

**PERSONNEL POLICIES
AND
PROCEDURES MANUAL**

COUNTY OF NORTHAMPTON

VIRGINIA

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**PERSONNEL POLICIES AND PROCEDURES
MANUAL**

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GENERAL POLICY AS TO PERSONNEL

The Northampton County Board of Supervisors has established the following mission statement for its departments:

The Departments of Northampton County are dedicated to achieving, under the leadership of the County Administrator, the goals set forth by the Board of Supervisors and to provide efficient, effective, equitable services to our citizens and visitors.

County employees are a valuable resource and an integral part of the system established to provide governmental services. Without these employees, this mission could not be accomplished. The following policies are intended to ensure equal treatment of all employees and to serve as a written statement of the importance the Board assigns to the well being of the County's workforce.

In understanding the relationships between the Board and its employees, it is important that employees understand that all employees are employed at the will of the Board of Supervisors for an indefinite period and that no employment contract exists. County employment may be ended at any time, for any reason, with or without cause or notice, except as described in these policies. At the same time, employees may terminate their employment at any time and for any reason, subject only to the conditions contained in these policies.

It is further the policy of the County of Northampton that a uniform personnel management system be established for its employees. The Board of Supervisors has assigned to the County Administrator the authority to maintain a Personnel Administration System including, but not limited to, recruitment, testing, development, and placement of new employees; the establishment of equal employment opportunity/affirmative action, employee relations, and personnel records programs; and the administration of the classification and pay plans. It is the intent of this policy to vest the County Administrator with all necessary authority to manage all employees, including department heads. Such authority is to be exercised in a manner consistent with the approved budget, any policies adopted by the Board of Supervisors, and all other applicable laws and regulations. The County Administrator may delegate such authority as deemed appropriate to assist in the management of the personnel system.

The specific objectives of the County's Personnel Administration System are to:

- a. Assure fair treatment of applicants and employees in all aspects of personnel management in accordance with the County's equal employment opportunity/ affirmative action policy (see Section 7-8);
- b. Recruit, screen, select, and advance employees on the basis of their ability, knowledge, and skills;
- c. Determine and meet training needs to ensure quality performance and to enable employees to realize their maximum potential;
- d. Assure each County employee a performance review at specified intervals;
- e. Establish and maintain a sound classification and compensation plan which will attract and retain qualified employees; and
- f. Maintain competitive pay within the labor market in which the County competes.

Except as stated in this policy, no County representative or written materials shall modify this policy for any employee or create any agreement, oral or written, contrary to this policy. Supervisory and management personnel are not to make any representations to employees or applicants concerning the terms or conditions of employment with the County which are not consistent with County policies. No statements made in pre-hire interviews or discussions, or in recruiting materials of any kind, are to alter the at-will nature of employment.

Similarly, County policies or practices with respect to any matter are not to be considered as creating any contractual obligation on the County's part. Statements of specific grounds for termination or discipline set forth in this Policy or in any other County documents are for emphasis or provided as examples. They are not all-inclusive and are not intended to restrict the County's right to discipline or dismiss employees. Completion of a probationary period or conferral of regular status does not change an employee's status as an employee-at-will.

CODE OF ETHICS

The first priority of the County is to provide a working environment where trust is valued. To achieve this trust, the County requires truthfulness and integrity among fellow employees. Employees have a responsibility to encourage honesty, integrity and ethics. The County will reward those employees who consistently demonstrate ethical behavior and who courageously identify the unethical behavior of others through the process of the employee evaluation. The County will take disciplinary action up to and including dismissal if an employee's behavior exhibits a lack of integrity or ethics.

Lying, cheating and stealing are always unethical behavior. The following types of behaviors are also unethical and will result in disciplinary action as outlined in

Chapter 11:

- (1) Deceiving others by misrepresenting or withholding information;
- (2) Putting pressure on another employee to act unethically;
- (3) Failing to accept responsibility for actions by passing blame to others or allowing others to unfairly take blame;
- (4) Failing to honestly honor agreements or promises;
- (5) Subverting group decisions through action or inaction;
- (6) Feigning lack of memory or understanding to avoid following group decisions;
- (7) Using a position of authority in an unfairly coercive manner;
- (8) Failing to follow internal procedures or rules in order to achieve a self-need rather than a group need;
- (9) Harming public authority or trust;
- (10) Engaging in on-duty or off-duty conduct, which harms the reputation or integrity of the County in the community.

Other behaviors may be unethical and this list of behaviors is not intended to be an all-inclusive list.

Chapter 1: The Personnel Administration System

This policy shall supersede any other personnel policy and procedure manual of the County.

Section 1-1: General

The Personnel Policies and Procedures Manual of the County of Northampton, Virginia, contains policies that govern employees of the County. It states the County's policies with regard to employment, classification, compensation, promotion, demotion, dismissal, and other relationships with employees.

Section 1-2: Authority and Administrative Procedures

The County Administrator is responsible for the daily administration of the Personnel Administration System. The County Administrator may designate other County officials to assist in the administration of these policies.

The County Administrator shall specifically:

- a. Have the authority, within funding constraints, to employ, promote, transfer, reclassify, discipline, demote, discharge, or in any manner deal with personnel matters concerning employees of all departments and agencies under the County Administrator's control.
- b. Have the authority to administer the County's classification and pay plan and to issue policies and procedures for the administration of the plan.
- c. Have the authority, within budgetary limitations, to create and establish new classifications and positions, reclassify existing classifications, delete or abolish positions or transfer to other departments, or make changes in employee classifications to provide for proper administration of the classification and pay plan; and shall be additionally authorized to establish, from funds allocated for this purpose, the compensation of each employee within the designated salary range. If new classifications or positions are to be implemented during the budget year, these new classifications or positions must have Board approval.
- d. Have the authority to issue or cause to be issued appropriate policies and procedures dealing with all personnel matters that are not required to be

issued or promulgated by the Board of Supervisors. Any such issuance, modification, clarification, or standardization of any policy issued by the County Administrator is incorporated by reference in this Personnel Policies and Procedures Manual.

- e. Have the authority, in keeping with the spirit and intent of Board of Supervisors approved policies, to interpret, supplement, amend, or revise and be the final administrative authority with regard to such policies, and any other policies and procedures, written or unwritten, whenever the situation requires such amendment, supplementation, interpretation, or revision.
- f. Provide to the Board of Supervisors, annually on or about July 1, a complete copy of the personnel policies of the County, along with a summary of administrative changes made during the preceding year. The currently approved policies and procedures, as they may be revised and/or interpreted from time to time by the County Administrator, shall remain valid.

This policy is not intended and does not extend the authority of the County Administrator over any officers or employees of the County who by law are employed or appointed directly by the Board of Supervisors, nor does it extend such authority to elected officials of the County or their employees, except to the extent that such elected officials have agreed to the application of policies and procedures.

This policy does not preclude department heads from issuing standard operating procedures designed to govern the performance and management of assigned employees provided such procedures or rules do not conflict with either policies of the Board of Supervisors or the County Administrator.

Section 1-3: Applicability

Service to the County is divided into the classified and the unclassified services, as defined below.

The classified service includes all employees who work under the rules, policies and procedures administered by the County Administrator.

The unclassified service includes:

- a. County Administrator;

- b. County Attorney;
- c. Constitutional officers and their employees, except for employees of such officers who have elected to have their employees included in the classified service;
- d. Members of boards and commissions;
- e. Volunteer personnel and personnel appointed to serve without pay;
- f. Positions involving seasonal, temporary, or work-as-required employment.
- g. Student interns and work-study employees;
- h. Independent contractors; and
- i. Such other positions as may be designated by the County Administrator.

The provisions of this policy are applicable to all classified employees of the County. Unclassified employees are not governed by these policies, notwithstanding the fact that some unclassified employees may be eligible for benefits and governed by policies in a manner similar to classified employees. Employees of constitutional officers who have elected to have their employees included in the classified service shall be governed by and covered under all of the provisions of this policy as if they entered County service on the date of such election or a prior election by the constitutional officer if there has been no gap between such elections. When a constitutional officer is elected to office, he or she can then choose to use the County's personnel policies and procedures manual.

Section 1-4: Records Retention and Access

Employee personnel records, either in the original paper form, electronic media storage, or microfilm copies, are maintained for a period of five (5) years after termination and then destroyed; an employee's history summary is maintained for twenty-five (25) years after termination and then destroyed. All other documents are destroyed in accordance with the established record retention schedule maintained in the County Administrator's Office.

The following information relative to employees and former employees is available to the public when requested in accordance with the Virginia Freedom of Information Act: class title, salary, departmental assignment, and department telephone number.

The County Administrator, department head, or an employee's immediate supervisor may have access to records and performance information of their subordinate employees available in the Personnel files.

Employees may review their employment file in the Office of the Human Resources

Coordinator. Letters of recommendation or reference files are not subject to review by the employee. Documents, except those restricted by other policies or laws, may be reproduced and furnished to the employee by the County Administrator's Office.

Section 1-5: Use of Term - Department Head

As used throughout these policies, the term department head includes agency head or constitutional officer as may be appropriate.

Section 1-6: Availability

An information copy of these policies shall be maintained in each division of the County. The department head shall be responsible for informing employees of the contents of these policies and any amendments thereto as they are received. The official copy of these policies shall be maintained by the County Administrator who shall provide updates to the departments. Upon employment, each employee of the County shall receive a copy of the Personnel Policies & Procedures Manual as well as acknowledgement form signifying their receipt and understanding of the document.

Chapter 2: Classification

Section 2-1: Employment Categories

Regular Full-Time - positions that are established on a permanent basis and requiring a regularly scheduled work week of 40 hours or more. Individuals in these positions are eligible for all benefits.

Regular Part-Time - positions that are established on a permanent part-time basis and requiring a regularly scheduled work week of less than 40 hours.

Limited Term or Project Position - positions that are established on a full-time or part-time basis and are utilized to perform a specific function or project with the terms of employment depending on the continuing need or funding for the function being performed. Individuals in these positions are eligible for all benefits if they are full-time.

Section 2-2: Definitions

The Position Classification Plan is the official system of grouping positions into appropriate classes, including a schematic index to the class specifications and the class specifications themselves.

- A. Classification is the entire process of assigning and reassigning individuals to positions, positions to classes, and classes to salary grades.
- B. Allocation is the assignment of an individual position to an appropriate class of positions on the basis of the kind, difficulty, required skill, and responsibility of the work performed.
- C. For position classification purposes, a position is a group of currently assigned duties and responsibilities requiring the employment of one position.
- D. A class is a group of positions (or one position) that has similar duties and responsibilities, requires like qualifications, and can be compensated equitably by the same salary grade.
- E. The class title is the official designation or name of the class as stated in the

class specification.

- F. The schematic list of classes determines the salary grade for each class of position with due regard to the salary grades for other classes, the relative difficulty responsibility and characteristic duties of positions in the class, the minimum qualifications required, the prevailing rate paid for similar employment outside the County service, and any other factors that may properly be considered to have a bearing upon the fairness and adequacy of the grade.

Section 2-3: Creation and Maintenance of Classification Specifications

Prior to the establishment of a new position, a job description covering the duties, responsibilities and minimum qualifications for the proposed position(s) shall be developed. The position is then assigned to one of the classes in the classification plan. If a suitable class does not exist, the County Administrator shall direct that a new class specification be developed and incorporated into the Position Classification Plan.

Section 2-4: The Classification Plan

The class specifications are descriptive and not restrictive. Particular phrases or examples of work performed are not to be construed as a full definition of a class and the use of a particular description of duties, qualifications or other factors is not to be held to exclude others of similar kind or quality. Class specifications are intended to indicate the kinds of positions which are allocated to the classes established and are interpreted in their entirety and in relation to other positions in the classification plan.

The County Administrator is responsible for maintaining an official copy of the Position Classification Plan, as approved or amended by authority of the County Administrator. The official copy includes a schematic list of class titles and class specifications plus all amendments thereto. A copy of the official classification plan shall be available in the County Administrator's Office for inspection by the public or any employee under reasonable conditions during normal operating hours.

Section 2-5: Position Allocation List

The County Administrator shall maintain a list of all authorized positions in

County service and shall cause changes to be made to the list when deemed appropriate and in keeping with fiscal parameters.

Chapter 3: Compensation Policy and Procedures

Section 3-1: General

It is the purpose of this policy to set forth the manner in which the compensation system operates and how each type of expected transaction should affect an employee.

- A. These policies shall apply to all employees who enter, serve in, and leave classified positions in the Northampton County personnel and compensation systems.
- B. Exceptions and deviations from these policies shall be handled on a case by case basis through the appropriate department head and the County Administrator and shall, when necessary, be the subject of supplements to this policy statement.
- C. It shall be the responsibility of the County Administrator to administer these policies and to facilitate the resolution of problems and issues that may arise from time to time.

Section 3.2: Rates of Pay

The rates of pay for County employees shall be in accordance with the salary schedule adopted by the Board of Supervisors. Generally, a new employee shall be paid the minimum rate of pay for his/her class. The County Administrator has authority to make appointments above the minimum rate when such action is determined to be necessary and in the best interests of the County. Prior written approval from the County Administrator is required when a department head wishes to make an appointment above the minimum rate of pay for the class.

Section 3.3: Salary Increases

A. Performance Increase

The performance of regular full-time employees shall be reviewed annually. If funding is available, an employee may be entitled to a salary increase for successful job performance. Performance increases shall be awarded to employees in accordance with the County's performance evaluation system.

B. General Salary Increases

Upon the recommendation of the County Administrator and with the approval of the Board of Supervisors, a general salary increase for all classes of positions may be granted. These increases may be in recognition of the cost of living or of any other conditions which warrant salary adjustments. A general salary increase shall be applied to the salary schedule where applicable.

When an employee's position is reclassified, his/her salary shall be adjusted to the step within the new grade that equals his/her salary before reclassification. When an employee's position is reclassified to a lower pay grade and his/her salary is above the maximum for the lower grade, the employee shall be permitted to continue at his/her present rate of pay during the period of incumbency but the employee shall not be entitled to a salary increase.

Section 3.4: Overtime

Overtime must be authorized by the department head and shall be authorized for emergencies only, except when regularly scheduled work hours exceed the Fair Labor Standards Act (FLSA) standards for the granting of overtime.

The County Administrator shall designate those positions which are eligible for overtime pay, for compensatory leave, and those which are not eligible for such pay or leave in accordance with the standards of the FLSA. The County Administrator shall develop administrative regulations pertaining to overtime and monitor compliance with the provisions of FLSA.

Section 3.5: Compensatory Time Off

Compensatory time shall be awarded in lieu of paid overtime whenever possible. Each department head must authorize compensatory time and shall be responsible for maintaining records of compensatory time and shall be required to verify overtime with said records. Department heads shall take the steps necessary to limit the amount of accumulated compensatory time.

Section 3.6: Time & Attendance Records

Time records shall be maintained by all County employees who fall within the

following categories:

- Regular Part-Time Employees
- Temporary Full-Time Employees
- Temporary Part-Time Employees
- Employees who work overtime
- Employees who work compensatory time

Time cards must be filled out accurately. Those employees who work overtime or receive compensatory time must have their department head authorize and initial such hours on the time card attendance record before payment or credit for such hours will be honored.

Section 3.7: Maintenance of the Compensation Plan

The County Administrator shall make, or cause to be made, a comparative study of all factors affecting the County's compensation plan. The study shall be undertaken at least every two years and shall consider rates of pay for comparable positions in public and private employment in the area, fringe benefits, cost of living data, the County's financial condition and other pertinent factors.

The County Administrator shall recommend changes to the compensation plan to the Board of Supervisors. The Board of Supervisors shall make changes to the compensation plan as appropriate.

Section 3.8: Saving Clause

If any section, sentence, clause or phrase of this policy shall be held, for any reason, to be inoperative, void or invalid, the validity of the remaining portions of this policy shall not be affected thereby, it being the intention of the Board of Supervisors in adopting this policy that no portion thereof or provision herein, shall become inoperative or fail by reason of invalidity of any other portion or provision and the Board hereby declares that it would have severally passed and adopted the provisions contained herein, separately and apart one from the other.

Chapter 4: Benefits

Section 4-1: General

Full-time County employees are offered benefits which are personal to the employee and cannot be assigned to other employees.

Section 4-2: Retirement

The County provides and funds through an agreement with the Virginia Retirement System, a supplemental retirement program to Social Security benefits.

Participation is mandatory for all regular full-time employees. Employees are fully vested in the program after five consecutive years of membership. Qualified Public Safety employees are eligible for an early unreduced retirement benefit through the Virginia Retirement System at age 50 with at least 25 years of service. Non-Public Safety employees are eligible for an early unreduced retirement benefit at age 50 with at least 30 years of service.

Employees of the County shall retire from the service on the last day of the month of the seventieth (70th) anniversary of his/her birthday unless the Board of Supervisors determines that circumstances necessitate the employee remaining in the County employment for the best interests of the County. An employee who is continued in his/her position past his/her seventieth (70th) birthdate shall be subject to an annual review prior to beginning a new year of employment. The employee shall, upon the request of the County Administrator, subject a medical certificate of his/her ability to continue in his/her position. The examination shall be paid by the County.

For employees retiring with 40 years or greater of continuous service, the County shall have the option of continuing to pay the employee's health care insurance premium (for employee only) for a period of two years after the retirement. If there is a choice available of health care insurance coverages at the time to retirement, the County shall choose to pay the lesser of the two premium costs.

Eligible employees with five or more years of vested service who retire from service shall be paid in one sum for twenty-five percent (25%) of their sick leave balance provided; however, that the total amount paid for sick leave shall not exceed \$2,500.00. The remaining seventy-five percent of their sick leave shall lapse or at the employee's discretion, may be credited to the sick leave bank.

Section 4-3: Health Care

The County currently offers a health care program to its employees. The County shares the cost of selected coverage with the employees at a rate authorized by the Board of Supervisors. Employees who leave County service are eligible to continue coverage for periods specified if eligible under the Federal Consolidated Omnibus Budget Reconciliation Act of 1984 (COBRA) regulations. Employees terminated for gross misconduct are not eligible for continuation of such coverage. The County may at any time modify the cost sharing arrangement, change the available coverage, or eliminate coverage.

In keeping with Section 15.2-1517 of the 1950 Code of Virginia, as amended, Northampton County shall provide group health insurance for any of its employees who retire and who have at least 15 years of continuous service. The law provides that the retiree may choose to continue coverage at the retiree's expense until the retiree attains sixty-five years of age. The governing body shall retain the right to have the retiree rated separately from the active employees covered under the group plan offered by the locality.

Section 4-4: Life Insurance

Regular full-time employees are automatically enrolled in a group term life insurance program. Coverage is mandatory and managed by the Virginia Retirement System Life Insurance agency. Benefits for natural death are equal to the employee's annual salary rounded up to the next thousand and then doubled; benefits for accidental death are equal to four times the annual salary, rounded up to the next thousand.

The County also provides the employee with an option to purchase additional life and accidental death and dismemberment insurance to supplement the basic group insurance provided by VRS. All active employees currently covered by the VRS group life plan are eligible for this optional plan. Employees may purchase this additional insurance coverage for themselves or their spouse and children. Employees can be insured for one, two, three, or four times their annual salary, up to \$500,000.

Section 4-5: Workers' Compensation

County employees are covered under the Workers' Compensation Act, to the extent required by law, in the event an employee sustains an occupational injury or disease as a result of, or in the course of, work performed for the County. Compensation is paid at the rate specified by the Act and begins when the employee is out of work for more than seven (7) consecutive calendar days.

Section 4-6: Credit Union

The County is within the field of membership of the Virginia Credit Union and its employees enjoy full membership eligibility for all of the Credit Union's programs. Employees have the option to deposit their entire paycheck or authorize a payroll deduction directly into their credit union account.

Section 4-7: Deferred Compensation

The County provides a deferred compensation option for employees who wish to participate in a voluntary, payroll-deduction supplemental retirement program. This benefit allows an employee to voluntarily contribute to one or a combination of investment options. Money deposited in a member's account must, however, remain in the account until the designated date selected by the employee for retirement, with only very limited exceptions. Proceeds in an account are not taxed until after retirement.

Section 4-8: Flexible Spending Accounts

The County provides employees the option to voluntarily participate in Flexible Spending Accounts (FSA). This benefit allows employees to set aside a portion of their salary as pre-tax dollars to be used as reimbursement for qualifying health and dependent care expenses.

Section 4-9: Premium Conversion

The County offers a Premium Conversion Program that allows employees to have their salary adjusted by the amount of any contributions for group health insurance benefits, resulting in less taxable income and more take-home pay for the employee.

The adjustment is made in equal installments each pay period beginning on the date the employee is eligible to participate. The option is selected by completing the required forms and continues until revoked or changed in accordance with the agreement.

Section 4-10: Unemployment Insurance

The County provides unemployment insurance at no cost to the employee.

Section 4-11: Leave

Leaves of absence for a variety of purposes and reasons are detailed in Chapter 6 of the Personnel Policies and Procedures Manual.

Chapter 5: Employee Recognition Program

Section 5-1: Purpose

The accomplishments and values of County employees provide the cornerstone of successful operations. It is the policy of the County that there be an official program to recognize, apart from the compensation system, all employees whose quality performances contribute significantly to the advancement of the goals, values and business of the County. The purpose of this policy is to establish the Employee Recognition Program and the procedures by which it is to operate.

Section 5-2: Coverage

These procedures shall apply to all those covered by the Northampton County personnel and compensation systems. Department is defined as any department and department head is defined as any department head covered by this policy.

Section 5-3: Department Implementation

- A. It is the responsibility of each department head to assure that one or more of the approved programs are utilized in a timely fashion for the purposes of recognizing employees within that department. Additionally, the department head is to notify the County Administrator of those employees selected for recognition and provide a brief statement of the basis for their selection and the method by which they were recognized on an annual basis.
- B. While each function of County government is important to the organization, there are extensive differences in type and nature of the roles of each department. This policy seeks to provide sufficient flexibility to acknowledge that diversity in determining the criteria for selection and the manner of presentation. In all cases, however, recognition must include consideration of quality employee performance, be consistent with the values of the organization and strive to foster teamwork and cooperation rather than competition.
- C. Each department head is to include within the department budget an amount not to exceed \$10.00 per regular employee and \$5.00 per part-time employee or \$500 whichever is greater to be used in the

implementation of the recognition program within the department. Department heads, division heads and all others in the supervisory chain are expected to regularly recognize employee accomplishments through verbal and written affirmation. When employees are recognized, pictures, certificates or other forms of notice should be placed in areas of the department's facilities that are generally open to staff and members of the public. Additionally, the department head is to select one or more alternatives from among the following approved Employee Recognition Program elements:

- (1) **An Employee Recognition Event** - occurs within the department as an opportunity to present those being recognized and the nature of their accomplishments to their colleagues, the County Administrator, department and division heads. The event can involve gathering employees for a breakfast, luncheon or reception. This should include presentation of some tangible expression of appreciation.
- (2) **Certificates of Leave** - provides a certificate, signed by the department head with notification to the County Administrator, giving reasonable periods of leave time in recognition of outstanding performances.
- (3) **Commemorative Gifts** - Items bearing the County seal or some other insignia generally associated with the business, historical or geographical nature of the County of Northampton, or other suitable mementos left to the discretion of the department head. These items are to be provided to employees either privately or publicly. There should be a range of value of such items and in no instance will a single employee receive an item with a value greater than \$50. Should any employee performance be considered so outstanding as to warrant greater consideration, the department head will submit a nomination to the County Administrator for approval.

Section 5-4: County Administrator Recognition: The Spirit of Northampton Award

The County Administrator reserves the option to select those employees for recognition whom he considers to have contributed, by deed or example, in an unusually significant fashion. This action is at the sole discretion of the County Administrator and is fully separate and apart from any other Employee Recognition function. Nominations may be submitted, however, for County Administrator consideration by department heads or other County employees.

Selection results in the presentation of the **Spirit of Northampton** lapel pin at a meeting of the Board of Supervisors, accompanied by a Resolution detailing the purposes for award along with an appropriate individualized expression of appreciation. The recipient is entitled to wear the pin thereafter as a symbol of extreme accomplishment.

It is understood that the significance of this category naturally limits the numbers of recipients. While there is no set schedule for consideration, it is unlikely that more than one or two such presentations would occur annually. It is also possible that no such award would be made. Further, it is unlikely that a recipient would receive consideration for subsequent awards in this category. Should there be cause to further recognize an individual, the County Administrator would determine an appropriate symbol.

Section 5-5: Service Recognition

- A. **Length of Service.** It is the policy of the County to award certificates and service pins to employees for each five years of service.

- B. **Employees Who Leave in Good Standing.** It is the policy of the County to recognize those employees who have provided long and valuable service to the County upon the occasion of their departure.

The nature and extent of the recognition varies with the length of service and is to be based on the following schedule:

<u>Years of Completed Service</u>	<u>Recognition</u>
0-5	Any action or departmental event considered appropriate and desirable by the department.
6-10	Departmental event and a letter of appreciation from the County Administrator.
11-15	Departmental event and a letter of appreciation signed by the Chairman of the Board of Supervisors.
over 15	A mounted Resolution of the Board of Supervisors, a tangible memento symbolizing appreciation for service by the retiree's department, an event to which other County

employees would be invited at their own expense.

Depending upon the employee's function within County government or record of outstanding performance, the County Administrator may recommend to the Board the adoption of a Resolution of appreciation at any level of service.

Chapter 6: Provisions for Leaves of Absence

Section 6-1: General Provisions

The County provides a policy for Leaves of Absences for a variety of conditions and reasons. These policies pertain to regular full-time and regular part-time employees and probationary employees unless they are specifically exempted from any of these provisions. Vacation leave must be requested in advance and sick leave should be requested in advance, if possible. Requests for leave, for other than personal illness or that of an immediate family member, will be granted if in the opinion of the supervisor such leave is not disruptive to normal operations.

An employee, not in an approved leave status, who fails to report to work for two (2) consecutive workdays, shall be separated from employment.

Section 6-2: Definitions

- A. **Sick Leave.** Sick leave is defined as leave with pay granted for the employee's personal illness or illness of an immediate family member requiring the employee's presence; bodily injury, quarantine, medical or dental appointments; or a temporary disability.

- B. **Immediate Family Members.** For the purpose of this chapter, "immediate family members" are defined as the employee's spouse, parent, guardian, brother, sister, son, daughter, parents-in-law, grandparent, grandchild, step-parent, step-child, or any other individual who normally resides within the same household as the employee.

Section 6-3: Vacation Leave

Regular full-time employees are credited with and may use vacation leave at the end of six (6) months of service. New employees who begin work on the 15th of the month or sooner shall receive the full accrual of vacation leave for that month. If they begin work on the 16th of the month or later, they shall receive one-half the full accrual of vacation leave for that month.

All regular full-time employees of Northampton County shall be granted annual leave based on an eight (8) hour work day. Leave shall be charged to the nearest one-quarter (1/4) day. Eligible employees separating from County employment,

through retirement, resignation, termination or death shall be compensated for unused annual leave. Vacation leave is cumulative until December 31 of each year. The maximum accumulation (“carry over amount”) is 36 days. The County Administrator shall be authorized to grant exceptions or extensions to the “cut-off” date if employees are not able to take requested leave due to County needs or emergency situations.

Annual leave shall be calculated at the end of each month in accordance with the following schedule:

<u>Years of Service</u>	<u>Annual Rate</u>	<u>Accrual</u>	<u>Maximum</u>
0-5 Years of Service		1.00 day per month	36 days
6-10 Years of Service		1.50 days per month	36 days
11-15 Years of Service		2.00 days per month	36 days

Regular full-time employees on leave without pay for more than half of the work days per calendar month will not accumulate vacation days for that month.

Requests for vacation leave should be made far enough in advance to permit arrangement of the work schedule.

Vacation leave accruals paid to employees who leave County service is covered in Sections 6-9 (b) and (c).

Section 6-4: Sick Leave

A. Entitlement.

Regular full-time employees earn sick leave at the rate of eight hours per month for each full calendar month of service. New employees who begin work on the 15th of the month or sooner shall receive the full accrual of sick leave for that month. If they begin work on the 16th of the month or later, they shall receive one-half of the full accrual of sick leave for that month.

Sick leave may be accumulated as shown on the table below:

Sick leave shall be accumulated at the rate of one day per month worked and will accrue at the end of each month. Regular full-time employees on leave without pay for more than half of the work days per calendar month shall not accumulate sick leave for that month. Sick leave may be carried over from year to year up to a maximum accumulation of sixty (60) days. After ten (10) years of continuous service has occurred, the employee will be credited with all accrued sick leave not previously taken and there will be

no limit on accumulation. Employees shall retain all benefits and seniority while on approved sick leave.

B. Usage.

Sick leave may be taken in quarter-hour increments and may be used because of personal illness or illness in the immediate family which requires the presence of the employee. Sick leave may also be used for visits to health providers during working hours with the permission of the supervisor. Employees must keep the supervisor informed of any absence and the anticipated duration from work due to illness, and must, at the supervisor's discretion, present a physician's statement to verify the illness or appointment. For personal illness, the physician's statement must include information about how the illness prevents the employee from performing the essential functions of their job. Whenever possible, requests for sick leave should be made in advance. In the case of personal illness, or unanticipated circumstances, the employee's supervisor must be notified no later than the beginning of the workday or as soon thereafter as is practical.

C. Sick Leave Bank.

(1) Purpose.

To establish a Sick Leave Bank which provides income for those County employees who, due to illness or injury, have exhausted all of their accrued sick leave, annual leave and compensatory time, and are not eligible for Workers' Compensation or retirement benefits. The Sick Leave Bank is not designed to provide coverage for brief illnesses or injuries, but is intended to assist employees who:

- have to take prolonged absence because of a severe illness or unforeseen personal medical event.
- do not qualify for disability or Workers' Compensation
- experience the severe illness of an immediate family member or other unforeseen tragic family or medical event (must be approved by Review Committee).

(2) Eligibility for Participation.

Every employee of Northampton County who accumulates sick leave is eligible to participate in a countywide sick leave bank by initially donating one or more sick leave days. Membership in the sick leave bank is voluntary on the part of eligible employees.

Bank benefits are for members only, and are designed for extenuating

circumstances where the current sick leave policy does not apply.

In the event the bank drops below 50 days, members may be asked to contribute additional days unless they choose not to participate further in the bank.

Guidelines:

- (a.) A maximum of thirty (30) days during a rolling* twelve (12) month period may be drawn by any one member from the bank.
- (b.) For employees with less than one year's employment, the first five consecutive days of illness will not be covered by the bank but must be covered by the employee. For employees with two years' employment or less, the first ten consecutive days of illness will not be covered by the bank but must be covered by the employee. For employees with three years' employment or less, the first fifteen consecutive days of illness will not be covered by the bank but must be covered by the employee. For employees with over three years' employment, the first twenty consecutive days of illness will not be covered by the bank but must be covered by the employee.
- (c.) Notwithstanding paragraph (2) above, a member of the bank will not be able to utilize sick leave bank benefits until his own sick leave is depleted.
- (d.) A member must make application for this benefit. It is not automatic. A doctor's certificate must accompany the application. This application and certificate must be submitted to the County Administrator's Office. The doctor must indicate the nature of the illness or disability that the employee is totally unable to work because of illness or disability, and the approximate time the employee will be absent. The necessary forms may be obtained from the County Administrator's Office. When completed forms are returned, a Review Committee will evaluate the request. If denied, an appropriate second opinion may be requested from the County Administrator.
- (e.) If an eligible employee suffers a relapse within thirty working days due to the same illness or disability which necessitated initial utilization of the bank, and has not used all of the thirty days maximum from the bank in that rolling year, the member need not meet another waiting period.

- (f.) Members utilizing sick leave days from the bank will not replace those days except as a regular contributing member of the bank.
- (g.) Upon termination of employment or withdrawal of membership from the bank, a participating employee will not be permitted to withdraw or be paid for contributed days.
- (h.) A member may discontinue yearly participation by giving written notice to the County Administrator's Office.
- (i.) Bank benefits are for employee use only. Care of family members must be approved by the Review Committee pursuant to the same guidelines as outlined above.
- (j.) Other leaves of absence granted by the Northampton County Personnel Policies & Procedures Manual are specifically excluded from the benefits provided in the sick leave bank benefits. No employee on Workers' Compensation shall be permitted to draw from the bank.
- (k.) For those medical emergencies when a County employee does not meet the minimum requirements of the policy, Northampton County provides for an emergency application process. Emergency applications are to be made to:
 - (1) the Sick Leave Bank Review Committee
 - (2) Copied to the County Administrator.

The Review Committee and County Administrator will determine the disposition of the emergency application based on the conditions of the individual case, the work performance of the employee, and the merit of the individual appeal.

**A rolling year is defined as any consecutive twelve-month period.*

Section 6-5: Compensatory Leave

- A. Compensatory time off shall be awarded in lieu of paid overtime for non-exempt employees whenever possible and the employee must get time off at time and one-half for hours worked over the Fair Labor Standards Act (FLSA) threshold. Compensatory time is not accumulated and must be taken not later than the following two pay periods in which it was earned.

For purposes of computation, hours in a paid leave status are not considered to be standard hours worked toward eligibility for overtime compensatory time. These include, but are not limited to: military leave, death leave, injury, holiday, annual, sick, and Workers' Compensation leave. In other words, the only hours used in computing eligibility for compensatory overtime at the time and a half rate are hours actually worked on the job during the workweek.

B. Compensatory time off for employees exempt from the FLSA overtime provisions is not earned or accumulated. Reasonable amounts of compensatory time may be provided by the County Administrator or the department/division head, as appropriate, for exempt employees, if extended periods of overtime work are necessitated by the requirements of the position.

(1) Unlike non-exempt employees, the workweek of an exempt employee is not specifically defined as 40 hours per week. On the contrary, the general rule of thumb is that such employees work the number of hours required to "get the job done", and these need not be associated with any concept of a "normal" 40-hour work week. This is taken into account when compensation is determined for these positions.

(2) Compensatory time is provided to meet professional and personal needs which surface during normal working hours and is not designed to compensate hour for hour for extended hours of work.

(3) Compensatory time for exempt employees should be viewed in the same context and in the same spirit as the "get the job done" character of time worked. Both the employees and their supervisors are expected to utilize and administer an unstructured concept of compensatory time off in a fashion that is in keeping with generally accepted standards of employee performance and not in terms of hourly entitlement.

(4) When approved by the department head, compensatory time should not exceed eight (8) consecutive hours.

Section 6-6: Leave of Absence Without Pay

Leaves of absence without pay for personal reasons, such as lengthy illness beyond sick leave accrual, personal business, or travel must be requested in advance and in

writing from the employee. Following is the County's policy and procedures concerning advance notice, entitlement to leave without pay and status of benefits. If an individual qualifies for Family and Medical Leave, the policy procedures require additional steps and it is therefore necessary to refer to Section 6- 8 for specific information regarding this type of leave without pay status. Leave without pay that qualifies under Family and Medical Leave requires the approval of the Department Head and the County Administrator.

For reasons other than those that fall under Family and Medical Leave Policy, the request must state the reason, and the starting and the probable date of return. Leave without pay is at the discretion of the County and may be refused at any time.

Department heads may approve leave without pay for a period of up to ten (10) workdays if conditions warrant. An employee is required to request in writing the reason(s) for leave without pay status. Leaves of absence in excess of ten (10) workdays and not to exceed twelve (12) calendar months require the County Administrator's approval. Except as provided in other sections of this policy, leave without pay is granted only when all annual leave has been exhausted.

Employees on leaves of absence without pay for 30 consecutive calendar days or less remain on active employment status and accumulation of benefits continue; those on such leave in excess of 30 consecutive calendar days are placed on temporary non-pay, inactive status and the period of absence is not considered as service toward accumulation of benefits.

When leave without pay occurs before or after a holiday, no credit in pay is given for the holiday. Holidays that occur during such absences are likewise not credited to the employee for pay.

Section 6-7: Other Leave

A. Maternity Leave:

There are no special provisions for maternity leave. Available sick leave is granted for maternity leave. When exhausted, annual leave may be used. Medically complicated pregnancies are treated in the same fashion as is the case for other medical problems. Maternity leave qualifies under the provisions of the Family and Medical leave policy. Please see Section 6-8 for additional information.

B. Funeral Leave

Funeral leave shall be defined as leave with pay granted to regular full-time

employees only upon death of a member of the immediate family as defined herein.

Funeral leave shall be granted by the department head if requested by the employee for a period not to exceed three (3) consecutive working days following the death of a member of the employee's immediate family. This may be extended by the County Administrator in unusual circumstances. This leave shall commence upon notification and approval by the department head. In the event of multiple deaths in the employee's immediate family, each death shall be treated separately and the funeral leave shall be granted accordingly.

If more than the allotted number of days' leave is required, or if leave is desired for a death other than the immediate family, see other leave policies.

C. Administrative Leave.

Administrative leave is leave with pay and may be granted for any valid reason when it is deemed in the best interest of the County and approved by the County Administrator. When administrative leave is granted, employees who are in any other prior approved leave status (i.e., vacation, sick, military etc.) will remain in that status.

D. Military Leave:

Employees entering active military service will have their job status protected in full compliance with current federal and state regulations. Employees who are members of the National Guard or Reserves are entitled to receive up to fifteen (15) paid workdays of military leave of absence each federal fiscal year (October 1 to September 30), for periods of active duty for training, or when called forth by the government pursuant to law. Weekend training (inactive duty for training), attendance at active duty military schools maintained by the armed forces of the United States, and additional training of various types, as well as annual training, all qualify for paid leaves of absence up to the maximum of fifteen (15) workdays per federal fiscal year. During such leaves of absence, an eligible employee is entitled to continuing pay without losing accrued leave, vacation or sick or other benefits available to the employee during the normal course of employment. When entitlement to a leave of absence is exhausted and weekly or monthly drills occur during normal working hours, the employee must arrange with the department Head for any time lost to be charged to vacation leave or leave without pay.

It is the intent of this policy that paid leaves of absence are to be made available to those employees in the Reserves or National Guard who are

performing required duty. When an employee volunteers for duty beyond that which is actually required to be performed because of any legal obligation to the military, the employee has not been "ordered to duty" as contemplated by the law and the time away from work may not be charged as military leave.

E. Court Leave.

An employee's absence from work for jury duty or for attending court as a witness is defined as court leave.

Before court leave is granted, the employee must submit a copy of the official summons for jury duty or witness service to the department head prior to the beginning date of such service. Any employee appearing in court either as a defendant or plaintiff in a case is not eligible for court leave.

An employee granted court leave is compensated at the regular rate of pay during court appearances. Any compensation for jury duty as well as for witness service may be retained by the employee.

Employees summoned by a court for the purpose of qualifying for jury duty are entitled to court leave for the actual period of absence, whether or not they are selected to serve. If the employee's presence is required for less than a full workday, the employee is required to contact their supervisor concerning return to work. Any employee who fails to contact their supervisor risks the loss of pay for that day.

An employee taking court leave is entitled to regular compensation for work missed because of such leave; however, hours paid as civil leave are not counted as hours worked when calculating overtime.

F. Termination Leave.

Leave beyond the last day of service provided by a separating employee is defined as termination leave and is not authorized. All pay and benefits accrue to the employee up to and including the last day of service provided to the County.

G. Workmen's Compensation Leave.

In accordance with Virginia's established Workers' Compensation Act, all Northampton County employees, full time and part time, who are injured as a result of their participation in county duties may be eligible to receive compensation as defined by law. Medical compensation will follow applicable Code of Virginia sections to ensure employees receive

appropriate support for injuries.

1.) Lost Time/Indemnity

In lieu of the Virginia Workers' Compensation Act, Code of Virginia, Section 65.2-500, any lost time or indemnity may be administered in the manner prescribed below.

- a.) Up to and including seven calendar days the employee will be required to use any accrued sick or vacation days (pursuant to WVCA, Section 65.2-509).
- b.) Beginning on the eighth day, the employee will be eligible to receive his or her regular salary while out of work. In order to receive such salary, the employee will be required to sign over to the county any compensation checks issued by the insurer.
- c.) Any employee who either chooses not to sign over the issued compensation checks or does not do so within 2 business days of receipt will not be eligible to receive full salary from the county. In the event of either circumstance, the employee will be required to default to guidelines established by the Virginia Worker's Compensation Act, Code of Virginia, Section 65.2-500 and receive $66 \frac{2}{3}$ of his or her salary until returned to full day.
- d.) Any time an employee is out twenty-one days or more, the county will collect reimbursement for the initial seven day period, thereby reestablishing the employee's sick or vacation leave used in that period.

2.) Medical Payments

All medical bills accrued and prescription medications required as a result of the workplace injury might be the responsibility of Northampton County as outlined in the Virginia Workers' Compensation Act, Code of Virginia, Section 65.2-603. If the county assumes such responsibility, the employee will bear no expense for related services or supplies.

3.) Panel of Physicians

Northampton County has established a panel of physicians under the guidelines of the Virginia Workers' Compensation Act. Any employee injured in the course of completing county duties is required to use one of the physicians from the approved list in order

to have medical costs accepted by the county or its insurer. A copy of said list will be provided to the employee at the time he or she reports an injury to designated personnel. Employees will be permitted to receive treatment at a hospital for emergency purposes only; once the emergency situation abates, the employee will need to select an approved panel physician.

4.) Modified Duty

Northampton County expects its employees to work at their potential. An employee who cannot perform all of his or her regular job functions due to injuries received while working for the county will be given temporary hours, an alternate/modified position, or both. The County and its insurer will work directly with a treating physician in order to return an employee to any qualifying position as soon as possible. Assignments that meet physician-directed restrictions could exist within any county department; consequently, an employee will be required to work wherever such qualifying assignment exists. The employee will be continually reevaluated for return to his or her full duty position at each scheduled physician visit. In addition to this, the county or insurer can request that the treating physician reevaluate the employee at any time.

An employee will be eligible to receive his or her fully salary while on modified duty when meeting elements as outlined in Part A, numbers 2 and 3, of this policy; otherwise, he or she will receive 66 2/3 of the financial difference between his or her regular position and the temporary position while such position or modifications are in effect. Any employee who refuses to accept a modified duty assignment that meets a physician's restrictions will lose any and all compensation/indemnity per the Virginia Workers' Compensation Act.

H. Emergency Conditions Leave.

Should the County Administrator authorize the closing of County Offices because of an emergency, such as inclement weather conditions, regular full-time employees will not suffer a loss in compensation and will be paid their regularly scheduled hours for that day. Should emergency conditions necessitate the early closing or late opening of County Offices, regular full-time employees will be paid for their regularly scheduled hours regardless of the hours worked or missed during the period. Essential personnel, required to work outside their normally scheduled hours during periods of authorized emergency conditions leave will receive pay at their normal hourly rate for all

such hours worked outside their normally scheduled hours, until total hours actually worked exceed the applicable over-time threshold. In addition, essential exempt and non-exempt personnel will receive compensatory leave, on an hour for hour basis, for any hours of required work performed during the periods of authorized emergency conditions leave that fall within their normally scheduled work hours. Any hours in which employees are not required to work during the period of emergency conditions leave will not count toward over- time eligibility. Employees in any other approved leave status (i.e., vacation, sick, military etc.) will remain in that status.

Section 6-8: Family and Medical Leave Policy

This policy implements the Family and Medical Leave Act of 1993, the "Act" which became effective on August 5, 1993. This policy is intended to summarize the Act, and is not intended to change or alter any rights of employees under the Act. The use of the term "family leave" in this policy is intended to cover both family and medical leave under the "Act."

- a) **Eligibility.** To be eligible for family leave, an employee must have been employed for at least one year and worked at least 1,250 hours during the previous twelve months as of the date leave commences. This policy applies equally to male and female employees; however, when both husband and wife work for the County, the full amount of family leave is limited to an aggregate of 12 weeks when the family leave is for the birth, adoption, or foster care of a child, or to care for a sick parent.

- b) **Entitlement.** A covered employee is entitled to up to 13 workweeks of unpaid family leave during any fiscal year period. Such leave requires the approval of the Department Head and the County Administrator. Such leave will, upon request, be granted for the following reasons:
 - 1) The birth, adoption, or foster care of a child.

 - 2) To care for a spouse, child, or parent with a serious health condition.

 - 3) A serious health condition which makes the employee unable to perform required job functions. A serious health condition is an illness, physical or mental, injury or impairment requiring inpatient care in a hospital, hospice or residential care facility or requires continuing medical treatment.

 - 4) For continuing medical conditions, the employee is entitled to the 12

workweeks of family leave in each year of employment. For birth, adoption or foster care, the family leave option expires one year after the event.

- 5) Family leave for continuing medical conditions may be taken intermittently, or on a reduced work schedule. Family leave for adoption, foster care, or birth of a child may not be taken intermittently or on a reduced schedule unless the County and the employee agree to such a schedule.

c) **Definition of Terms.**

- 1) The terms son and daughter include a biological or adopted child, step-children, legal wards and a child of a person standing in loco parentis (for example, foster children). It includes not only children under 18, but older children who are "incapable of self-care because of mental or physical disability."
- 2) The term "parent" means the biological parent or other person who stands in loco parentis to the employee.
- 3) The term "spouse" means husband or wife.

- d) **How Leave is Scheduled.** Family leave for a birth or adoption may be scheduled for not more than 12 consecutive weeks. Other family leave may be taken by an employee intermittently (including family leave of less than one day) "when medically necessary for themselves or a family member." The County may require employees taking intermittent family leave to transfer temporarily to other jobs with equivalent pay and benefits that are less disruptive to operations. Where practicable, employees must give at least thirty (30) days notice before taking family leave and must make a reasonable effort to minimize disruption of County operations.

- e) **Use of Accrued leave.** The County requires employees first to use any available vacation, sick, personal leave, etc., when caring for family members, and requires the use of sick leave for personal medical leave. This time counts toward the total 12 weeks of family leave entitlement. When other leave is exhausted, the balance of the 12-week period is charged as unpaid family leave.

- f) **Proof of Illness.** The County requires certification from a "health care provider" as defined in the Act, for family leave involving a serious health condition affecting either the employee or a family member. This certification

must include the date the health condition began, the probable duration of the condition, and other appropriate medical facts. For family care, the certification must state that the employee is needed to care for the family member, and must also provide an estimated amount of time that he or she will need. Where the family leave is for the employee's own serious health condition, the certification must state that the employee is unable to perform the essential elements of his or her job. If the aforementioned certifications are not provided within 15 calendar days of the provisional designation of Family and Medical Leave, the Family and Medical Leave benefit will be delayed until such proof is provided. If the employee continues to fail to provide the required certifications, Family and Medical Leave will be denied.

- g) **Employer Challenge of Medical Certification.** The County may require a second opinion when it is not satisfied with the certification. If the two health care providers disagree, the County may require the opinion of a third jointly approved health care provider who shall be the final authority on the question. These second and third opinions are at the County's expense. The County may also require the employee to obtain subsequent recertification on a reasonable basis.
- h) **Benefits While on Family Leave.** While seniority and employment benefits, such as vacation or sick leave, will not accrue during approved family leave without pay in excess of thirty (30) days, the County will continue to contribute its portion to maintain the employee's life insurance and health benefits coverage. A failure of the employee to pay his or her share of health benefits will result in loss of coverage. If the employee fails to return from family leave, the County requires the employee to repay the County's share of the premiums paid during the family leave period, unless that failure is attributable to the continuation of the medical condition of other conditions beyond the employee's control. Upon return from unpaid family leave, the employment and compensation dates shall be adjusted accordingly.
- i) **Return to Work.** An employee will be returned to his or her original position or to a position with equivalent pay and benefits upon return from family leave. The County may require a fitness for return certification from an employee who has been on family leave for medically related reasons before the employee returns to work.
- j) **Record Keeping.** Records pertaining to family leave are retained for three years.

Section 6-9: Leave Accruals Paid at Separation

Employees are paid for accrued leave up to the allowed maximum at the time of retirement, resignation, termination or death.

- a. **Sick Leave.** Employees are not paid for accrued sick leave except in the case of retirement from the County as is detailed elsewhere in this Manual.
- b. **Vacation Leave.** Employees, who leave County employment after six (6) or more months of service are compensated for unused vacation leave up to the maximum hours allowed as defined by the table in Section 6-3(a), at their final base rate of pay.

Chapter 7: Personnel Recruitment, Selection, and Orientation

Section 7-1: Identification of Vacancies

Department heads shall notify the County Administrator of vacant or soon to be vacant authorized positions in their department.

Vacancies are advertised in-house for employees only when in the opinion of the department head, a sufficient pool of employee applicants is anticipated. Should sufficient qualified in-house applicants not apply, the decision may be changed to publicly advertise the vacancy. Likewise, the department head may request the vacancy be directly advertised to the public when qualified in-house applicants are not known or anticipated. All vacancies are normally posted for at least five (5) workdays in a specified location for each department. The County Administrator shall have the discretion to perform internal promotions.

Section 7-2: Notification and Advertising

All vacancies for regular full-time and regular part-time employees are publicized by posting announcements or advertisements, and by other means deemed necessary to attract qualified candidates and assure compliance with the County's equal employment opportunity policy. Every reasonable effort is made to publicize vacancies so that all interested persons are informed and qualified people are attracted to compete for County employment. Publicity may include advertisements in the newspapers and trade journals, radio broadcasts, correspondence and other contacts with secondary schools and colleges, and mailings to specific outreach locations for posting.

Section 7-3: Application for Employment

All applicants for employment must complete an application form and provide the required information to the County Administrator's Office. Failure to do so shall eliminate the applicant from further consideration for the position. Such forms shall, as a minimum, contain information relative to training, experience, salary history, references, information required by law or policy, and other pertinent information.

Section 7-4: Selection

When appropriate, examinations may be used which may be written or oral or a combination thereof. Such tests must relate to the duties and responsibilities of the position for which the applicant is being considered. Performance tests may be required by the department head when appropriate. Testing may be done by the County Administrator's Office, or the department with the knowledge and concurrence of the County Administrator.

Only applicants meeting the testing criteria will be referred to the department for further consideration. The department head determines those applicants to be interviewed, conducts or causes the interviews to be conducted, and makes a selection from among the applicants referred and notifies the County Administrator of the recommendation for selection. Extraordinary recruitment or interviewing efforts such as travel, overnight visits and accommodations, require the approval of the County Administrator. The County Administrator's Office or the Department Head issues a letter of offer to the selected individual to report on a date mutually agreed to by all parties.

Section 7-5: Orientation for New Employees

All newly hired employees shall report to the Human Resources Coordinator as soon as possible after commencing employment to process payroll paperwork. Department Heads are responsible for insuring that their employees are properly oriented as to their position and other County functions.

Section 7-6: Probationary Periods - New Hire

New employees serve a probationary period of six (6) months. The probationary period is regarded as an integral part of the evaluation process and is used to observe closely the employee's work, for securing the most effective adjustment of a new employee to the assigned position, and for rejecting any employee whose performance is unsatisfactory. Employees are released from probationary status upon receiving a formal evaluation and recommendation from the department head, and are then considered to be regular (non-probationary) employees of the County. The probationary period is not extended except on those occasions when a period of approved absence exceeds 30 calendar days, such as may occur when a member is called to military duty. In such cases, the probationary period is extended one day

for each day of authorized absence. On the recommendation of the Department Head, the probationary period may be extended for an additional period not exceeding ninety (90) days.

Before the end of the probationary period, department heads shall indicate to the County Administrator's Office:

- a.) that they have discussed the employee's accomplishments, strengths, and weaknesses with the employee;
- b.) whether the employee is performing satisfactory work;
- c.) whether the employee should be retained in County service;
- d.) whether the employee should be dismissed;
- e.) whether any additional probationary period is authorized.

Probationary employees may be terminated from employment at any time during the probationary period at the discretion of the department head. The provisions of the County's grievance procedure are not available to probationary employees (See Chapter 13). Likewise if an employee is dissatisfied with the assigned position, the employee may resign from County service without prejudice.

The successful completion of the probationary period should not be construed as creating a contract or as guaranteeing employment for any specific duration. (See Chapter 1 and General Policy Statement in front of Chapter 1 in this manual.)

The County Administrator retains the authority to waive the six-month probationary period as he deems necessary.

Section 7-7: Physical Requirements

Applicants for employment, except seasonal or temporary employees, are given a physical examination only when the job specifications contain such a requirement. A physical examination may be requested only after a verbal offer of employment is made to the applicant. The medical report must be completed by a licensed physician and be received and reviewed in conjunction with the essential requirements of work as described in the position description prior to the issuance of a written letter of offer.

Employees must continue to meet, as a condition of employment, the physical standards established in the job specifications for the assigned position and may be given a physical examination at any time after employment when recommended by the department head.

All examinations for current employees are to be performed by a physician acceptable to the County or a licensed physician. All required examinations will be paid for by the County. Medical information shall be kept in a separate and confidential medical file.

Section 7-8: Equal Employment Opportunity

The County of Northampton's policy is to ensure equal employment opportunity to employees and applicants for employment, without regard to race, color, sex, religion, national origin, age or disability.

The goals of this policy are to:

- a.) ensure equal opportunity in all personnel policies and procedures through identification and elimination of policy and procedural areas that unlawfully discriminate on the basis of race, color, sex, religion, national origin, age or disability.
- b.) employ a workforce representative of the County's population.
- c.) identify areas of needed concentration and work toward appropriate utilization.
- d.) encourage promotion of qualified individuals.
- e.) ensure compliance throughout the organization.

The following actions will be taken, in addition to others, as may be appropriate:

- 1.) In recruiting and hiring applicants for employment, advertising shall be conducted in a nondiscriminatory manner using traditional and non-traditional methods.
- 2.) A periodic internal assessment process will be implemented to monitor and report hiring and promotional practices.
- 3.) Dissemination, both internally and externally, of the County's policy regarding equal employment opportunity will be a continuing process.
- 4.) Training designed to assist employees and supervisors in complying with this policy may be provided.

All personnel actions, including but not limited to administration of compensation, benefits, training, tuition assistance, discipline, termination, layoff, and return from layoff, shall be administered to further this policy. Personnel actions are subject to bona fide job qualifications.

Section 7-9: Employment Eligibility Verification

Pursuant to the Immigration Reform and Control Act of 1986, the County will hire only United States citizens and aliens lawfully authorized to work in the United States. The Act requires all new employees to complete prescribed forms and present documents that verify eligibility to work. Without such documentation, the applicant cannot be offered employment with the County.

Section 7-10: Driver and Criminal Record Checks

Certain jobs in the County require Department of Motor Vehicle (DMV) and/or criminal record checks. These record checks protect citizens that use County services and manage the County's risk of loss. Before entering service, certain employees and volunteers must have record checks as indicated below. Failure on the part of the applicant, employee, or volunteer to provide or authorize these checks, as appropriate, will result in the withdrawal of the letter of offer, termination, or denial of participation in the volunteer program.

- A. **Driver Record Checks:** All employees and volunteers who will or may drive County road vehicles will be subject to periodic DMV records checks in accordance with County policy.

- B. **Criminal Records Checks:** Employees who have direct contact with youth may be subject to a criminal records check, subject to probable cause. Those dealing principally with children may be required to submit a sworn disclosure statement relevant to their past employment or criminal history. In addition, the County Administrator has designated certain other positions as requiring criminal records checks and may continue to do so. A sex-offender records check may also be required.

Chapter 8: Training and Development

Section 8-1: Employee Training and Education Program

A. Policy.

The County encourages the development and utilization of training and education programs for persons in County service that enhance the employee's ability to perform their work more effectively and/or to qualify for promotion within the employees' career field. Such programs shall be planned, coordinated, and conducted so as to maximize the effectiveness of training and education funds available within departments. Where subject matter and available resources do not permit the use of in-service training, specialized training or education courses by outside resources may be approved.

All training and education courses must be for the purpose of meeting County needs for scientific, technical, professional, and management skills that shall:

- 1.) Be of necessary and direct value to the County and relevant to the employee's general field of work (career field).
- 2.) Be limited to knowledge and skills that cannot be acquired by on-the-job or other provided in-service training.
- 3.) Cover subject matter not sufficiently or recently encompassed in the employee's previous education and experience, or which the employee normally would not be expected to know prior to appointment.

B. Rules for Approval for County Sponsorship.

The following rules determine when requests for attending training or education courses are approved for County sponsorship:

- 1.) **Reimbursement Requirements.** The County will reimburse full-time and part-time employees for training or education expenses when the subject matter is job related and/or is required by the employee's assigned position and the employee was not expected to have completed the training or education prior to appointment. Attendance may be authorized during working hours. Undergraduate or graduate education courses which fall into this category shall be approved for tuition reimbursement when employees agree to the grade requirements for reimbursement contained in this Chapter. The fact that such courses are part of a degree program shall not disqualify them from

reimbursement; however, the County will not pay for courses within the degree program which are not job required.

- 2.) **Other.** Reimbursement for any training or education program that does not meet the conditions set forth in the preceding two subparagraphs is not authorized.

C. Training Payments.

All training payments are contingent upon presentation of satisfactory evidence of successful completion of the enrolled program. Training payments made by the County in advance, are subject to repayment by the employee if 1) conditions for completion are not met, or 2) the employee voluntarily separates from County employment prior to the completion of the training. If an employee voluntarily separates from County employment within one year following the completion of training, training payments and associated costs, whether or not made in advance, may be subject to repayment by the employee. The County reserves the right to require, as a condition of approval for any training that the employee signs a Training Payment Reimbursement Agreement. Such agreements will normally be used when the training payments and associated costs are expected to exceed \$1,000 or, in the opinion of the County, the training will improve the employee's marketability. These situations will be handled on a case by case basis and must be approved by the Department Head to ensure County-wide consistency. Undergraduate college courses generally require a grade of "C" as evidence of successful completion; graduate level courses require a "B". When authorized, reimbursement is requested on a Request for Payment form (available in all County departments). The Request for Payment form is submitted to the County Administrator for validation, recordation, and forwarding to Accounts Payable for issuance of payment.

D. Designated Authority.

The County Administrator approves training or education programs for department heads. Department heads may approve training in accordance with this Chapter for assigned employees within the limits of approved employee development funds in the departmental budget. After being approved by the Department Head, the County Administrator will review all applications for compliance with this Section.

E. In-Service Training.

Whenever possible in-service training shall be provided when the same or similar training is required of groups of employees. Central training funds when authorized by the County Administrator may be approved when

appropriate for general employee, supervisory, or management training. When possible, department heads are encouraged to pool their training resources to facilitate lower cost training in special areas of interest.

Chapter 9: Performance Management System

Section 9-1: Policy

The purpose of this policy is to help all employees reach their full potential, both as individuals and as assets to Northampton County. Providing maximum involvement of employees in setting work goals and reviewing achievement will lead to increased commitment and job satisfaction at all levels of County employment.

To further this purpose, this policy is designed to establish and improve supervisor/employee communication. Communication is an essential part of the supervisor/employee relationship. The job to be done, the measures of success to be used, the tools and support needed, and how the employee is doing all need to be stated clearly and understood by both parties.

This policy is also designed to encourage every employee to review assigned job duties and work performance on a regular basis. These can then be discussed with the supervisor, and together any problems can be addressed. Regular self-assessment generates new insights into, and ideas about, one's job. It also requires the employee to compare personal goals with the stated goals of the County and the supervisor. This will improve the coordination of the activities of the work force.

Section 9-2: Applicability

This policy applies to all classified employees, but is not intended to confer any additional rights upon employees who have not completed their probationary period.

Section 9-3: Definitions

- a. **Appraisal Criteria.** Appraisal criteria are the standards by which performance is judged in such areas as technical ability (job know-how), communications skills, problem-solving capability, productivity, teamwork, and managerial efficiency as may be applicable to the employee's job.
- b. **Goals and Objectives.** Goals are the expression of where the supervisor and the employee expect the employee to be at some specific date in the future in

terms of job accomplishment or level of performance. Goals should be reachable and should be defined in measurable terms so that employees can see where they are headed and how far they have progressed. Objectives are the milestones that mark progress toward reaching established goals. Goals and objectives may vary widely from one type of job to another. For example, a goal may simply be to meet the performance standards for a particular job in terms of production, dependability, and personal satisfaction. Such a goal might carry objectives such as following directions, being on time, and taking pride in the work accomplished. Another goal might be to become licensed or certified in a trade or profession by some date in the future. The associated objectives might include the successful completion of specific training/education programs on an established timetable.

Section 9-4: The Process

- a.) **Regular Reviews.** The purpose of regular reviews is to provide employees with regular and meaningful "feedback" from their supervisor. Employees should be aware of how well they are doing their job in the eyes of their supervisor and what, if anything, they need to do to improve their performance. The regular and careful review of goals, objectives, and appraisal criteria by the supervisor is necessary. Only "yard sticks" that are current and realistic will inform employees about the quality of their performance.

- b.) **Roles of the Supervisor and the Employee.** The supervisor must carefully develop the appraisal criteria, establish an atmosphere for a productive discussion, and conduct the review in such a way as to be effective in motivating quality performance. The employee also plays an active role in the process. Employees must develop a clear understanding of the job and its requirements, honestly examine their performance and the performance of the supervisor, and discuss their perspective with the supervisor.

- c.) **The Review Cycle.** The review cycle has three major components:
 - (1) The initial conference takes place within 60 days of employment with the County.
 - (2) Interim reviews that are to occur at reasonable intervals between annual performance reviews. The number of interim reviews is up to each supervisor, department Head but at least one is required between annual reviews.
 - (3) Annual performance reviews that are to be conducted for all

employees according to the schedule set by each supervisor or department.

d.) **Documentation.** Each interview and appraisal session should be properly documented by the supervisor. The forms associated with this policy (available in the County Administrator's Office) may be used if desired. These forms may help the supervisor conduct the review. Whatever form is used, documentation sufficient to indicate compliance with this policy must be done. Documentation does four things:

- (1) Structures the session in a uniform way to promote fairness and provide some general standards for conduct of the session.
- (2) Ensures that the supervisor develops a discussion outline and then covers all topics in the outline.
- (3) Makes the session more meaningful by making the employee aware that the discussion is a documented one and not merely an informal chat.
- (4) Provides support for the supervisors' own interview sessions with their supervisors where the proper conduct of employee reviews will be a key measure.

The retention of this documentation in any employee's central personnel file would not accomplish any of the above. Therefore, there is no requirement to send these documents to any central place. Supervisors should include notes in their personal files for future reference. This policy does not establish an "official" personnel file, and the personal nature of the reference file of interview/appraisal notes is in keeping with this. Each supervisor must provide to the employee the goals, objectives, and appraisal criteria developed during sessions, which will serve as the basis for future reviews of performance.

Section 9-5: The Initial Conference

a.) **Content.** During the initial conference, the following should be developed, reviewed, and discussed with the employee:

- 1.) Specific goals and objectives for the job so that there is a mutual understanding of the results or performance that are expected during the next cycle period.
- 2.) Specific ways of measuring performance (appraisal criteria) so that there is an understanding of how it will be determined that the employee is performing well or not.

- 3.) The training required to do the job and the source(s) from, and on what timetable, that training should be obtained.
 - 4.) The dates of interim reviews so that the employee understands when these "checkpoints" will occur.
- b.) **Documentation.** The initial conference should be documented by the supervisor as described in Section 9-4(d).

Section 9-6: The Interim Review

- a.) **Content.** Interim reviews are mutual discussions led by the supervisor that relate the employee's performance to the goals, objectives, and appraisal criteria established at the initial conference or at the last annual review. Those areas in which the employee excelled should be reviewed as well as any shortcomings. Also included is a self-assessment by the employee with feedback from the supervisor. The employee should provide comments on the performance of the supervisor. In addition, the supervisor and the employee should review the existing training plan, assess the value of training obtained since the last review, and adjust the program for the future as needed. Finally, the interview should be concluded with a discussion of those actions, if any, that the employee should take to improve performance and a discussion of any changes to the previously established goals, objectives, and appraisal criteria.
- b.) **Documentation.** The interim review should be documented by the supervisor as described in Section 9-4(d).

Section 9-7: The Annual Review

- a.) **Content.** Using the most recently developed appraisal criteria the supervisor will review the employee's performance and ensure that there is a clear understanding by the employee of how the employee's performance measures up. Also included is a self-assessment by the employee with feedback from the supervisor. The employee should also provide comments on the performance of the supervisor. Appraisal criteria should be fully discussed and any necessary corrective action in the employee's performance earmarked for specific progress review during the upcoming cycle. Those criteria to be used during the next cycle should be established and explained. Next a review of the employee's progress toward the attainment of established goals and objectives is a

key part of the annual review. In those cases where progress has not met expectations, changes in method, direction, or both should be defined and agreed upon. This review may suggest changes in the goals and objectives, rather than changes in employee performance. The supervisor should be alert to this possibility. When appropriate, additions, deletions, or revisions to the goals and objectives should be carefully worked out with the employee and documented for subsequent follow-up. If necessary, the most recent training and education program being undertaken by the employee should be adjusted to more closely meet the needs and abilities of the employee. Revisions to the employee training program should be tailored to changes in the employee's goals and objectives. The new or revised goals, objectives, and training program will become the basis for monitoring during the upcoming cycle.

- b.) **Documentation.** The annual review should be documented by the supervisor as described in Section 9-4(d). To ensure compliance with this policy, the Department Head should periodically review any documentation generated as part of a management system.

Section 9-8: Unsatisfactory Performance

If an employee is found at any time to be performing in an unsatisfactory manner, or is failing to meet established goals and objectives in a timely manner, the supervisor is expected to make appropriate use of disciplinary action.

Section 9-9: Summary

This system is designed to involve both the employee and the supervisor in an ongoing process to improve performance and employee development. The nature of the process requires that this policy be general in nature and be flexible enough to be adapted to widely varying situations. This policy is the blueprint. The common sense of front line supervisors will be the foundation upon which a sound performance management system will be built.

Chapter 10: Promotion, Demotion, Reclassification, and Transfer

Section 10-1: Promotion

A promotion is defined as the graduation to a job with a substantial increase in duties and responsibilities, which is a logical step upward in the same career field. Promotions shall be accompanied by an increase in compensation. Movement to a new position which is four or more grades above the previous position is considered to be a new hire, rather than a promotion (even if within a career field). See Section 3-4 for new hire procedures.

Section 10-2: Reclassification

Reclassification is not considered a promotion or demotion. When an employee's position is reclassified the duties have not changed substantially. A reclassification is defined as a change to the class, title or the grade assigned to a particular class title.

Section 10-3: Temporary Assignments

Individuals may receive temporary assignments in areas other than required by their current classification when it is directed by the County Administrator or department head. Those employees who are assigned to temporary positions of a grade higher than that, in which the individual is currently classified, receive additional compensation as provided for in the Compensation Plan.

Section 10-4: Transfers

A transfer to a position in a new career path or in the same salary grade does not result in a promotion.

Section 10-5: Probationary Periods

A probationary period is not used in connection with a transfer or promotional appointment in the same manner as for new employees. If an employee is found to be performing in an unsatisfactory manner in the new position the employee is

counseled by the supervisor, provided reasonable goals and objectives to meet, and a reasonable period of time to meet the standards expected of the position. If the employee's performance remains unsatisfactory the employee shall be given a written warning that failure to meet the established standards will result in a recommendation for termination. Access to the Grievance Procedure is afforded to such employees because they are not new hires to the County.

Section 10-6: Demotion

A voluntary or involuntary demotion is defined as the assignment to a position with a decrease in duties and responsibilities and is distinguished from a downward reclassification because of a formal review of duties and responsibilities resulting in a recommendation that the position be classified at a lower pay grade.

Section 10-7: Reinstatement

An employee who has been separated because of a reduction in force or who has resigned in good standing is eligible for reinstatement. Approval of requests for reinstatement is reserved to the County Administrator upon receiving a recommendation from a department head.

The salary for employees reinstated is determined by the County Administrator in accordance with the provisions set forth in Chapter 3.

Employees who are reinstated to County employment shall begin earning annual leave at the lowest end of the leave tier given their total number of years' service. For example, an employee who leaves County employment with seventeen years' of service would return as an employee with 11 years of service – i.e., earning two days per month. An employee who leaves County employment with three years' service would return as a new employee, with 0 years of service – i.e., earning one day per month.

Chapter 11: Disciplinary Policy

Section 11-1: Policy

It is the policy of the County of Northampton to discourage behavior that violates rules, policy, procedures, acceptable standards of ethical conduct, regulations, and laws, or that results in unacceptable performance. Disciplinary action is designed to be in proportion to the seriousness of the violation. Supervisors are primarily responsible for beginning the disciplinary process as situations that warrant discipline occur. Only regular full-time, and regular part-time employees as defined in Section 2-1, who have completed the probationary period, may grieve disciplinary actions in accordance with the County's Grievance Procedure; probationary employees are not eligible to grieve such actions.

Section 11-2: Purpose

The primary purpose of discipline is to supplement and strengthen self-discipline within each individual and within each work group. It is the County's intention to foster, an employment relationship with high morale that promotes self-discipline in every employee and group discipline within every work team.

Section 11-3: Reasons for Disciplinary Measures

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

- Lying, cheating, and stealing in any of the forms these might take.
- Violation of Section 14-9: Harassment.
- Disregard for work or safety rules.
- Failure to meet job standards.
- Misuse of position with the County.
- Willful or negligent damage to County property.
- Placing property or persons at risk of injury.
- Weapons possession and/or physical violence.
- Refusal to comply with reasonable instructions from an authorized supervisor.
- Failure to follow County or Department procedures whether the same are established in writing or by standard practice.
- The possession, use, distribution or sale, and/or reporting to work under the influence of alcohol or controlled substances.

- Gambling on County time or property.
- Falsification or improper use of County records.
- Commission of any act constituting a crime under Federal or State law or County ordinance: While on County time or property; or of such a nature as to indicate unfitness or unsuitability for continued employment in the particular position.

The preceding is intended only as a guide and disciplinary action is not limited to these offenses. The severity of the discipline will depend on the facts and circumstances of each particular instance.

Section 11-4: Use of Disciplinary Measures

Graduated forms of discipline will frequently be used in addressing disciplinary matters, and, an employee should be informed and reminded about accepted standards and rules of conduct before more severe disciplinary action is taken. However, even in the absence of prior disciplinary measures, serious offenses will incur more severe disciplinary action, up to and including termination.

Section 11-5: Available Disciplinary Measures

The following measures for discipline are established and, when appropriate, are documented on prescribed forms available in the County Administrator's Office. Department Heads must approve any disciplinary measure beyond a verbal warning, including dismissals.

- a.) Verbal warnings or reprimands may be imposed by the immediate supervisor and are used in situations where the violation is considered to be minor and the warning or reprimand can be expected to resolve the problem or alert the employee of expected future conduct and the consequences of the recurrence of such behavior. Verbal warnings are not documented for any official file but shall be noted in writing for future use by the supervisor in the event that further discipline is needed.
- b.) Written warnings or reprimands are used for more significant first violations or repeated minor infractions. Employees are advised that behavior must improve or further specified action will be taken, up to and including termination.
- c.) Suspension for up to 10 days without pay may be used when a more

serious violation occurs or previous warnings have not succeeded in bringing about the desired change in the employee's behavior. For suspensions without pay of five (5) days or longer, the employee shall be notified in writing of the reasons for the proposed suspension and shall be afforded an opportunity to schedule an administrative hearing with the department head prior to the proposed effective date. In order to comply with the Fair Labor Standards Act (FLSA), in situations other than safety rule violations of major significance, Exempt employees must be suspended in increments of days that represent a full workweek.

- d.) Demotion or salary reduction may be used as alternatives to suspension or dismissal.
- e.) Dismissal is used for the most serious violations or when other measures have failed. The department head, prior to dismissing an employee shall compile the complete disciplinary record and forward it to the County Administrator. Prior to any final decision concerning the dismissal of a non-probationary employee, the department head shall conduct an administrative termination hearing, if requested by the affected employee, to determine whether the charges leading to the recommendation for dismissal are founded. (See chapter 12 on Separation and Termination.)

In each instance of disciplinary action beyond a verbal warning or reprimand, a copy of the prescribed form must be sent to the County Administrator for inclusion in the employee's personnel record. To ensure consistency throughout the County, disciplinary actions must be reviewed by the County Administrator prior to approval by the Department Head.

Chapter 12: Separation and Termination

Section 12-1: Resignation

To resign in good standing most employees must give notice in writing to the department head at least fourteen (14) days prior to the effective date of the resignation. Failure to provide the required notice renders the employee ineligible for any final pays not required by law.

A resignation shall be effective when tendered. No written acceptance of a resignation shall be required as a condition precedent to its effectiveness. The notice period is for the benefit of the employer and should the Department Head decide that an effective separation, sooner than that proposed by the employee, is in the County's best interest, an earlier date may be established after consultation with the County Administrator. No compensation is due beyond the actual date set.

Department heads shall transmit all resignations to the County Administrator within 24 hours of receipt.

An employee not in an approved leave status who fails to report to work for two (2) consecutive workdays shall be separated from employment.

Section 12-2: Retirement

The County is a member of the Virginia Retirement System (VRS) and employees are entitled to retire pursuant to the rules established by VRS.

Section 12-3: Death

When an employee dies while in the service of the County, all compensation due is paid to the legal representative of the employee's estate or any other properly designated individual. Assistance and benefit counseling is provided to survivors of the employee by the County Administrator's Office.

Pay and benefits accrue to the last day of actual service provided to the County.

Section 12-4: Termination

An employee may be terminated as set forth elsewhere in this policy.

- a) If termination of a non-probationary employee appears to be warranted, the department head shall provide the employee with (i) a written notice of proposed termination, or (ii) in situations when it is not possible to personally deliver a written notice to an employee, the notice may be given orally with the written notice sent to the employee's last known address, setting forth the following:
 - (1) A statement of the reasons for which the dismissal of the employee is being considered, in sufficient detail to enable the employee to understand fully the violation, infraction, conduct or offense for which dismissal is being considered.
 - (2) That the employee's past performance, including any prior disciplinary records has been considered;
 - (3) The effective date of the proposed dismissal, which should be no sooner than seventy-two (72) hours from the employee's receipt of the notice;
 - (4) That the employee is suspended, generally with pay, but for no longer than five (5) work days from the date of the Notice of Proposed Dismissal or until a final decision is made, whichever occurs sooner.
 - (5) That the employee has the right to respond either in writing or in person, at the option of the employee, within two (2) working days of receipt of the notice;
 - (6) That the employee has the right to file a grievance pursuant to the County's grievance policy, if termination is imposed;
- b) If the employee requests the right to respond in person, the department head should immediately schedule an informal hearing.
 - (1) The employee should be afforded an opportunity to explain his or her side of the story, to present any documentary evidence on his or her behalf, and to argue his or her side of the case.
 - (2) Such hearings are intended to be informal, and legal representatives

are not permitted.

- c) If, after the hearing or consideration of the employee's written response, the department head finds that the charge or charges against the employee are true and support the dismissal, a written notice of such dismissal shall be given to the employee.
- d) After reasonable attempts have been made to deliver a written notice of proposed termination or notice of termination to an employee, delivery may be made by sending notice by certified mail to the last known address of the employee. For purposes of this section, such notice shall be deemed to have been received either on the actual day it was received, or, five (5) days after it was mailed, whichever date is earlier.

Section 12-5: Employee Separation Procedures

All pay and benefits accrue to the last day of actual service provided to the County and employees can not expect to receive any compensation or benefit for periods of time beyond the last day physically worked, including pay for holidays, sick or vacation days, etc., that occur after the last day worked. Since benefit accruals occur on the 16th day of the month, the employee must be employed through the 16th in order to accrue leave benefits for that month.

Section 12-6: Layoffs

Any involuntary separation other than for disciplinary reasons is considered a layoff.

Layoffs occur when in the opinion of the County Administrator proper management requires a reduction or change in the work force or the elimination of certain positions or programs.

Regular full-time and regular part-time employees to be laid off are notified in writing by the County Administrator and at a minimum are given the same notice as required when an employee resigns (see Section 12-1 regarding resignations).

Section 12-7: Clearing Debt and Equipment Accounts

Employees who separate from County service must clear all debts to the County and account for and turn in all County equipment in their possession or for which they

are responsible, including keys, uniforms, tools, equipment, credit cards, identification cards, books, manuscripts, papers, etc. to the department head.

Failure to clear all debts and turn in County equipment will result in the initiation of collection procedures to recover these losses.

Section 12-8: Separation Pay

Generally, all compensation due and any settlement for accrued leave is included in the paycheck due on the next regularly scheduled payday.

Section 12-9: Post-Separation Benefits

The County offers employees and their families, in accordance with federal law, the opportunity for a temporary extension of health coverage (called "continuation coverage") at group rates in certain instances when employment is terminated (for reasons other than gross misconduct) and coverage under the plan would otherwise end.

In addition, employees are notified of their right to proceeds on deposit in their Virginia Retirement System (VRS) account, any options available to them to dispose of funds accumulated in a deferred compensation account, options to convert VRS life insurance, and other information concerning benefit programs in which the employee has participated.

Section 12-10: Severance Pay

Severance pay may be approved by the County Administrator for probationary or non-probationary separations that do not involve misconduct. When approved, the amount of severance pay shall not be less than 1/26th or more than 1/12th of the terminating employee's annual salary rate.

Chapter 13: Grievance Policy and Procedures

Section 13-1: Purpose

To establish an effective process for the fair, expeditious, and orderly adjustment of grievances before they become major issues of discontent and disputes.

Section 13-2: Policy

Northampton County government seeks to employ and retain the most qualified persons available for positions with the County and is justly proud of the accomplishments of its staff in serving the public. When an employee of the County believes that any condition affecting him or her is unjust, inequitable, arbitrarily applied or a hindrance to work performance, the employee should use the following procedure for solution of the problem without fear of reprisal. The same procedure may be followed by a group of employees. Because justice delayed is justice denied, grievances must be resolved with dispatch.

Responsible action under the grievance procedure is a right of employment. Each step of the procedure should be conducted with the open, thoughtful communication and mutual respect that are characteristic of successful day-to-day contact between employees and their supervisors. Responsibility for finding satisfactory solutions to employment-related problems is shared by all participants at each stage of the grievance procedure.

Section 13-3: Objective of Procedure

The grievance procedure is intended to provide an immediate and fair method for resolving problems that may arise during the course of an employee's service with the County. The grievance procedure is designed to assure the employee of the fairness of the process by providing for a right of appeal in the event that an employee believes that fair treatment has been denied. When a supervisor makes a decision that the employee thinks is wrong and the employee declines to accept the decision, this procedure gives the employee the right to have the complaint reviewed by higher authority.

Through the good faith observance of this procedure the County hopes to prevent

conditions which may give cause for grievance. This can be achieved in many ways, among which are:

- a. elimination of sore spots caused by supervisory decisions;
- b. a more uniform application and interpretation of policies and conditions which govern employment;
- c. avoidance of prejudice;
- d. alerting management to supervisory problems.

Section 13-4: Coverage

The grievance procedure is available to all regular permanent full-time and part-time County employees, except probationary employees, constitutional officers, the County Administrator, the County Attorney, and employees otherwise covered by applicable grievance procedures of State or local agencies. The procedure is not available to temporary, limited term and seasonal employees. The procedure is available to regular permanent employees of constitutional offices of the County or the Department of Social Services when the constitutional officer or Head of Social Services has requested that their employees be covered and the Board of Supervisors has approved such request, subject to the provisions of Sections 15.2 - 1507 (A)(4) and 2.1 - 116.012 of the Code of Virginia. Law enforcement officers as defined in Section 2.1 - 116.1 of the Code of Virginia have the option of using this procedure or the law enforcement officer's procedure set out in Chapter 10.1 of Title 2.1 of the Code of Virginia.

Section 13-5: Definition of Grievance

- A. A grievance is a complaint or dispute relating to the employment of the employee or employees making the complaint. A grievance involves, but is not necessarily limited to, one or more of the following:
- (1) disciplinary actions, including those that involve dismissal, demotion or suspension, provided that dismissals shall be grievable whenever resulting from formal discipline or unsatisfactory job performance;
 - (2) concerns regarding the meaning, interpretation or application of personnel policies, procedures, rules and regulations;
 - (3) acts of retaliation for using the grievance procedure or for participation in the grievance of another County employee;

- (4) complaints of discrimination on the basis of race, color, creed, religion political affiliation, age, disability, national origin or sex;
- (5) Acts of retaliation because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, or has sought any change in law before the Congress of the United States or the General Assembly.
- (6) Acts of retaliation because an employee has reported an incident of fraud, abuse, or gross mismanagement. In accordance with the Code of Virginia, Section 15.2-1507(a)(1), an increase in the penalty that is the subject of the grievance at any level of the grievance shall give rise to a rebuttable presumption that the increase was an act of retaliation.

B. The County Administrator manages the affairs and operations of County government. Accordingly, the following complaints, among others, are non-grievable:

- (1) the contents of ordinances, resolutions, statutes, or established personnel policies, procedures, rules, and regulations;
- (2) work activity accepted by the employee as a condition of employment or work activity which may be reasonably expected to be a part of the job content;
- (3) establishment and revision of wages or salaries, position classifications or general benefits;
- (4) failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly;
- (5) the methods, means, and personnel by which such work activities are to be conducted; and
- (6) non-disciplinary discharge, demotion, or layoff because of lack of work, reduction in work force, or job abolition, except where such action affects an employee who has been reinstated within the previous six months as a result of a grievance.
- (7) the hiring, promotion, transfer, assignment and retention of employees;

- (8) the relief of employees from duties of the County in emergencies.

In any grievance brought under the exception contained in (6) above, the action shall be upheld upon a showing by the County that: (a) there was a valid reason for the action, and (b) the employee was notified of such reason in writing prior to the effective date of the action.

Section 13-6: Grievability

Decisions regarding whether or not a matter is grievable, including questions of access to the procedure, shall be made by the County Administrator at the request of the department or the grievant. The request for a determination of grievability is made by completing Grievance Form D and forwarding it within two (2) working days of receipt of the grievance to the County Administrator. The decision on grievability shall be made within ten (10) calendar days of the request. A copy of the ruling shall be sent to the grievant. Grievability shall be determined subsequent to the presentation of a written grievance but prior to the panel hearing. Decisions concerning grievability may be appealed by the grievant to the Circuit Court of Northampton County for a hearing de novo on the issue of grievability. Proceedings for review of the decision shall be instituted by filing a notice of appeal on Grievance Form D with the County Administrator within ten (10) calendar days from the date of the grievant's receipt of the decision, and giving a copy thereof to all other parties. Within ten (10) calendar days thereafter, the County Administrator or his designee shall transmit to the Clerk of the Circuit Court a copy of the decision, a copy of the notice of appeal, and the exhibits. A list of the evidence furnished to the court shall also be furnished to the grievant. The failure of the County Administrator to transmit the record within the time allowed shall not prejudice the rights of the grievant. The court, on motion of the grievant, may issue a writ of certiorari requiring the County Administrator to transmit the record on or before a certain date. The court may affirm the decision of the County Administrator or may reverse or modify the decision. The decision of the court is final and not appealable.

The issue of grievability may be raised at any step of the procedure subsequent to the submission of a written grievance and prior to the panel hearing, but once raised the issue shall be resolved before further processing of the grievance. The issue of grievability must be resolved prior to the panel hearing or it shall be deemed to have been waived.

Section 13-7: Procedural Steps

Step I: Department Head Level. The employee may file a written grievance identifying the nature of the complaint and the expected remedy, on Grievance Form A. The written grievance is presented to the department head and a copy is

given to the immediate supervisor within five (5) workdays. A meeting to review the grievance shall be held among the grievant, the immediate supervisor and the department head within five (5) workdays of receipt of the grievance, unless this time limit is extended by mutual agreement for a period not to exceed two (2) workdays. The department head shall provide a written reply to the grievant within five (5) workdays after the meeting. Concurrently, a copy of the grievance and reply, together with a copy of all related materials, shall be forwarded by the department head to the County Administrator. For purposes of this policy, "department head" shall mean the head of the employee's department; in the case of employees of constitutional offices, it shall mean the constitutional officer; in the case of employees of the Department of Social Services, it shall mean the head of that department.

Step II: County Administrator Level. If a satisfactory resolution of the problem is not reached at the foregoing step, the employee may submit the written grievance on Grievance Form B to the County Administrator; provided, however, that an employee of a constitutional office covered by this procedure may, in the employee's discretion, proceed immediately to Step III. Submission of the written grievance to the second step shall occur within five (5) workdays of the first step reply. The County Administrator and the immediate supervisor shall meet with the employee within five (5) workdays or indicate that an extension is necessary. Such extension shall not exceed three (3) additional workdays except by mutual agreement of the County Administrator and the grievant. The department head may attend this meeting if requested by the grievant, or the County Administrator. A written reply by the County Administrator shall be provided to the grievant within five (5) workdays of this meeting.

Step III: Panel Level. If the response of the County Administrator does not resolve the grievance, the employee may proceed with the grievance by requesting a panel hearing. This request shall be made in writing to the County Administrator on Grievance Form C within five (5) workdays of the grievant's receipt of a response from Step II, or Step I if applicable. The County Administrator shall provide the panel with copies of the grievance record prior to the hearing. The County Administrator shall provide the grievant with a list of the documents furnished to the panel. The grievant and/or the grievant's attorney, at least ten (10) days prior to the scheduled panel hearing, shall be allowed access to and copies of all relevant files intended to be used in the grievance proceeding. (See General Provisions of this Chapter for the grievant's right to be represented by legal counsel.) Documents, exhibits, and lists of witnesses shall be exchanged between the parties in advance of any panel hearing.

Section 13-8: Panel Procedures

The panel is charged with the responsibility of interpreting the application of appropriate government policies and procedures in the case. It does not have the prerogative to formulate or to alter existing policies or procedures.

The panel selects its chair and it sets the time for the hearing which shall be held within ten (10) workdays or as soon as practicable following receipt of Grievance Form C requesting a panel hearing.

The conduct of the panel hearing is as follows:

- a. The panel determines the propriety of attendance at the hearing of persons not having a direct interest in the hearing, and, at the request of either party, the hearing shall be private.
- b. The panel may at the beginning of the hearing ask for statements clarifying the issues involved.
- c. Exhibits, when offered, may be received in evidence by the panel, and when so received, are marked and made part of the record.
- d. The grievant and supervisor, or their representative, then presents their claim and proofs and witnesses who submit to questions or other examination. The panel may, at its discretion, vary this procedure but must afford full and equal opportunity to all parties and witnesses for presentation of any material or relevant proofs.
- e. The parties may offer evidence and shall produce such additional evidence as the panel may deem necessary to an understanding and determination of the dispute. The panel is the judge of relevancy and materiality of the evidence offered. The panel has the authority to determine the admissibility of evidence, without regard to the burden of proof. All evidence shall be presented in the presence of the panel and the parties, except by mutual consent of the parties.
- f. The panel chair shall specifically inquire of all parties whether they have any further proofs to offer or witnesses to be heard. Upon receiving negative replies, the chairman shall declare the hearing closed.
- g. The hearings may be reopened by the panel on its own motion or upon application of a party for good cause shown at any time before a decision is made.
- h. The majority decision of the panel is final and binding in all its determinations, and shall be consistent with existing policies,

procedures, and law. No panel member shall be allowed to abstain from voting.

- i. Any relief granted by the panel shall not be final if the County Administrator, or his designee, determines that the relief granted is not consistent with a written policy of the County. In the event that the County Administrator has had a direct personal involvement with the event or events giving rise to the grievance, the question of consistency of the relief granted by the panel with a written policy of the County shall be made by the Commonwealth's Attorney.
- j. Either party may petition the circuit court for an order requiring the implementation of the decision of the panel.

The decision shall be filed in writing by the panel chairman with the County Administrator not later than fifteen (15) working days after completion of the hearing. The decision shall be prepared in the format shown on Grievance Form C. Copies of the decision shall be transmitted to the employee and to the employee's supervisor by the County Administrator within five (5) days after the County Administrator receives it.

Section 13-9: General Provisions

- a. An aggrieved office or department head proceeds to Step II.
- b. A grievance shared by a group of employees begins at Step II, using Step I time limits.
- c. References to "workdays" are to the days during which the administrative offices of the County are customarily open, from Monday through and including Fridays, not including holidays observed by the County. All time periods listed in this procedure may be extended by mutual agreement of the grievant and the County Administrator, or by others as specifically provided elsewhere in this procedure. The County Administrator may require a clear written explanation of the basis for just cause extensions or exceptions. The County Administrator, shall determine compliance issues. Compliance determinations made by the County Administrator shall be subject to judicial review upon the filing of a petition with the circuit court seeking such review within thirty (30) days of the compliance determination.
- d. After the initial filing of a written grievance, failure of either party to comply with all substantial procedural requirements of the grievance

procedure, including the panel hearing, without just cause shall result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the noncompliance within five (5) workdays of receipt of written notification by the other party of the compliance violation. Such written notification by the grievant shall be made to the County Administrator.

- e. All stages of the grievance beyond the first step shall be prepared in writing on forms supplied by the County Administrator's Office.
- f. With the exception of Step II, the only persons who may normally be present at Step I or II meetings are the grievant, the supervisor hearing the matter, and appropriate witnesses for each side. The grievant shall bear the cost, if any, of calling the grievant's witnesses. Witnesses shall be present only while actually providing testimony. At Step II, the grievant, at his option, may have present a representative of choice. If the grievant is represented by legal counsel, the County Administrator may also be represented by counsel.
- g. Once an employee reduces the grievance to writing, the specific relief expected to be obtained through use of this procedure must be stated on the appropriate form.
- h. The determination that an employee is not covered by this grievance procedure or that a complaint is not grievable shall not be construed to restrict any employee's right to seek or management's right to provide customary administrative review of complaints outside the scope or coverage of the grievance procedure. The provisions of this procedure through Step II should be used, whenever possible, as a guide for resolving such problems.

Section 13-10: Panel; Members; Term; Compensation

The panel shall be comprised of County employees selected by drawing their names from the list of regular full-time County employees. The panel shall consist of three members, one member appointed by the grievant, one member appointed by the County Administrator and the third member selected by the other two panel members. The third person shall be the chairperson of the panel.

Such panel shall not be composed of any person having direct involvement with the grievance being heard by the panel, or with the complaint or dispute giving rise to the grievance. Managers who are in a direct line of supervision of a grievant and the

following relatives of a participant in the grievance process or a participant's spouse are prohibited from serving as panel members: spouse, parent, child, descendants of a child, sibling, niece, nephew, and first cousin. No attorney having direct involvement with the subject matter of the grievance nor a partner, associate, employee or co-employee of such an attorney shall serve as a panel member.

Should a regular panel member should be disqualified because of inclusion within a restricted category as outlined above, the alternate panel member shall serve in the place of the disqualified member.

Section 13-11: Americans with Disabilities Act

Procedures for filing complaints alleging discrimination on the basis of disability in the provision of County services are as follows:

- a. The County's Director of Facility Management is hereby designated as the County's Americans with Disabilities Act Coordinator (ADA Coordinator). The office address is 16404 Courthouse Road, Eastville, Virginia 23347, and the telephone number is (757) 678-0414. The ADA Coordinator shall be responsible for coordinating the County's efforts to comply with 28 C.F.R. Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services.
- b. It is the policy of the County to comply fully with the requirements of the ADA applicable to local governments and that no qualified individual with a disability as defined in the ADA shall, on the basis of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of the County, or be subjected to discrimination by the County.
- c. This procedure is adopted pursuant to the requirements of 28 C.F.R. Section 35.107(b), and is intended to provide for prompt and equitable resolution of complaints alleging any action by the County that is prohibited by the ADA.
- d. Persons who wish to complain of a perceived violation of any provision of the ADA are encouraged to contact the ADA Coordinator. The ADA Coordinator shall promptly investigate the complaint, and attempt to resolve it to the satisfaction of the complainant if determined to be well founded.
- e. If the ADA Coordinator is not able to resolve a complaint to the satisfaction of the complainant, the complainant may submit to the County Administrator a signed written complaint, containing the complainant's name and address and a description of the alleged discriminatory action in sufficient detail to

describe the date and nature of the alleged violation.

- f. The County Administrator shall promptly investigate any written complaint, and, if unable to resolve the complaint to the complainant's satisfaction, shall schedule a meeting with the complainant within fifteen (15) days of receiving the complaint, at which meeting the complainant shall be accorded the opportunity to present evidence as to the nature of the complaint. A record of such meeting shall be maintained, and the County Administrator shall provide the complainant with a written response to the complaint within seven (7) days of the meeting. This response shall be final, but shall not impair the complainant's right to pursue other remedies, State or Federal.

Chapter 14: Miscellaneous

Section 14-1: Regular and Irregular Work Schedules

Regardless of the general work schedules authorized below, the core hours for administrative offices of the County to be opened for public business are 9:00 a.m. to 5:00 p.m., Mondays through Fridays, including periods of lunch.

Department heads may adjust the workday, beginning and ending times, provided that full-time employees work eight (8) hours each day and administrative offices are adequately staffed and open from 9:00 a.m. to 5:00 p.m., Monday through Friday.

Section 14-2: Time and Attendance Records

Time records shall be maintained by all County employees who fall within the following categories:

- Regular Part-Time Employees
- Temporary Full-Time Employees
- Temporary Part-Time Employees
- Employees who work overtime
- Employees who work compensatory time

Time cards must be filled out accurately. Those employees who work overtime or receive compensatory time must have their department head authorize and initial such hours on the time card attendance record before payment or credit for such hours will be honored.

Section 14-3: Emergency Closing of County Facilities

Working hours and schedules may be adjusted by the County Administrator in response to inclement weather or other emergency conditions. The policy is implemented upon direction of the County Administrator and individuals are notified through media or internal mechanisms of the change in hours or schedules.

Employees essential to operations during inclement weather or emergencies may be required to report to work as normally scheduled. Such employees are generally notified by the department head in advance of any announcement to report to work as scheduled and receive normal pay.

Section 14-4: Holidays

The County of Northampton observes the following holidays and other such holidays as may be prescribed by the Board of Supervisors:

New Year's Day	First day of January
Lee-Jackson Day	Second Friday in January
Martin Luther King Day	Third Monday in January
Washington's Birthday	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	Fourth day of July
Labor Day	First Monday in September
Veteran's Day	Eleventh day of November
Thanksgiving	Fourth Thursday in November
Day After Thanksgiving	Fourth Friday in November
Christmas Day	Twenty-fifth day of December

If a holiday falls on a Saturday, the preceding Friday is observed; if a holiday falls on Sunday, the following Monday is observed.

The Board of Supervisors may designate other days as official holidays of the County. When granted, employees receive compensation in the same manner as is the case for other holidays.

Section 14-5: Uniforms and Personal Equipment

The County provides uniforms for uniformed employees and certain field and maintenance employees. All clothing and equipment issued by the County shall be inventoried by the issuing department and remains the property of the County. Non-serviceable clothing and equipment is replaced on a one-for-one basis when the particular item is returned to the County's inventory.

Employees are expected to maintain issued uniforms and equipment and return them to the County's inventory upon separation from service. All lost or negligently damaged clothing or equipment will be replaced at the employee's expense.

At the time of separation and prior to final payment, all records, assets, and other items of County property in the employee's custody shall be transferred to the employee's department head and certification to this effect shall be signed by the employee.

Section 14-6: Bond

The County provides adequate bonding for employees when required by the assigned position or when it is in the best interest of the County to do so.

Section 14-7: Use of Alcohol and Controlled Substances

a. All Employees.

It is the policy of the County to maintain a work place that is free from the effects of drug and alcohol abuse. The County is gravely concerned when its employees violate laws, create situations that cause potential safety hazards to themselves or to their fellow employees, or are parties to an act or situation that is detrimental to the image of the County in the eyes of the public it serves. Therefore, the possession, use (unless prescribed by a physician or when specifically required within the scope of the assigned duties of emergency medical employees), reporting to work under the influence of, gift, distribution or sale of amphetamines, barbiturates, hallucinogens or any other substance defined and listed as a controlled substance in the "The Drug Control Act" (Chapter 34 of Title 54.1 of the Code of Virginia, 1950, as amended) by an employee while on County property or in the course of County employment is prohibited and is cause for dismissal. The simple possession of such substances while on County property or in the course of County employment is also prohibited and is cause for dismissal.

Additionally, being in possession of or drinking alcoholic beverages on the job, or reporting for work in an intoxicated condition or under the influence of alcohol, are causes for dismissal. For purposes of this policy, "on the job" or "work" refers to normal working hours, including lunch periods, periods between office hours and night meetings of boards and agencies attended by the employee, and in addition includes after hours activities and functions during which an employee is serving in an official capacity as a representative of the County.

The fact of intoxication or degree of influence must be a determination made by the department head involved. Any employee who is observed by a department head to exhibit overt symptoms of the use of alcohol or controlled substances shall be required to submit to testing for both alcohol and controlled substances. Co-workers who observe overt symptoms of the use of alcohol or controlled substances in a fellow worker should report same to their department head.

Employees who test positive or who refuse to submit to such testing for alcohol or controlled substances shall be subject to disciplinary action up to

and including dismissal.

b. Commercial Drivers.

In order to comply with the federal Omnibus Transportation Employees Testing Act of 1991 ("the Act") and maintain a safe workplace free from illegal drug use and the misuse of alcohol, it shall be a condition of employment for those employees of the County who are required, in connection with their employment, to operate a vehicle requiring a commercial driver's license ("covered employees"), to submit to periodic breath analysis or urinalysis to test for the use of alcohol or other drugs and controlled substances as set out in this Policy. Hereafter, in this policy, the term "employee" shall mean "covered employee". The County Administrator shall promulgate standard operating procedures to effect the implementation of this Policy consistent with the Act.

The unlawful possession or use of alcohol or any controlled substance by any covered employee while operating a vehicle requiring a commercial drivers license, or while performing any "safety sensitive function" with respect to such a vehicle or the use of any substance to a degree to which renders the employee incapable of safely operating a motor vehicle, is prohibited.

For purposes of this Policy, the term "controlled substance" means any drug, narcotic, or other substance the use or possession of which is prohibited or controlled by federal or state law or regulation. With respect to drugs, narcotics, and other substances the use or possession of which are not prohibited but are merely controlled by law, the term "controlled substance" shall mean any such drug, narcotic, or other substance which has been used or possessed in violation of such law or regulation. The County Administrator shall designate those controlled substances for which testing will be conducted as mandated or authorized by the Act and by regulations of the United States Department of Transportation, but at a minimum covered employees shall be tested for amphetamines (including methamphetamines), cocaine, THC (including but not being limited to marijuana and other cannabanoids), opiates, phencyclidine (PCP), or any derivative thereof. All references in this Policy to testing for controlled substances shall mean testing for those substances identified in the preceding sentence and for any other drug or substance designated by the County Administrator.

For purposes of this Policy, a "safety sensitive function" includes being present on County property waiting to be dispatched, inspecting or servicing a vehicle, operating a vehicle, being in or upon a vehicle while the vehicle is being operated, supervising or assisting in the loading or unloading of the vehicle, or repairing or obtaining assistance for or attending a disabled vehicle.

For purposes of this Policy, an employee will be deemed to be using alcohol or a controlled substance while driving a vehicle or performing a safety sensitive function if the employee partakes of, or ingests, any alcohol or controlled substance during work hours, or if the employee performs any such job functions while under the influence of alcohol or any controlled substance.

For purposes of this Policy, an employee will be deemed "under the influence of" alcohol if a test conducted pursuant to this Policy reveals that the employee's blood alcohol concentration (BAC), expressed in terms of grams of alcohol per 210 liters of breath, is 0.02 or higher, or regardless of the BAC level in the event that the employee becomes impaired in their ability to perform a "safety sensitive function" as a result of alcohol use. Moreover, an employee will be deemed under the influence of alcohol if the employee has consumed alcohol within four hours of operating a vehicle or performing any safety sensitive function. Employees discovered to have a BAC level of 0.02 or higher may, if not dismissed, be subjected to the requirements of this Policy for return to duty testing, and follow up testing, and the requirement for counseling as set out in section IV of this Policy. Absent of any observable evidence of impairment, a BAC level of less than 0.02 shall be considered a negative test for alcohol.

For purposes of this Policy, an employee will be deemed "under the influence of" a controlled substance if a urinalysis or other test conducted pursuant to this Policy reveals the presence of any controlled substance. An employee will not be deemed under the influence of a controlled substance if the controlled substance is contained in a medication for which the employee has been given a prescription by a physician or other person licensed to prescribe drugs or medications, and the employee has taken the medication in accordance with the dosage set out in the prescription.

c. Testing.

In order to ensure full compliance with this Policy, all covered employees shall be required to submit to periodic testing for the presence of alcohol or controlled substances, by means of breath analysis tests or urinalysis, whenever requested to do so by the County. The refusal by any covered employee to submit to such testing, when requested by a supervisor, is prohibited, and any such refusal shall be treated for all purposes under this policy as a positive test for controlled substances, and a BAC test level of .02 or higher, as the case may be. As a result, such refusal may be cause for dismissal. The County, or its agents, will administer such tests routinely or periodically at the following times or upon the occurrence of the following events:

(1) **Pre-employment Testing or Transfer within the County to a Safety Sensitive Position:**

Prior to the first time that any new employee performs any job functions, or prior to the time that any current employee first performs any safety sensitive functions as a result of a transfer into a position requiring the performance of safety sensitive functions, the employee will be tested for alcohol and controlled substances. The County Administrator is authorized to make exceptions for employees who have been successfully tested within the previous six months for alcohol or controlled substances by a testing method that conforms to the requirements of the Act.

As part of the job application process, an applicant for a position requiring a commercial drivers license and the performance of safety sensitive functions may be required to execute appropriate releases and consents allowing the County to obtain from the applicant's previous employers any records pertaining to the applicant's use of alcohol or controlled substances within the previous two years, including records of test results showing a BAC level of 0.04 or greater, or showing the presence of any controlled substance, or indicating that the applicant has refused to be tested.

(2) **Post-Accident Testing:**

Following an accident involving a vehicle, the County will test any covered employee who receives a traffic citation from a moving traffic violation arising from the accident, or in the event the accident results in a loss of life, any covered employee who was performing a safety sensitive function with respect to the vehicle at the time of the accident.

Any covered employee subject to being tested following an accident shall remain available for such testing for a period of up to eight hours following the accident, or until such testing has been performed, or the employee has refused to consent to being tested.

For purposes of this paragraph, an "accident" is any use of a vehicle which results in personal injury or property damage.

(3) **Reasonable Suspicion Testing:**

The County may test any covered employee who exhibits behavior which gives rise to a reasonable suspicion on the part of the employee's supervisor that the employee has violated the prohibitions of this Policy with respect to alcohol or controlled substances. In the absence of any testing, a covered employee whose conduct gives rise

to a reasonable suspicion of impairment from alcohol or controlled substances shall perform no safety sensitive functions with respect to any vehicle until at least 24 hours have elapsed, or an alcohol test reveals a BAC level of less than 0.02 and the employee evidences no impairment as a result of alcohol use, whichever first occurs.

(4) Return to Duty Testing:

Any covered employee who has violated the provisions of this Policy shall be tested for the presence of alcohol or controlled substances, as the case may be, before being allowed to operate a vehicle or perform any safety sensitive function. In the case of a violation of a prohibition related to alcohol, the return to duty test for alcohol must reveal a BAC of less than 0.02 and the employee must evidence no impairment in his or her ability to perform safety sensitive functions as a result of alcohol use.

(5) Follow-Up Testing:

In the event of a determination that a covered employee is in need of counseling or other assistance resolving problems related to the abuse or misuse of alcohol or controlled substances, the employee shall submit to periodic testing as determined by the counselor, but in any case consisting of not less than six (6) tests in the first twelve months following the employee's return to duty.

Referral To Counseling.

Before any covered employee who violates any prohibitions set out in this Policy is allowed to return to employment with the County the employee shall be evaluated by a substance abuse professional to determine what assistance, if any, is needed to assist the employee in resolving problems associated with abuse of alcohol or controlled substances. The County Administrator or designee shall assist the employee in locating a suitable substance abuse professional. It shall be the responsibility of the employee to pay for any costs associated with the evaluation, or any recommended counseling or treatment. It shall be a condition for continued employment that the employee shall successfully comply with all recommendations for counseling or treatment recommended by the substance abuse professional. Any such counseling or treatment program shall include follow-up testing as provided above. Nothing in this paragraph shall obligate the County to offer continued employment to any covered employee who violates any of the prohibitions of this Policy.

Testing Procedures, Record Retention, and Confidentiality.

The County Administrator shall promulgate procedures to ensure that all testing, record keeping and retention, and confidentiality of records, shall comply with the

Act and the regulations of the Federal Department of Transportation promulgated there under as they may be amended from time to time.

Penalties For Violations.

Covered employees may be disciplined by the County for any violation of this Policy, including without limitation the use or possession of alcohol or controlled substances or paraphernalia on the job, the performance of safety sensitive functions or other job duties while under the influence of alcohol or controlled substances, the refusal to be tested in accordance with this Policy, the refusal to execute a release form as required by this Policy, or the refusal to comply with treatment or counseling as recommended by a substance abuse professional. All of the incidences cited above are cause for dismissal.

Though this policy pertains to employees who must possess a Commercial Drivers License in order to perform their job duties, it neither adds to nor detracts from Section 14-8(a) of the Personnel Policies and Procedures Manual which addresses the use of alcohol and controlled substances regardless of Commercial Drivers License status.

Section 14-8: Harassment

- a.) **Policy Statement:** Employees shall be treated with respect and courtesy. Abusing the dignity of others through derogatory or objectionable conduct will not be tolerated and is cause for disciplinary action. The County does not tolerate sexual or other types of harassment of its employees and will promptly initiate an investigation whenever a complaint is brought to the attention of management. Any employee who perceives the conduct of co-workers, supervisors, visitors, contractors, volunteers, customers and others entering the workplace to be harassing are expected to immediately inform the individual(s) that the conduct is unwelcomed and make a report through the complaint procedure outlined in this section.

- b.) **Sexual Harassment:** Sexual harassment is an infringement of an employee's right to work in an environment free from sexual pressure of any kind. The determining factor as to whether or not an action or remark is offensive is if the recipient deems it to be so and if a reasonable person in similar circumstances would find it offensive.
 - 1.) Sexual harassment may consist of unwanted advances, requests for sexual favors, or other verbal/nonverbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of employment; using the submission to or rejection of, such conduct as the basis for decisions affecting the

individual; or conduct which has the purpose or effect of unreasonably interfering with the individual's work, performance, or full participation in the benefits of employment, or creates an intimidating, hostile, or offensive environment for work.

2.) Sexual harassment may take many forms and includes physical assault, subtle or overt pressure or direct requests for sexual favors, inappropriate display of sexually suggestive objects or pictures, a pattern of unwelcomed and unwanted conduct that would be offensive to a reasonable person including unnecessary touching, using sexually abusive language or gestures (including remarks about a person's clothing, body, or body movements, or sexual activities) and teasing and joking of a sexual nature.

c.) **Enforcement:** Enforcement of this policy is the responsibility of all employees.

1.) Department heads are to advise all employees that County policy prohibits all types of harassment and that complaints of such harassment should be brought to the attention of management. Department heads must also advise all employees of this policy and the means by which complaints can be filed and resolved.

2.) Department heads are also to brief all supervisors on the problems of sexual harassment and their duty to take timely corrective action when they believe that such problems exist. Prior to the initiation of an investigation and the imposition of remedial/disciplinary actions, the department head shall notify the County Administrator that a complaint has been received. The County Administrator will assist with the investigation of violations of this policy and handling any follow up necessary to ensure compliance.

3.) Employees must report any known or suspected violations of this policy.

4.) Impeding an investigation or otherwise covering up a violation is prohibited conduct.

5.) Employees bringing complaints or identifying potential violations, or witnesses interviewed during the investigation will be protected from retaliatory acts.

6.) If a violation by a County employee is found, remedial/disciplinary action will be imposed on the offending employee(s).

d.) **Complaint Procedure:** Employees must initiate a complaint on any matter that is believed to be in violation of this policy.

- 1.) Employees may report a violation or bring a complaint in person, by phone, or in writing.
 - 2.) Employees may complain to their department heads, or in the event the department head is the source of the complaint, to the County Administrator or another department head.
 - 3.) If the complaint is brought anonymously, the County will have the matter investigated but may be limited in its ability to investigate the matter fully.
 - 4.) The County reserves the right to have the matter investigated by persons external to the organization.
- g) **Investigations and Confidentiality of Information:** Complaints will be investigated promptly. Although absolute confidentiality cannot be legally guaranteed, to the extent possible, the complaint and information from witnesses will be kept confidential and the complainant and witnesses will be protected from retaliatory action by a harasser.
- 1) All employees are charged with maintaining confidentiality of information.
 - 2) If the complainant has not already confronted the accused, and name of the complainant must be revealed to the accused, the complainant will be informed prior to that communication.
 - 3) State and Federal law may require disclosure of information in certain circumstances.
- h) **Rights of the Accused:** An employee accused of violating this policy will be fully informed of the allegations and will be able to offer to management an explanation or defense to the charges prior to any report being prepared. If a violation should be found, the accused employee will be provided an opportunity to respond to the charges prior to the imposition of remedial/disciplinary action.
- i) **Retaliation Prohibited:** Retaliation against someone for reporting harassment is illegal and is contrary to this policy. Retaliation embraces more than just economic harm; it includes words and actions that are intimidating or hostile.
- (1) If any employee who has made a complaint or has participated in an investigation believes they are being retaliated against for doing so, they should report it to their department head, or in the event the department head is the source of the complaint, to the County Administrator or another department head.

(2) Those who are found to be acting in a retaliatory fashion will be disciplined for such conduct.

- j) **Remedial Action:** Appropriate disciplinary action will be taken against those who violate this policy. Such discipline will be consistent with the County's disciplinary policies. Remedial actions may also include participation in further training or counseling. Interim actions may be taken when there is a reasonable belief that the employee involved in the complaint may be adversely affected by the status quo. Interim actions may include, but are not limited to, internal transfers or the placement of the accused on leave until such time as the investigation is concluded.
- k) **Questions:** As questions arise the County Administrator is available to discuss concerns of employees.

Section 14-9: Smoking in Public Facilities

Smoking is not allowed in County offices and buildings.

Persons less than eighteen years of age are strictly prohibited from using or possessing tobacco products, including but not limited to cigarettes and cigars, while at work or on County premises.

Section 14-10: Political Activity

Every County employee is entitled to exercise the right to vote and may join or affiliate with civic organizations of a partisan or political nature, attend political meetings, advocate and support the principles and policies of civic or political organizations in accordance with Federal, State, and local laws.

No employee, may (1) engage in any political campaigning or electioneering while on duty; (2) be required to contribute to, solicit for, or act as a custodian of funds for political purposes; (3) be coerced or compelled to contribute by any other employee of the County for political purposes; or (4) use any County supplies, materials, equipment or facilities for political purposes or to aid a political candidate, party or cause.

No person may simultaneously be a classified employee and serve as a member of the Northampton County Board of Supervisors; however, classified employees may be a candidate for election to the Northampton County Board of Supervisors.

It is the policy of the County of Northampton to maintain efficiency, responsiveness and productivity in its operations and to prevent the use of County equipment in a fashion inconsistent with the public interest and the law. In accordance with Virginia law, no employee shall use County-owned assets, including telephones, computers and related devices, for political activities as defined in Virginia Code Section 15.2-1512.2.

(added by Board of Supervisors on August 12, 2014)

Section 14-11: Gifts and Gratuities

Employees should refer to the Virginia Conflict of Interest Act which governs the acceptance of gifts, gratuities or loans of any kind from organizations, business concerns or individuals with whom they have official relationships in the business of County government.

Section 14-12: Outside Employment

A position with Northampton County is considered to be the employee's primary occupation. Employees may not engage in other employment which presents a conflict of interest with their County position and/or which interferes with and detracts from the efficient and effective performance of their duties with the County.

Employees who desire to accept a position in addition to their County position shall submit a written report to their department head or County Administrator detailing, at a minimum, the number of hours of work, type of work and the schedule of work. The department head's written permission must be obtained prior to commencing additional employment. A copy of such permission is provided to the County Administrator for inclusion in the employee's records.

An employee whose request for additional employment has been denied by the department head may appeal the decision by requesting a review and recommendation from the County Administrator. The County Administrator, upon consideration of the facts, makes a final determination.

Section 14-13: Employment of Immediate Family Members

It shall be the policy of the County to avoid relationships by blood or marriage among employees in positions which require a supervisory link in the organizational chain. Employment of immediate family members in the same department where

the relationship, influence or physical location could create conflicts, difficulties or a supervisor - subordinate situation is prohibited. Any employment of family members in the same department is subject to review and prior approval of the County Administrator.

Immediate family members are defined as: spouse, parent, guardian, brother, sister, son, daughter, aunt, uncle, grandparent, grandchild, or any of these as a relationship in-law or as a step relation, and any other individual residing within the same household.

This policy pertains to new hires, promotions, demotions, transfers and reinstatements.

Section 14-14: Employment References Inquiries

Inquiries regarding employment reference checks, whether written or telephonic, are referred to the department head or County Administrator for response. It is the policy of the County to release only such information which is in the public domain, i.e., classification title, salary, and dates of employment. Reasons for termination and references as to character and performance are not to be released.

Section 14-15: Open Door Policy

The County Open Door Policy allows the opportunity to use the organizational "chain of command" whenever an employee desires to raise job related concerns to higher levels of supervision. The issue must first be discussed with the immediate supervisor. If the issue cannot be resolved, the employee has the right to discuss the concern with the next level of supervision. Until a resolution can be found, the employee may continue up the organizational chain, talking eventually with the department head, and finally the County Administrator. No adverse effect on the employee shall result from the use of this prerogative.

Normally, both the employee and a department head will be present when discussing the issue with the County Administrator. If the job related issue happens to involve the actual person in the employee's chain of command, the employee has the right to seek a solution through discussion with the County Administrator.

Any employee may contact the County Administrator's Office to seek information or discuss work related problems. To do so, the employee should call the County Administrator's Office and schedule an appointment.

Section 14-16: Confidential Information

An employee may not make use of or permit others to make use of confidential information acquired by virtue of employment with the County for the purpose of furthering the employee's or another's private interest. To do so is grounds for dismissal.

Section 14-17: Travel and Expense Reimbursement Policy

General

It is the intent of this policy to provide County employees and officials a comprehensive reference for uniform interpretation of payment or reimbursement for travel expenses pertaining to travel for the purpose of conducting County business. This policy will also apply to appointed board members and non-County employees on County business. Employees and officials traveling on County business are expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds. This policy governs travel requiring overnight stays as well as incidental travel. Incidental travel does not require lodging costs and is completed in the normal course of business. (Incidental meals and mileage would be included in this category)

Standards

- a. Government Accounting Standards Board (GASB)
- b. Government Finance Officers Association (GFOA)

Definitions

- Authorizing Party - An individual authorized by this policy to approve or disapprove payment requests for travel advances, travel reimbursements, credit card usage. etc.
- Requesting Party - The person who will be reimbursed for travel costs incurred while conducting County business.
- Travel - Going to or from the normal job location to a site located more than 20 miles from the normal job location to conduct County business.
- Transportation - Travel costs incurred for use of a personal automobile, taxi, bus, train, airplane, or rental car. Includes tolls, parking fees, and tips for the handling of baggage.
- Subsistence - Costs associated with meals and lodging including tips.
- Travel Advance and Expense Report - Form for remitting all requests for travel advances, reimbursements and travel reconciliation.

- Travel Advances – There are two types of travel advances as described below. The green portion of the Travel Advance and Expense Report should be used to request a travel advance.
 - Prepaid Expenses - This type of advance is a payment for such items as conference registration, airfare, and the like which usually requires payment well in advance of the travel date and should be paid directly to the vendor when at all possible. Requests for such advances should be submitted to the accounts payable office allowing sufficient time for them to be included in the regular semi-monthly payment cycle. Supporting documentation including copies of registration information, hotel reservations, and similar items must accompany this type of advance and be submitted with the Travel Advance and Expense Report along with a Payment Request form for each vendor (i.e. one for the registration fee, one for the hotel, one to the airline, one for the employee's advance, etc.)
 - Cash to the Requesting Party - This type of advance is a payment to the requesting party for expenses such as meals and certain transportation costs while the requesting party is actually traveling. Advances of this type should be submitted to the accounts payable office in sufficient time to be included in a regular check-run cycle if at all possible. Checks for this type of advance will not be issued earlier than 30 days prior to the travel date. Requesting parties should request advances only when they are needed and at the proper times so as to avoid holding unspent County funds longer than necessary. The amount of the travel advance must be based on the best estimate of actual costs, and in no case shall the travel advance(s) exceed the estimated cost of travel. Travel advances requiring additional reimbursement or repayment to the County will be settled when the final reconciled Travel Advance and Expense Report is submitted within ten (10) working days after the completion of approved travel. Any additional reimbursements will be included in the next regular accounts payable check run.

Planning and Performance

a. Authorization

1. For travel other than by the County Administrator and elected officials the department head or constitutional officer is responsible for determining that a sufficient unexpended appropriation remains

in the department travel budget to reimburse all expected costs of travel.

2. All travel-related payment requests must be submitted on a Travel Advance and Expense Report and authorized (signed) by the department head or constitutional officer prior to processing. Travel-related payment requests by department heads, constitutional officers, the County Administrator and elected officials will be authorized by the County Administrator.
 3. The accounts payable office should receive all travel-related payment requests by the regular deadline in order to be included in the next semi-monthly check-run cycle. The accounts payable office is responsible for verifying that a sufficient unencumbered appropriation exists. When insufficient funds are available, the authorizing party will be notified.
 4. Authorization of travel-related payment requests will be based upon need and cost/benefit of travel as determined by the authorized party.
 5. Use of County automobiles must be approved by the department head, constitutional officer or County Administrator. A minimal amount of personal use such as driving to and from dinner will be allowed during travel. Spouses and children of employees may not accompany employees in County vehicles unless authorized by the County Administrator. Use of personal vehicles must be approved in advance by the department head, constitutional officer or County Administrator. The use of rental vehicles in conjunction with travel for official business shall require pre-approval by the department head, constitutional officer or County Administrator.
- b. Methods of Payment
1. Travel Advances - Travel advances will be requested by completing the green sections on the Travel Advance and Expense Report and be approved by department head, constitutional officer or County Administrator. The amount of travel advance may not exceed the estimated travel cost. No later than ten (10) days after travel has taken place, the itemized Travel Advance and Expense Report should be filed with the Finance Office with supporting receipts and itinerary attached. When the final itemized Travel Advance and Expense Report is filed, it should include **ALL** travel-related expenditures associated with the

trip. Any advances or pre-payments will be shown as deductions in the reimbursement/ (repayment) summary section of the report.

2. Reimbursements

a. Eligible Expenses:

- 1.) Lodging - Lodging costs will be reimbursed at the single room rate only. Lodging costs should be paid by the County directly to the hotel when possible using the Travel Advance and Expense Report and a Payment Request Form. Receipts for lodging costs must be submitted to the accounts payable office upon return, with the single room rate clearly stated.
- 2.) Meals - Employees of the County who incur expenses for meals (including tips) while on official County business will receive reimbursement when receipts are provided. Alcoholic beverages will not be considered an eligible expense under this policy. Receipts must state the business purpose, people attending, date and any other pertinent information. Incidental meals for business purposes *not* related to travel will be reimbursed at cost with receipts detailing the same information requested above. Reimbursement for these meals should be requested on a **payment request form**.
- 3.) Transportation - Transportation costs will be reimbursed at the actual amount incurred with supporting receipts, or in cases where a personal vehicle is used, the mileage will be reimbursed at the prevailing IRS mileage rate. **Payment requests for mileage only, may be requested on the Auto Mileage Expense Reimbursement Request form.** Mileage reimbursement requests associated with a trip should be requested on the Travel Advance and Expense Report. Air fare will be paid at coach rates when available.
- 4.) Other Costs
 - a. Long distance phone bills for County business will be reimbursed along with emergency personal calls and one personal call home per day during the trip.
 - b. Registration fees or other conference fees not prepaid must be adequately documented and filed for reimbursement on the Travel Advance and Expense Report.

c. Final Documentation

A final itemized Travel Advance and Expense Report should be filed with the accounts payable office within ten (10) days of the completion of the travel. It should include **ALL** travel-related expenditures associated with the trip along with supporting documentation. Any advances or pre-payments will be shown as deductions in the reimbursement/(repayment) summary section of the report. Additional reimbursements or repayments to the County will be settled at this time. Any additional reimbursements will be included in the next regular accounts payable check run.

Section 14-18: Membership in Professional Organizations

When approved by the County Administrator, department head, as appropriate, and subject to budget constraints, the County will pay the professional dues for membership in job-related associations, travel expenses, and registration fees required for attendance at annual meetings, training sessions or similar gatherings of appropriate professional associations.

Certification as Emergency Medical Technician or Advanced Life Support Technician.

Each Emergency Medical Technician or Advanced Life Support Technician assigned to the Department of Emergency Medical Services must maintain certification in the Commonwealth of Virginia. Failure to recertify every two years under the State's Recertification Program is cause for discharge from County employment.

Section 14-19: Personal Appearance

A neat professional appearance is a requirement of employment and it is expected that all employees will exercise good judgment and dress appropriately for their jobs.

No employee shall display any facial jewelry or ornamentation during work hours. This shall include, but not be limited to, nose rings, cheek rings or pins, eyebrow rings or lip rings. Earrings and make-up shall be reasonably applied and are not to be covered under this policy.

Section 14-20: Solicitations

The solicitation of County employees on County property other than for partic-

ipation in bona fide benefit programs offered by the employer or when specifically authorized by the County Administrator is prohibited.

Section 14-21: Special Licensing Requirements

When required as a condition of employment, any licenses or certifications required for County positions are identified as a licensing requirement of work in the official position classification description.

Section 14-22: Weapons Possession

Other than the Sheriff, Sheriff's deputies and officers, Animal Control Officers, and any other County employee whose official job description requires that a weapon be carried, no County employee shall carry about his or her person any weapon during work hours or while on County property.

The term weapon shall include, but not be limited to, the following: (a) any pistol, revolver, rifle, shotgun, or other weapon designed or intended to propel a missile of any kind, or (b) dirk, bowie knife, switchblade knife, ballistic knife, slingshot, spring stick, metal knucks, blackjack, or (c) any flailing instrument consisting of two (2) or more rigid parts connected in such a manner as to allow them to spring freely, which instrument may also be known as a nunchuck, nunchucks, nunchalcu, shuriken or fighting chains or (d) any disc, of whatever configuration, having at least two (2) points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or (e) any weapon of like kind as those enumerated.

Section 14-23: Computer/Internet Use

1. Internet Philosophy Statement

1.1 Internet: The Internet, a global electronic information infrastructure, is a network of networks used by educators, businesses, the government, the military, and organizations. The Internet can be used by the County to educate, inform, or even interact. The Internet, as with other technologies, should be explored to maximize the County's efforts of serving its citizens. The County encourages individual departments to explore Internet resources/applications and share their experiences with the entire County organization.

All electronic computer files, whether located on the computer hard drive, floppy disk, or network drive, created with County-owned computers, are

the property of the County of Northampton. These electronic files include documents, records, databases, and records of internal and external electronic mail. The electronic files are considered "official records" for the purposes of the Virginia Freedom of Information Act, and they may be subject to public inspection or to accessibility by County officials as deemed necessary. Employees do not have a reasonable expectation of privacy in the information stored in these electronic files.

Because electronic mail is an official record of the County, employees are encouraged to use discretion and courtesy when communicating through this forum.

1.2 E-mail: County e-mail accounts are considered to be the property of the County of Northampton. At any time, e-mail messages may be accessed for the Freedom of Information Act, criminal investigations, or for good business practices that the organization may implement.

2. Policy

2.1 Proper Use - Access to the Internet is a privilege. All employees, interns, and staff of the County of Northampton are responsible for using Internet resources in an effective, ethical, and lawful manner. All Internet usage should be congruent with the County's Vision and Values. E-mail should be primarily used for County business, and only incidentally for personal use. Confidential information should not be provided using e-mail. All persons using County Internet resources must adhere to the following rules.

2.2 Communications Over the Internet - Electronic communications (such as e-mail, network news, Internet Relay Chat, streaming audio, and other applications) are primarily for County related activities. Fraudulent, harassing, or obscene messages and/or other materials must not be transmitted over the Internet, County LAN, or other related network. Inappropriate messages include but are not limited to:

- **Fraudulent Messages** - Messages sent under an assumed name or with a modified address or with the intent to obscure the origin of the message.
- **Harassment Messages** - Messages that harass an individual or group because of their sex, race, religion, national origin, appearance, or sexual orientation.
- **Obscene Messages** - Messages that contain obscene or inflammatory remarks or images directed toward an individual or group.

2.3 Security - No one may use loopholes in computer security systems or knowledge of a special password to damage computer systems, to obtain extra resources, to take resources from another user, to gain access to systems or to use systems for which proper authorization has not been given.

2.4 Inappropriate Use of Resources - No one may deliberately attempt to degrade performance of a computer system on the Internet or to deprive authorized personnel of resources or access to any computer system. Deliberate, unauthorized excessive use of these services will be construed as an attempt to deprive others of resources.

2.5 System Accounts - Accounts are assigned to individuals or groups. No one may use someone else's account.

2.6 Financial Gain - No one may use resources of the County's Internet access for personal financial gain by posting messages that promote the products or services of a local business or their own products or services.

2.7 Copyright/Plagiarism - Users shall adhere to all copyright laws and avoid any plagiarism.

2.8 Use of the Internet - No one may participate in any activity that violates the spirit of cooperation that is the basis of the Internet. Each user is responsible for his/her image on the Internet as well as the image of the County of Northampton.

Any member of the County who has Internet access is expected to comply with these rules, the generally accepted policies and practices of the Internet, and the local policies and procedures that apply to any resource to which the user may have access.

3. Control - County Internet usage is monitored. Inappropriate use will not be tolerated.

4. Penalties - Any user violating these provisions or applicable local, state, or federal laws is subject to immediate loss of Internet privileges, additional County disciplinary actions (up to and including termination), and/or criminal prosecution.

5. E-mail Etiquette

5.1 Courtesy - Be polite.

5.2 Proofread Your Messages - Check spelling and grammar. Remember to project a professional image while sending correspondence.

5.3 Be Effective and Efficient - Keep your messages brief, concise, and to the point.

5.4 Remarks - Be careful what you say and who you quote. Be careful when using humor and sarcasm.

PERSONNEL POLICY AND PROCEDURES

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