fear of reprisal or retaliation. All department directors shall take such steps as may be necessary to ensure maximum employee awareness of and compliance with County policy and rules, and state and federal laws. In addition, the Human Resources department provides drug awareness training.

NOTICE: All applicants and employees are hereby notified that violations of this policy may result

in discipline, up to and including termination. The County retains the right to search, without employee consent, all county workplaces and property in which it maintains either joint control with the employee or full control, including all county vehicles.

8.2 Employee Responsibilities:

A. General Requirements. The following are responsibilities of all employees. Failure to meet These responsibilities may, in the discretion of management, be the basis for imposing discipline. An employee must:

1. Not have his/her ability to perform job duties impaired by alcohol or any drugs, either legal or illegal, while on active duty or on call, while on county property in an official capacity, or at any time while operating a county vehicle.
2. Not be under the influence of illegal drugs or alcohol under any of the circumstances described in the preceding paragraph. A person is deemed to be under the influence if his/her behavior and/or appearance are so obviously affected by alcohol or drugs as to reflect discredit on the County.
3. Not use alcohol at all while on duty or report to work still under the influence of alcohol.
4. Not use, possess, sell, distribute, or manufacture illegal drugs at any time, or assist another in such acts at any time.
5. Submit to alcohol or drug testing when requested to do so by the County pursuant to this policy.
6. Not operate a motor vehicle, machinery, or gas-powered devices while on duty while using medication that may impair performance.
7. Report to his or her supervisor the nature of the impairment while using a prescription or non-prescription medication that may impair performance of duties.
8. Provide, within one day of request, evidence of a current valid prescription for any drug found to be in his/her possession or identified in a positive drug screen/analysis. Failure to provide that prescription shall give rise to a presumption that the employee did not legally possess or use the drug.
9. Employees who operate county vehicles when performing job duties must immediately report the following to the supervisor who shall consult with the department director as to the appropriate action: (a) all license suspension and revocations, and (b) all traffic and motor vehicle related charges and convictions, and (c) all charges and convictions related to drugs.
10. Immediately notify the supervisor, Human Resources department, or the County

Administrator if he or she has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, and/or medication.

8.3 Drug & Alcohol Screening:

A. 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:

1. Pre-employment Testing

- a. All full-time applicants, and part-time applicants selected for a Safety Sensitive position identified in Appendix A shall undergo a drug test as part of the pre-employment process.
- b. Applicants selected for a position requiring a CDL shall be subject to alcohol testing in addition to the pre-employment drug screen.
- c. Any person testing positive shall be denied employment and not be eligible for employment in any position with the County for a period of one year from the date of the drug test.
- d. A drug test will be conducted when a current employee transfers from a non-covered position into a Safety Sensitive position upon promotion or transfer.

2. Reasonable Suspicion

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. When any supervisor has a reasonable suspicion that an employee is under the influence of illegal drugs or alcohol, he/she may instruct the employee to be tested. Reasonable suspicion is a belief based on objective and clearly stated facts sufficient to lead a reasonable prudent supervisor to suspect that an employee is under the influence of drugs or alcohol. By way of example, and without limitation, any of the following conditions, alone or in combination, may comprise reasonable suspicion:

- a. Unexplained inability to perform normal job functions.
- b. Slurred speech.
- c. Smell of alcohol on breath or drugs on clothing or other items.
- d. Any unusual lack of physical coordination or loss of equilibrium.

- e. Unexplained hyperactivity, depression, or withdrawal.
- f. Unexplained inability to think or reason at the employee's normal levels.
- g. Bizarre, unusual, or uncharacteristic behavior.
- h. Possession of alcohol or illegal drugs; or the presence of alcohol, alcohol containers, illegal drugs, or drug paraphernalia in an area subject to employee's control.
- i. Information obtained from a reliable person with personal knowledge.

3. Reasonable Suspicion Testing

Any supervisor believing that there is reasonable suspicion to require an employee to submit to a drug/alcohol test shall immediately notify the department head or his/her designee to meet him/her to observe the employee's behavior. If it is determined that reasonable suspicion exists, the following procedures shall be promptly followed:

- The supervisor shall document in writing the facts constituting reasonable suspicion that the employee is under the influence of alcohol or illegal drugs. This information shall be stated in memo form to the department director.
- The supervisor shall arrange to have the employee transported to the County's designated medical service provider, preferably in a county vehicle, for conduct of the necessary tests.
- If the employee refuses to be tested, the supervisor must remind him/her that he/she is required to submit to testing under these rules and that refusal to do so comprises insubordination. If the employee still refuses, he/she shall not be forced to have a test administered, but shall be immediately suspended from duty and sent or transported home. The refusal of an employee to submit to a reasonable suspicion test within one hour of such a request may be the basis for the imposition of discipline, up to and including termination.

4. Post-Accident Testing

Immediately after a serious on-duty accident. For the purpose of this section, a "serious on-duty accident" is defined as an event that causes personal injury requiring emergency medical attention or which results in death, or which renders a vehicle inoperable.

Any employee who is involved in an accident while on duty and is determined to be at fault for causing the accident shall be tested for drugs and/or alcohol as soon as possible. All reasonable steps shall be taken by supervisors to follow the procedures established in 3 above. All reasonable steps will be taken to obtain a urine and/or blood sample from an

employee after an accident. If an employee who is subject to post-accident testing is conscious, able to urinate normally in the opinion of a medical professional and refuses to be tested, that employee shall be immediately removed from duty. The refusal of an employee to submit to a post-accident test within one hour of such a request may be the basis for the imposition of discipline up to and including termination. Under no circumstances shall a supervisor cause a blood or urine sample to be taken from an unconscious employee.

5. Positive Drug/Alcohol Tests

An employee who tests positive for drug or alcohol use will be removed from duty and referred to the Employee Assistance Program.

6. Return to Duty Testing

- a. An employee who tests positive for drug or alcohol use shall be subjected to periodic, unannounced testing while in the Employee Assistance Program. The employee may be returned to work at the recommendation of the Employee Assistance Program.
- b. All employees who have tested positive and subsequently returned to duty shall be subject to random drug and alcohol tests for a period not to exceed twenty-four (24) months following the date the employee returns to work.

8.4 Random Testing for Safety Sensitive Positions Not Requiring a Commercial Driver's License:

The County reserves the right to test all employees of and applicants for Safety Sensitive positions for the presence of controlled substances and/or alcohol under the situations described in Section A plus on a random basis. Random position sampling will be periodically conducted. Employees will be provided no notice and will be tested during regular work hours or other compensated time.

8.5 Testing for All Positions Requiring a Commercial Driver's 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 Driver's 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 duties requiring a Commercial Driver's License 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:
 - bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - 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.

8.6 Refusal to Submit to Test:

Applicants who refuse to submit to a pre-employment controlled substance and/or alcohol test will 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.

8.7 Consequence of Positive Controlled Substance or Alcohol Test:

- A. When a controlled substance or alcohol test is positive, or when the employee engages in conduct prohibited by this policy, the employee shall be disciplined for such conduct. The discipline may be up to and including termination, depending upon the circumstances. For a first positive test, the County Administrator may choose, in his discretion, to allow an employee to be placed on leave without pay if the employee agrees to participate in the County's Employee Assistance Program at the employee's expense. Upon the satisfactory completion of the Employee Assistance Program, the employee will be permitted to return to work under the following conditions: (i) the County receives adequate documentation that the rehabilitation program was successfully completed; (ii) the employee submits to and passes a controlled substance or alcohol test; and (iii) the employee consents to subsequent testing on a random basis for a period of a year.
- B. Notwithstanding the requirements above, no employee required to have a Commercial Driver's License (CDL) who is in violation of this policy may drive a commercial motor vehicle, unless the employee has met the requirements of 49 C.F.R. part 40, subpart O.

1. Return to Duty Testing

- a. An employee who test positive for drug or alcohol use shall be subjected to periodic,

unannounced testing while in the Employee Assistance Program. The employee may be returned to work at the recommendation of the Employee Assistance Programs' substance abuse professional.

- b. All employees who have tested positive and subsequently returned to duty shall be subject to random drug or alcohol tests for a period of twelve months following the date the employee returns to work.

8.8 Reporting Requirements:

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.

SECTION 9: COMPUTER/MOBILE DEVICE ACCEPTABLE USE POLICY

The purpose of this policy is to establish a guideline as to which uses of County information systems are either acceptable or not acceptable. The purpose is not to enumerate all possible uses of county information systems, but to give guidance on usage which will help protect both the employee and the County. Inappropriate or misguided use of County information systems exposes the County to risks of data loss, data theft, malware, litigation, loss of productivity and inefficient use of technological resources. Effective systems security relies on all users of the system to follow these guidelines. To that effect, 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.

This Acceptable Use Policy (AUP) includes the rules covering the use of mobile computing devices that can be used to transmit or receive public records. This AUP describes the minimum-security policy for employee and or consultant/vendor use of mobile devices. Mobile devices must be appropriately secured to prevent sensitive or confidential data from being lost or compromised.

This policy applies to all County employees, employees of Constitutional Offices, contractors, vendors, freelancers, volunteers, and other agents who utilize County or personally owned devices to access the organization's data and networks.

Any employee found to have violated this AUP will be subject to disciplinary action up to and including termination. Consultants/vendors found to have violated this policy may be held liable for breach of security and held in breach of its contract with the County.

9.1 Definitions:

County Information Systems (Systems) – Any physical device or software that is owned or

leased by the County as well as any technology-based services provided by the County to its employees or contractors. This includes, but is not limited to, desktop computers, laptops, cell phones, network devices, the county's Internet connection/access and county email.

County Information Systems Users (Users) – Any individual that accesses or uses County information system resources. This includes, but is not limited to, County employees, vendors, and contractors.

A **mobile device** refers to any portable electronic device which allows for the processing, receiving, and sending of data without the need to maintain a wired connection with the internet. Examples include smartphones, cellphones, personal digital assistants (PDAs), laptops, tablet personal computers (PCs), and mobile handheld devices.

Employee-Owned Mobile Devices: Approved user owned personal smartphones and personal tablet PCs (iPads, Motorola, Samsung, etc.) are permitted to be connected to the County's Exchange Server so long as compliance with this policy is maintained. All other remote connections are prohibited.

County-Owned Mobile Devices: County-owned mobile devices can attach or connect to the County's network infrastructure. This connection will be provided through a County-approved Mobile Device Management (MDM) application. Such applications provide containerization of the County's data, management control and network security.

IT Department – The County's department of Information Technology.

9.2 Acceptable Use:

Acceptable use includes activities that serve to promote the purpose, goals and mission of the County and are required by the user to perform their authorized job responsibilities or to maintain their job-related skills.

Users are permitted to use systems for the following purposes:

- a. Communication with federal, state, or local government personnel.
- b. Communication with clients, vendors and other private businesses that are requesting service from or providing service to the County.
- c. Communications necessary for professional development or to maintain job-related skills.
- d. Communications for administrative purposes.
- e. Personal use during meal or rest breaks, provided that it does not include any of the

unacceptable uses identified by this policy.

9.3 Unacceptable Use:

Unacceptable use includes activities that do not serve to promote the purpose, goals, or mission of the County. Activities that are not required by the user to perform their authorized job duties and responsibilities or maintain job-related skills are also considered unacceptable use.

Users are prohibited from using systems for the following purposes:

- a. Any activity which violates any local, state, or federal law or regulation.
- b. Downloading and/or installing any software without the prior approval of the county IT department.
- c. Operating a business, soliciting money for personal gain, or otherwise engaging in commercial activity outside the scope of County business.
- d. Viewing, transmitting, or creating any material that is in violation of any sexual harassment or other hostile workplace laws or the County's sexual harassment policy.
- e. Knowingly introducing any malware or corrupted data onto systems.
- f. Using another's account to access systems or other impersonating that person while utilizing systems.
- g. Permitting the use of systems to persons neither employed by the County nor authorized to use the systems, other than those systems that are explicitly designated for public access.
- h. Disclosing user identification information or passwords to anyone outside of the IT department.
- i. Accessing or transmitting data that discloses another's personal financial or medical information without county authorization, including confidential information about coworkers or clients, such as a social security number.
- j. Attempting to access or visit websites featuring pornography, discrimination, terrorism, espionage, theft, drugs, gambling, or other illegal activity unless required to perform one's job duties.
- k. Circumventing any systems security apparatus without explicit approval from the IT department.
- l. Use of social media websites, unless necessary and relevant to one's job duties.

9.4 User Responsibilities:

A. The user is responsible for the following:

1. Seeking and receiving approval from their Department Director and the IT Department for any use not normally permitted under this policy.
2. Following this policy and promptly notifying a supervisor and the IT Department of any loss of data, loss of devices or suspected malware.
3. Maintaining a strong password that will be enforced by our network domain group policy and changing that password at times consistent with the policy. Keeping usernames and passwords secure and not sharing them.
4. Exercising due diligence in keeping physical devices and information secure while utilizing county systems.

B. The IT department is responsible for the following:

1. Maintaining and updating this policy.
2. Reporting any suspected unacceptable use by a user to that user's supervisor.
3. Providing adequate software security.

9.5 Mobile Devices:

In order for County owned mobile devices to be provided to employees, a legitimate need must exist.

A. Determination of Legitimate Need

Department directors may use the following criteria in evaluating the allocation of devices:

1. Efficient Operations - Positions which are routinely not in an office or which frequently travel in or out of the County and require quick access to phone or data services in order to increase the efficiency or effectiveness of the department.
2. County Emergency Management - Positions/devices that are critical to the County's Emergency Management Plan.

3. Public Safety - Positions/devices in which frequent use is necessary to maintain public safety.
4. Employee Safety - Positions which are routinely placed in vulnerable or potentially dangerous situations.
5. Budget - Funds must be available within the department's budget for one time and any ongoing expenses.

A Mobile Device Request Form will need to be submitted to the IT department for any County-issued device. (Form will be provided by IT.)

B. Policy Compliance

All employees utilizing mobile devices for the purpose of processing, receiving, or sending County data are responsible for being aware of and following this AUP. This AUP also applies to consultants/vendors working with the County and having access to the County's network through VPN. The IT department will require written acknowledgement of an employee or consultant's responsibilities before enabling mobile service. Employees should notify their immediate supervisor or department director if they have questions about its application or are aware of potential violations of these guidelines.

C. Public Records/Record Retention/FOIA

Information that documents any County business, regardless of the physical form or characteristic, is considered a public record. County business conducted via email, instant messaging, text messaging, or social media are subject to the state laws regarding retention (Virginia Public Records Act) and production (Virginia Freedom of Information Act or FOIA). It is the responsibility of each department and office to ensure that public records are being retained and destroyed in accordance with the Library of Virginia Records Management Locality appropriate retention schedules, and the ensure that records subject to FOIA are being provided when requested.

All mobile devices that have the potential to transmit public records are subject to audit monitoring. These devices shall be approved by the IT department before the transmittal of public record can be approved. This is to ensure that appropriate security controls are in place. Employees are prohibited from changing security device settings on County-owned mobile devices without first contacting the IT Department.

D. Requirements for County-Owned Mobile Devices

1. The physical security of these devices is the responsibility of its user. Devices must be kept in the user's physical presence whenever possible. Whenever a device is being stored, it shall be stored in a secure place, preferably out of sight. Users should not leave the mobile device

in a car or in a hotel room unsecured.

2. The user is responsible for immediately reporting a lost or stolen device to the IT department. In the event of loss or theft, devices may be subject to remote wiping. When a remote wipe is initiated by the IT department, the mobile device will be wiped of all data and restored to its factory default setting.
3. The storage, backup, and recovery of public record on the mobile device are the responsibility of the user to the extent it is not provided through the MDM solution. Any public records stored outside of the MDM will be the responsibility of the user.
4. The user is responsible for exercising due-diligence when installing applications. Applications added to mobile devices should be done with caution. Consideration of the following criteria should be given before installing:
 - Know how the application works before it is installed.
 - Installing additional software could adversely affect other applications already installed.
 - Some software applications could drive up data communications usage, unbeknownst to the user.
 - Some software applications could access all information on the device, unbeknownst to the user.
 - The device could be wiped/initialized at any time by the County, if determined to be warranted for security reasons by the County, thereby deleting any software installed by the user and initializing all device options to the factory settings.
 - If additional applications are downloaded and installed, each user is responsible for his/her own support, as well as backup.
 - Personal applications are not permitted to be installed.

E. Requirements for Employee-Owned Mobile Devices

1. Employees are responsible for implementing and maintaining a strong device password on employee-owned mobile devices which also access the County network or Exchange server. Devices must be locked while not in use. The use of unprotected devices to access or store confidential or public records is prohibited.
2. Employees are responsible for the secure storage of sensitive documents on devices. Sensitive or confidential documents, if stored on the device, should be encrypted if possible. If confidential documents cannot be stored in an encrypted form, they should not be stored on a personal device.

3. Employees are responsible for notifying and working with the IT department to remove County data when a device will no longer be used to access County systems. All public records shall be removed from the mobile device before it is returned, exchanged, or disposed of. Please note a device may have its data wiped in order to ensure that the County can protect its interests. If given enough notice via the IT department, IT staff can work with the user to avoid such action. Users should be aware that wiping a device clean will bring the device back to manufacturer's standards.

F. Support for Employee-Owned Mobile Devices

1. Support for the usage, functionality and technical specifications of an employee-owned mobile device is the responsibility of that employee.
2. The IT department will support Exchange with the following employee-owned devices (note that not all mobile phones will support all available Exchange formats):
 - Apple
 - Android phones (LG, Samsung, Motorola)
 - Windows

G. Requirements for Contractor- and Vendor-Owned Mobile Devices

1. Contractors/Vendors will use secure remote access procedures. This will be enforced through strong passwords in accordance with the County's Computer Usage Policy as it relates to passwords.
2. Contractors/Vendors are responsible for having adequate security software. Mobile devices will have installed antivirus software. Microsoft updates must be current and a personal firewall must be employed.
3. Contractors/Vendors are responsible for non-disclosure of County data. Any County data shared with contractors/vendors may only be used for County business. Disclosing or sharing confidential data with outsiders without authorization is strictly prohibited.
4. Consultants/Vendors: Consultants/Vendors are permitted to connect to the County's network through an approved VPN connection only. Approval must be granted by the IT department.

SECTION 10: POLITICAL ACTIVITY

10.1 General Rules:

- A.** Employees may engage in political activity, including run for elective office, hold political membership, serve as a political party officer, support a political party, vote, express political opinions and attend political meetings.
- B.** However, County employees shall not engage in any political activity while on duty, on County government property or while in a County uniform. County employees also shall not use County resources or equipment while engaging in political activity.
- C.** A County employee may not directly or indirectly coerce, attempt to coerce, command, or during work hours advise a County employee to pay, lend or contribute anything of value to a party, committee, organization, agency, or person for political purposes.
- D.** An employee shall not use, discriminate in favor of or against, any person or applicant for employment or County services based on political activities.

10.2 Federally Funded Positions:

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

A. Prohibited Activities

1. An employee may not:
 - a. be a candidate for public office in a partisan election (an election in which one (1) or 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);
 - b. use official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office; or
 - c. 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.
2. 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.

B. Permissible Activities

1. An employee may take an active part in the following activities as long as the activities occur outside of work hours and do not utilize any County equipment:
 - a) Political management which includes membership in as well as holding office in political parties, attendance and participation at political conventions, volunteer work or partisan candidates, political parties, etc.;
 - b) 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
 - c) fundraising which includes making financial contributions and soliciting and collecting voluntary political contributions.
2. An employee may hold an office if appointed to a vacancy but cannot campaign for that office if it is in a partisan election.
3. 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.

C. 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.

D. Further Information

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

SECTION 11: PERSONAL CONDUCT

11.1 Conflicts of interest

Employees are in a position of public trust; therefore, they may not engage in any activity, either privately or officially, where a conflict of interests may exist. Employees should never accept

gifts, gratuities, or rewards for any services which they perform in their jobs. Additionally, 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, Virginia Code § 2.2-3100 et. seq. (COIA), which prohibits an employee from engaging in a transaction or entering into a contract in which the employee has a personal financial interest or from which it is reasonably foreseeable that he/she could benefit. An employee may have a conflict of interest from his/her own interests or those of his/her immediate family members. It is a crime to violate COIA. Every employee should read the Act and seek advice prior to engaging in an activity for which a conflict of interests may exist.

11.2 Code of Ethics

- A. 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.
- B. 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, every employee should refrain from any behavior that might be harmful to oneself, co-workers, or the County, and from behavior 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, the Commonwealth of Virginia, and Goochland County, 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 their 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 Goochland residents. Avoid engaging in activities that discriminate against or offend individuals because of their race, color, gender, sexual orientation, 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, herself, or 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 of 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 Virginia Code;

8. Never use any information gained through 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.

11.3 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 Department Director or 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.

11.4 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.

11.5 Outside Employment

Employees may not engage in any other employment, any private business, a profession, or other remunerative activity, during work hours or while engaged in work for the County. Additionally, employees may not engage in those 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

their supervisor and Department Director by completing a Secondary Employment Request Form. Failure to do so may be cause for disciplinary action up to and including termination. The Department Director must file approved secondary employment requests with the Director of Human Resources. Once approved, secondary employment approvals may be rescinded by the Department Director or Director of Human Resources for good cause.

Employees with an approved secondary employment who are absent from their County position due to a medical reason (FMLA, Workers' Compensation, Short-term Disability) are prohibited from working their secondary job if the essential functions of the job are similar in nature to their County position. This restriction also applies to employees who are on light/restricted duty.

11.6 Personal Appearance/Uniforms

An important aspect of the County's public image is conveyed in an employee's personal appearance. Employees are expected to represent the County by presenting a professional image to customers and the public. Each employee's dress, grooming, and personal hygiene should reflect a neat and clean appearance that is appropriate for the workplace setting and for the work being performed. Employees in departments that allow "Business Casual Friday" must exercise good judgment in determining what casual wear is appropriate to wear to the office. Attire should reflect the amount of public and client interactions an employee may have. Business reasons might require employees to wear formal business attire on "Business Casual Friday." If you are unsure if a clothing item is acceptable, seek guidance from your supervisor or Human Resources. Listed below is a general overview of acceptable and unacceptable casual attire. Neither group is intended to be all inclusive, but should help set general parameters for acceptable attire.

Examples of acceptable Business Casual attire include:

- Slacks, Khakis, jeans (without holes, frays, etc.), polo or golf shirts, casual dresses and skirts, turtlenecks, sweaters, casual low-heel shoes, clean athletic shoes, tennis shoes, loafers, boots, flats, dress sandals

Examples of unacceptable Business Casual attire include:

- Sweatpants, spandex or other form fitting pants, athleisure, shorts, miniskirts, tank tops, halter tops, shirts or sweatshirts with offensive messages or images, visible undergarments, flip-flops

Department directors may determine additional position-specific appearance and apparel requirements. For Fire-Rescue employees, also see the Goochland County Fire-Rescue Department's Career FF/EMT Staff Handbook.

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

11.8 Misuse of Public Assets

- A.** Public Assets means personal property belonging to or paid for the state, any city, town, county, or other political subdivision, or the labor of any person other than the accused that is paid for by the state, or any city, town, county, or any other political subdivision.
- B.** Employees shall not claim or otherwise take possession of county property for personal use. This includes old, outdated, or surplus property.
- C.** Employees shall not misuse any public assets for private or personal use. Any violation of this section may be grounds for criminal prosecution and can be subject to disciplinary action up to and including termination.

11.9 Telephone Usage

A. Personal Local Calls

Personal telephone calls should be kept to a minimum number and length. Monthly telephone bills will be monitored by the Department Director.

B. Personal Long-Distance Calls

Personal long-distance calls are not to be made from County 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 County account with the intent of reimbursing the County since reimbursements are not permitted due to stringent federal tax requirements.

C. Personal Calls on Cell Phones

1. Personal calls are not permitted 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.
2. Use of personal cell phones while on County business should be kept to a minimum.

D. Cell Phone Use

Employees whose job responsibilities include regular or occasional driving and who have a County issued cell phone or other wireless communication device 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 may 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 have a County issued cell phone are also expected to abide by these provisions. Under no circumstances are employees allowed to place themselves at risk to fulfill County job responsibilities.

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.

SECTION 12: 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 department are responsible for these confidential files.

Each personnel file is to be kept current for tax and benefit deduction purposes; 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 department 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.

SECTION 13: MISCELLANEOUS

13.1 Employee Recognition: Service Awards/Retirements

A. Objective

Service awards and retirement recognitions are provided to acknowledge and show appreciation for employment with the County and service to county residents.

B. Service Award Eligibility

Full-time and permanent part-time employees of the County, Constitutional Offices, and Social Services are eligible for a service award in the year in which they complete 5, 10, 15, 20, 25, 30, 35 and 40+ years of service. For the purpose of this program, County service will be cumulative. If an employee leaves the County and is later re-employed, the length of both periods will be added together in order to determine eligibility. Only periods of employment during which the employee was full-time or in a permanent part-time position, working at least 20 hours per week, may be counted.

C. Service Award Procedures

The award may consist of a certificate, gift, luncheon, or other form of recognition. Each year, The Human Resources department will identify a list of proposed recipients. The list will be sent to department directors for verification of service. Once confirmed, Human Resources will order certificates and gift packets to be presented to the recipients.

D. Retirement Recognition Eligibility and Procedures

An employee will be considered to be officially retired from Goochland County when they meet age and service requirements set by the Virginia Retirement System. Goochland County supports the recognition of retiring staff members. As such, employees retiring with 5-19 years of Goochland service will receive a Letter of Recognition from the Chairman of the Board of Supervisors. Employees with 20 or more years of service will be recognized and presented with a Resolution of Recognition and a gift from the Board of Supervisors at a Board Meeting prior to their retirement date. Employees of the Community Services Board, Social Services, Health Department, Free Clinic, and Library will be recognized by the Board of Supervisors, depending on their years of service in Goochland County.

Department directors must notify Human Resources of all upcoming retirements at least two months prior to the employee's retirement date so that gifts can be ordered and plans can be made for the Board Meeting presentation.

13.2 Child Care

Although discouraged, there may be times when an employee does not have childcare 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 Director 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.

13.3 Inclement Weather Conditions and County Emergencies

There are times when emergencies or inclement weather conditions require delaying the opening of or closing of County offices to protect the health and safety of employees.

The decision to delay opening or 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 whether his/her County work site will be closed.

Closing and delayed opening notifications will be posted and shared through the following resources. Employees are encouraged to check more than one resource for information.

- Code Red text – Employees who have signed up will automatically be notified via text message or email regarding closures. (*info about signing up below)
- County website - www.goochlandva.us
- County Hotline number 556-5399 (primary) 556-5800 (back up)
- County social media channels – Facebook: Goochland County, VA & Twitter: @GoochlandGovtVA
- Local news stations – Channel 6 (WTVR), Channel 8 (WRIC), Channel 12 (WWBT)

If the County closes early, an email will be sent to all employees notifying them of the decision.

Employees are advised to check the resources above for notice of changes 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 Directors must designate who is essential to their department. Those personnel designated as essential by the County Administrator or Department Director 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.

Employees in positions designated as Public Safety Essential are required to work regardless of adverse weather conditions/County emergency closings. These employees shall report to work as scheduled.

The following rules apply to the County's Inclement Weather pay policy:

- Except as otherwise noted above for Public Safety Essential employees, when County offices close early or there is an authorized all-day closing, full-time employees scheduled to work will be paid for such authorized absences (Inclement Weather Pay). Inclement Weather pay **will not** be considered as time worked for the purpose of overtime calculations.
- If a full-time employee is not scheduled to work on a day that the offices close, the employee will not receive any extra compensation.
- When County offices are closed or close early due to inclement weather, part-time employees will only be paid for the actual hours that they work.
- When County offices are closed and non-exempt full-time and part-time essential employees are required to work, they will be paid at time and a half for each hour worked.
- When the County is open and operating during an emergency or inclement weather, Liberal Leave will be in effect. This means that employees may opt to take annual leave if they cannot report to work and are not designated as essential.
- Employees (except for Public Safety Essential employees) approved for Annual Leave on a day that offices are closed or close early will only be charged leave time for the hours taken prior to the closing.

13.4 Essential Employee Designation

A list of Essential Employee positions is included in Appendix C; however, the County Administrator may add other positions depending upon the nature of the situation/emergency. In this section, Essential Employees refer to both the Appendix C positions and any other positions that the County Administrator designates in response to a specific emergency.

The County may have to suspend operations due to events like severe weather, natural disaster, fire, or related hazards. When the County suspends operations, only Essential Employees must report to and/or continue working. All other staff stays at or returns home until the operational suspension is lifted.

Essential Employees are expected to report to/continue to work when Liberal Leave is in effect. Essential Employees must report to work and continue working as long as the facility is open.

If there is an insurmountable difficulty getting to work, Essential Employees must notify their supervisor at least an hour before their work start time.

Prior to making any decision to close offices and release employees, careful consideration is always given to balancing the health, safety, and welfare of our employees with the need to continue essential services and operations based on all available information at the time of the incident. The County Administrator or his designee has the authority to close offices and facilities.

13.5 Information Dissemination

Employees are required to treat the information learned by them during their work duties as confidential. Information obtained and disseminated in the workplace is the property of the County and may not be released except after approval through appropriate channels.

The majority of the documents, including emails, draft documents, and electronically stored material, created, or stored by the County are subject to being produced in response to Freedom of Information Act (FOIA) requests. For more information about FOIA requests and the procedure for responding to them, see the County Administrator's Freedom of Information Act (FOIA) policy.

13.6 Right to Inspect Property

An employee should not have an expectation of privacy in his/her work area. Work areas, including desks, telephones, file cabinets, lockers, computers, and servers are the property of the County. Supervisors and coworkers may need to access another employee's work area in fulfilling their job duties.

Moreover, the County reserves the right to instigate an inspection or search, without notice, County vehicles and an employee's work area including, but not limited to, desks and computer storage disks. These instigated or inspections will be approved by the County Administrator and will be reasonable in their inception and in the scope of the intrusion.

13.7 Smoking

Goochland County Government maintains a smoke- and tobacco-free work environment. No smoking or other use of tobacco products (including electronic cigarettes) is permitted in any part of the buildings or in vehicles owned, leased, or rented by the County. Employees may smoke outside in designated areas during breaks. Such areas must be out of sight of customers and at least thirty feet from an external door of a County facility. When smoking or otherwise using tobacco or similar products outside, do not leave cigarette butts or other traces of litter or tobacco use on the ground or anywhere else except for in designated disposal containers. No additional breaks beyond those allowed under the County's meal and rest break policy may be taken for the purpose of using tobacco or similar products. Being permitted to use tobacco products during breaks is a privilege, as long as such use does not interfere with the employee's work, fitness for duty, or professional appearance. If that privilege is abused, it may be withdrawn altogether.

As a condition of employment, employees of the Fire-Rescue Department must maintain nonuser

status of tobacco and tobacco products during employment, whether on or off duty. The use of tobacco, including oral tobacco products and electronic cigarettes, may result in disciplinary action up to and including termination.

SECTION 14: SEPARATION FROM COUNTY EMPLOYMENT

14.1 Resignation

An employee desiring to resign from the County in good standing shall submit a letter to the department head setting forth the reason for leaving County service and with a period of notice of not less than two weeks. Deputy County Administrators and Department Heads/Directors, desiring to resign from the County in good standing shall submit a letter to the County Administrator or appropriate official setting forth the reasons for leaving with a period of notice of not less than four weeks. The Human Resources Department will conduct exit interviews with employees leaving County service. If special circumstances exist, the notice requirement may be waived by the County Administrator.

14.2 Dismissals

An employee may be dismissed by the department head for neglect of duty; unauthorized absences; being under the influence of drugs or alcohol while on duty; insubordination; gross departure from acceptable behavior; misuse of County property; incompetence; falsification of information; inability to meet current position requirements; unlawful discrimination (including sexual harassment); conduct unbecoming to a County employee; conviction of a criminal offense, if the nature of the offense is related to job duties; extended absences; less than satisfactory performance; and/or for other good and just causes. Before dismissal, the department head or designee shall give the employee an explanation of the reason for the dismissal and an opportunity to present the employee's side of the story. A non-probationary employee who believes the dismissal was without cause may seek redress through the County Grievance Procedure.

14.3 Final Settlement

The final pay will be deposited to the separating employee's direct deposit account(s) in the same manner as all regular paychecks. Employees who separate from County service shall, prior to their last day of employment, return all County property (i.e., keys, uniforms, I.D. cards, badges, safety equipment, phones, laptops, work tools, equipment of any kind; and data files, records, or any other work related information) and reimburse the County for any personal expenses that are due the County. A failure to comply with these provisions may result in an adjustment to the separating employee's final paycheck.

14.4 Reduction in Work Force

A. 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 Virginia Code and the County Grievance Policy identify the ability of the County to define its method of reducing its work force as nongrievable. 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 applies.

B. 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.

1. 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.
2. 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.
3. Whenever possible, employees affected will be considered for transfers to a comparable position in their department.
4. Insofar 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.
5. 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 exists for not more than twelve (12) months from the official date of separation due to reduction in work force.

6. 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, the pending administrative procedure will not cause a delay or alteration in the reduction in force.

14.5 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.

SECTION 15: DISCIPLINE

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.

15.1 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.

15.2 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.

A. Oral Reprimand

The supervisor may or may not document the reprimand.

B. 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.

C. 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.

D. 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.

E. 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.

F. 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 routing or creating a risk of danger to the safety of other; 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.).

15.3 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.

15.4 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) workdays. In certain circumstances, administrative leave without pay shall be approved by the County Administrator.

15.5 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.

SECTION 16: 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 to resolve disputes which may arise between the County and its employees.

16.1 Eligibility

A. Covered Employees

The grievance procedure is available to all full-time and part-time County employees with the following exceptions: (i) elected officials, (ii) appointees of elected groups or individuals, (iii) employees whose term of employment is limited by law, (iv) employees on probation, (v) temporary, limited term, and seasonal employees, (vi) eligible employees who elect to proceed pursuant to Virginia Code § 9.1-500 through 9.1-507, and (vii) department directors, and other chief executive officers of government operations, including the following positions:

County Administrator
County Attorney
Deputy County Administrators
Director of Financial Services
Director of Animal Protection
Director of Community Development
Director of Finance
Director of General Services
Director of Human Resources

Director of Information Technology
Director of Public Utilities
Building Official
County Assessor
Fire Chief
General Registrar
Director of Human Services

B. Matters That Can Be Grieved

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

1. disciplinary actions, including dismissals, disciplinary demotions, and suspensions, provided that dismissals are grievable if they result from formal discipline or unsatisfactory job performance;
2. the application of personnel policies, procedures, rules, and regulations, including the application of policies involving matters referred to in subsection C(3) below;
3. discrimination on the basis of race, color, creed, religion, political affiliation, age, disability, marital status, pregnancy, national origin, or sex; and
4. acts of retaliation as a result of (i) using the grievance procedure, (ii) participating in the grievance procedure of another County employee, (iii) complying with any federal, state, or county law, ordinance, or regulation, (iv) reporting any violation of law, ordinance or regulation to a governmental authority, (v) seeking any change in law, or (vi) reporting an incidence of fraud, abuse, or gross mismanagement. For purposes of this paragraph, there is a rebuttable presumption that increasing the penalty at any level of the grievance process is an act of retaliation.

C. Matters That Cannot Be Grieved

The County reserves the exclusive right to manage its operations; accordingly, the following matters are not grievable:

1. establishment and revision of wages, salaries, position classifications, terms of employment, or general benefits;
2. work activity accepted by an employee as a condition of employment, or work activity which may reasonably be expected to be part of job duties;
3. the contents of ordinances, statutes, personnel policies, procedures, rules, and regulations;

4. failure to promote, except where the employee can show established promotional policies or procedures were either not followed or not applied fairly;
5. the methods, means, and personnel by which work activities are to be carried out;
6. termination, layoff, demotion or suspension from duties because of lack of work, reduction in work force, or job abolition, except if one of these actions affects an employee who has been reinstated in the past six months as a result of the final determination of a grievance. In any grievance brought under the exception to this paragraph, the action shall be upheld upon a showing by the County that there was a valid business reason for the action and the employee was provided prior written notice and the reason for the action;
7. the hiring, promotion, transfer, assignment, and retention of employees;
8. the relief of employees from duties, or reassignment of duties in emergencies; and
9. evaluation of the employee's work.

D. Determination of Grievability

If there is a dispute about whether an issue is eligible to be grieved or whether the employee is covered under this procedure, then either party may file a written request that a determination be made by the County Administrator. The County Administrator must respond in writing within ten (10) calendar days and send a copy to the employee. The issue of grievability may arise at any step in the grievance and must be determined before the panel hearing.

The employee may appeal the County Administrator's decision to the Goochland County Circuit Court by filing a notice of appeal with the County Administrator and providing a copy to all other parties, both of which must occur within ten (10) calendar days from receipt of the County Administrator's decision. Within ten (10) calendar days thereafter, the County Administrator will send, to the Goochland County Circuit Court Clerk, the grievance record, which must include a copy of the County Administrator's decision, a copy of grievance, all notices of appeal, and any exhibits. A list of the evidence provided to the Clerk must also be furnished to the employee.

If the County Administrator does not timely file the record, the employee may file with the Court a motion seeking a writ of certiorari requiring the County Administrator to file the record by a certain date.

Within thirty (30) days of the Clerk's receipt of the record, the Court, sitting without a jury, shall hear the appeal on the record transmitted and any additional evidence necessary to resolve any controversy as to the correctness of the record. The Court, in its discretion, may receive other evidence as the ends of justice require. The Court may affirm, reverse, or modify the decision and shall issue its decision not later than 15 days after the hearing. The decision of the Court is final and not appealable.

16.2 Rules

A. General Rules

The following are general rules to be followed under the grievance process:

1. Employees may file and pursue grievances free from reprisal or retaliation.
2. Employees who are witnesses or otherwise participate in another employee's grievance will be free from reprisal or retaliation. In addition, they will not be charged leave nor lose wages for any time they are needed to participate in a grievance.
3. If practicable, all grievance meetings and hearings should be held during normal County work hours.
4. The Human Resources Director will serve as a facilitator and advisor on procedural and personnel matters and advise both grievants and the County about the grievance procedures. The Director is responsible for transmitting the grievance record to the County Administrator and panel, respectively, for Steps 3 and 4.
5. Whenever notice or a document is required to be provided to the County, it must be delivered to the Human Resources Office before 5:00 p.m. on the due date. Whenever notice or a document is required to be provided to the grievant, it will be sent to grievant's home address according to his personnel record, via first class mail, postage prepaid, or, upon notice, grievant may pick it up from the office of the Human Resources Director between 4:00-5:00 p.m. on the due date.
6. Witnesses may appear during any Step of the grievance process, but may only be present when actually providing testimony.
7. No recording or reporting equipment or devices will be permitted during any meeting or hearing.
8. When a grievant has obtained any relief at one level of the grievance procedure but appeals to the next level, the filing of the appeal is considered a rejection and relinquishment of the relief granted at the previous level.
9. Time frames may be extended by the parties' mutual agreement. Whenever a deadline falls on a Saturday, Sunday, holiday, or day when the County is closed, the filing may be made on the next County workday. Nothing in this rule applies to filings with the Clerk or Court.
10. It is important that grievances be resolved quickly, so postponements are not favored. However, if a party seeks a postponement of Step 3 or Step 4 not agreed to by the other

party, a written postponement request may be filed with the Human Resources Director and a copy delivered to the other party. Postponement requests will be decided by the County Administrator, for Step 3, or the Panel Chairperson, for Step 4. Postponements can only be granted for good cause.

11. The parties will each bear their own costs of legal representation, if any.
12. The failure of either party to comply with all 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 notice of the violation from the other party. The employee's written notice shall be sent to the County Administrator. The County Administrator may require a clear written explanation of the good cause basis for time extensions or other exceptions before making a determination of any compliance issue. The County Administrator's compliance determination may be appealed to the Circuit Court in the same manner as a grievability determination.

16.3 Grievance Steps

A. Step 1 (Supervisor)

A grievance must be initiated by completing a Grievance form obtained from the Human Resources department. The form must be submitted to the Human Resources department within twenty (20) calendar days after the event giving rise to the grievance. The supervisor must contact the employee within five (5) workdays to schedule a meeting. Only the grievant and the immediate supervisor may be present at the meeting. The Human Resources Director may attend at either party's request. The meeting is to discuss the grievance and the underlying facts and circumstances. The supervisor must give the employee a written response within five (5) workdays of the grievance meeting.

If the grievance alleges discrimination or retaliation, the employee may initiate the grievance with the Department Director or County Administrator.

B. Step 2 (Department Director)

If the grievance is not resolved in Step 1, the employee may, within five (5) workdays of receiving the Step 1 response, complete the next step of the Grievance form and submit it to the Human Resources department. The employee's written grievance must identify the action being grieved, contain all the underlying details and circumstances, and identify the specific relief requested. No later additions, deletions or adjustments to the written grievance will be allowed or accepted. Following receipt of the written grievance, the Department Director shall contact the employee within five (5) workdays to schedule a meeting to discuss the complaint. Only the Department Director and employee may be present at the meeting. The Human Resources Director may attend at either party's request. Within five (5)

workdays following this meeting, the department head must respond in writing to the employee, outlining the decision and the reason therefor.

If the employee's supervisor is the department head, the employee may omit Step 2 and proceed to Step 3.

C. Step 3 (County Administrator)

If the Department Director's response does not resolve the grievance, the employee may, within five (5) workdays of receiving the Step 2 response, complete the next step of the Grievance form and submit it to the Human Resources department. Within five (5) days of the written request for a hearing, the County Administrator will schedule a meeting for a date within 10 workdays. Within five (5) workdays of the meeting, the County Administrator will give the employee a written response, a copy of which will be sent to the Department Director.

Procedures that govern the Step 3 meeting procedures are set forth below.

D. Step 4 (Panel)

If the County Administrator's response does not resolve the grievance, the employee may, within five (5) workdays of receiving the response, make a written request that the grievance be submitted to a panel hearing. The request must be made to the Human Resources Director. The written request need not restate the employee's grievance.

Within ten (10) workdays of receipt of the written request for a panel hearing, the Panel will be chosen.

To ensure impartiality, the following persons may not serve on the Panel: (i) people having direct involvement in the grievance, or the underlying complaint, (ii) managers who are in a grievant's direct line of supervision, (iii) persons residing in the grievant's household, (iv) the following relatives of a participant in the grievance process: spouse, parent, child, descendants of a child, sibling, niece, nephew and first cousin, (v) attorneys with direct involvement in the grievance or the underlying complaint, and (vi) attorneys who are partners, associates, employee, or co-employee of an attorney disqualified under (v).

The employee and the County Administrator will each select a panel member within ten (10) workdays. The two panel members will, within ten (10) workdays, select a third member. If the first two panelists cannot agree on a third member, the selection shall be made by the Judge of the Circuit Court. The third panel member will be the Panel Chairperson.

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. If so, the County will bear the expenses of the

administrative hearing officer.

Within ten (10) workdays from the date of selection of the Panel, the Panel will establish a date, time and place for the hearing and the Human Resources Director will promptly notify all parties of the date.

Procedures that govern the Step 4 meeting procedures are set forth below.

The Panel's decision is the last administrative step for the grievance, and it is final and binding upon all parties to the grievance, except:

1. Either party may submit a written request for panel reconsideration to the Human Resources Director within five (5) workdays of the Panel's decision. The Panel, by majority vote and for good cause shown, may decide to reconsider its decision, reopen the hearing, or both. The Panel must provide a response to the reconsideration request within five (5) workdays of its submission.
2. Any challenge to the Panel's decision on the grounds of inconsistency with laws or written policy must be submitted to the County Administrator by either party within five (5) workdays of the Panel's decision. If the County Administrator has a personal involvement in the complaint underlying the grievance, the County Administrator will forward the challenge to the County's Commonwealth's Attorney for decision. The challenge must be decided within five (5) workdays after submission.

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

16.4 Procedures

A. Step 3 Meeting Procedural Rules

1. The County Administrator may request the presence of the Department Director or any other County official at the meeting.
2. 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.
3. The purpose of the meeting is for the presentation of facts and not for the presentation of arguments.
4. The County Administrator will afford a full and equal opportunity to all parties to present

any material and relevant facts.

5. Witnesses for either side may appear. Witnesses will be asked to remain outside the meeting room until they are called to testify.
6. The parties or their counsel, if present, may make opening and closing statements; however, the statements must be confined to explaining or clarifying the presentation of facts. The opening and closing statements should be no more than ten (10) minutes, but the County Administrator may allow more time.
7. The grievant will proceed first to present facts supporting the grievance and the remedial action requested. The County may question the grievant. If the grievant has any witnesses, they will testify next and be subject to questions from County, if any.
8. Following the grievant's presentation of facts, the County will proceed with its presentation of facts and the grievant will be provided an opportunity to ask questions. If the County has any witnesses, they will testify next and be subject to questions from grievant, if any.
9. The County Administrator may ask questions of the grievant, the County, or any witnesses.

B. Step 4 Hearing Procedural Rules

1. At grievant's request which must be provided at least fifteen (15) days prior to the hearing, grievant and his attorney will be allowed, at least ten (10) days prior to the hearing, access to and copies of all relevant files the County intends to use at the hearing.
2. At least seven (7) workdays before the hearing, the Human Resources director will provide the Panel copies of the grievance record and provide the grievant and County a list of the documents in the grievance record.
3. At least five (5) workdays before the hearing, both parties must submit to the Panel and each other any documents or exhibits not in the grievance record that they intend to offer at the hearing.
4. At least five (5) workdays before the hearing, the parties must submit to the Panel and exchange a list of the witnesses they intend to call at the hearing.
5. The grievant may have legal counsel or a representative at the hearing.
6. Unless the parties mutually agree, all evidence must be presented in the presence of the Panel and the parties. The hearing will be informal, and the rules of evidence do not necessarily apply. The grievance record shall be admissible. The Panel has the authority to determine the admissibility of other evidence without regard to the burden of proof, or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all

parties to present evidence. The Panel is the judge of materiality and relevancy of information and evidence offered and may ask clarifying questions of any person appearing at the hearing.

7. The Panel can determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. At the request of either party, the hearing can be private.
8. The Panel's decisions on procedural questions or evidence admissibility shall be resolved by majority vote.
9. The parties may offer 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:
 - a. The parties or their counsel may make opening statements of no more than fifteen (15) minutes; however, the statements must be confined to explaining or clarifying the case, rather than introducing evidence. The grievant's opening statement will occur before the County's.
 - b. The grievant will proceed to present evidence supporting the grievance and the remedial action requested. Witnesses may testify and will be subject to cross-examination by the County and the Panel.
 - c. The County will then present its evidence. Witnesses may testify and will be subject to cross-examination by the grievant and the Panel.
 - d. The parties or their counsel may make closing statements of no more than fifteen (15) minutes. The grievant's closing statement will occur before the County's.
10. Either party, upon request, has the right to have the witnesses segregated during the hearing. If segregated, witnesses other than the parties will be permitted in the hearing room only while giving their testimony.
11. In a closed session, the Panel will consider information presented and reach a determination by majority vote. The Panel is responsible for determining whether the County policies and procedures have been applied properly; however, the Panel has no authority to ignore, create, or change any county 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.
12. The hearing may be reopened at any time before the Panel issues its decision, upon a majority vote of the Panel on its own motion, or upon a majority vote of the Panel on a

party's motion which is based on good cause.

13. The Panel must render its written decision within ten (10) workdays of the hearing. The Panel shall include in its decision the reason or reasons for its decision, which must be consistent with written policy and applicable law. The Human Resources Director will promptly provide copies of the Panel's decision to all parties.

APPENDIX A

Safety-Sensitive Positions Subject to Random Testing for Drugs and Alcohol

Safety Sensitive positions are those that are directly responsible for the health, safety, or welfare of the general population or for the protections of critical County infrastructure, or those that operate machinery or gas-powered devices.

The following categories of positions have been designated as Safety-Sensitive positions by the County Administrator. Employees in these positions are subject to random testing for the use of drugs and alcohol:

1. All Animal Protection Officers;
2. All uniformed employees of the Fire-Rescue Department;
3. All Utilities department 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 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 Directors or Agency heads.

APPENDIX B
Positions Designated as Essential

Groundskeeper
Sr. Groundskeeper
Grounds Supervisor
Attendant
Attendant II
Convenience Center Manager
Facilities Technician
Facilities Supervisor
Assistant Director of General Services

In instances of natural disaster emergencies, all County employees may be deemed essential by the County Administrator.