



Personnel Policies Manual



County of Clarke – Personnel Policies

Distribution: All County employees participating in the Clarke County Personnel Policies

Record of Revision

<i>Revision No.</i>	<i>Revision Date</i>	<i>Description</i>	<i>Final Approval</i>
21	07/20/2021	Section 1.4 Personnel Definitions add in the definition for Military Status. Replace “status as a veteran, military service” with “military status” in Section 1.2 General Policy, Section 2.1 Equal Employment Opportunity, Section 5.1 Standards of Conduct and Performance, Section 5.8 Harassment, and Section 5.8.1 Procedure. Add in Section 2.1.1 Accommodation for known limitations related to Pregnancy, Childbirth, or Related Medical Conditions. Add in Section 2.1.2 Accommodations for Employees with Disabilities. Add to Section 5.9.2 Drug Policy add in Medical Use of Cannabis Oil.	
22	04/20/2022	Section 2.1.2 Accommodations for Employees with Disabilities – add language allowing the General Government Grievance Procedure to be used to appeal decisions made by the County and add language designating the County Administrator as the County ADA Coordinator and add language recognizing the County’s Notice Under the Americans With Disabilities Act as an Appendix to the Personnel Policy.	
23	07/19/2022	Add Section 1.5 Mission, Vision, and Values. Add “& Accommodations” to the title of Section 2.1. Replace “Joint Administrative Services” with “Human Resources” in Section 2.4. Add language to Section 2.6 creating new employment category of “Probationary”. Remove duplicative “exempt” and “non-exempt” reference from Section 2.6. Change all instances of “Position Classification & Pay Plan” to “Position Classification & Compensation Plan” in Section 3.1. Remove “with the exception of the County Administrator and Constitutional Officers” from Section 3.1.3. Add Section 3.4 Insurance. Add language to Section 5.1.1 Standards of Conduct to establish expectation that employees immediately report suspected fraud, waste, or abuse and defines avenues for such reporting. In Section 5.9.2 under Policy and Regulations, replace “the glossary” with “Section 1.4 Personnel Definitions”. Add language to Section 5.12.6 to establish whistleblower protection for employees who file grievances, lodge complaints, or report suspected fraud, waste, or abuse.	
24	06/20/2023	Section 3.4.2 Add language to clarify that retirees who are eligible for Medicare cannot stay on the county health insurance and add language stating new employees are eligible for health insurance on the first day of the month following the start of employment.	

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18	12/17/2019	<p>Section 1.4 Personnel Definitions add in Day – eight (8) hours Section 1.4 Personnel Definitions add in Holidays – official workday designated by the Code of Virginia or Executive action to be observed as paid time off. For regular full - time employees a holiday equals eight (8) hours and a half – day holiday equals four (4) hours. For regular part – time employees a holiday equals a prorated amount of time proportionate to hours worked. Section 1.4 Personal Definitions under work schedule rewrote to Standard work schedule shall be 40 hours per week. Exceptions: Public Safety Personnel follow Section 7 (k) of FLSA, refer to FLSA section instead of quoting Section 7 (k). Added new Section 2.5 Evaluation / Testing. Edit numbering from Section 2.5 – 2.7 to 2.6 - 2.8. Section 2.6 Employment Categories change salaried to exempt and changed hourly to non-exempt. Section 2.8 Personnel Files added Personnel Information will not be given until F1211-24 Employee Disclosure Consent Form is obtained. Section 2.8 Personnel Files added in Purging of official personnel record information will be done in accordance to retention schedules provided by the Library of Virginia. Add new Section 2.9 VRS Plan Definitions (moved from Section 4.2 Sick Leave). Section 3.2.2 Working Hours add in Employees are granted a lunch period that needs to be scheduled through their supervisor. Section 3.2.5 Overtime and Compensatory Time complete rewrite, rearrange the Section and add in non-exempt – Overtime Public Safety Personnel. Section 4.1 Holidays move second paragraph to new Section 4.1.2 Holiday Pay under exempt. Section 4.1 Holidays delete third paragraph. Add new Section 4.1.2 Holiday Pay. Section 4.2.4 Accumulation of Sick Leave rewrite. Section 4.3 Annual Leave under Public Safety Addendum removed Holiday Pay (Public Safety) Personnel and removed Holiday Leave (Public Safety Employees). Section 4.4 Bereavement Leave added that for approval, the employee must contact his/her agency personnel administrator. At the agency personnel administrator’s discretion, the employee may be asked to provide a copy of the obituary, funeral program, or substantially similar documentation upon return. Section 4.4 Bereavement Leave add in consecutive in the second paragraph under Frequency and duration. Section 5.7 Keys to Buildings and Facilities change “Employees will be issued keys by to the offices and/or buildings on an as-needed basis.” to “Employees will be issued keys to the offices and/or buildings on an as-needed basis.” (Removed by). Updated Table of Contents.</p>	
19	07/21/2020	<p>Update Section 4.1 Holidays: Remove Lee Jackson Day, add in Election Day (the first Tuesday after the first Monday in November). Remove “Annual leave shall be used for absences of one day or more.” Under Section 3.2.5 Overtime and Compensatory Time – Exempt.</p>	
20	02/16/2021	<p>Rewrite Section 2.1 Equal Employment Opportunity. Update Section 1.2 General Policy, Section 5.1 Standards of Conduct and Performance, Section 5.8 Harassment, and Section 5.8.1 Procedure; update per 2020 Title VII new categories. Rewrite Section 4.1 Holidays: Remove list clarify that the County follows the State and Federal Government</p>	

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Record of Revision

<i>Revision No.</i>	<i>Revision Date</i>	<i>Description</i>	<i>Final Approval</i>
13	09/15/2009	Add Reduced Work Schedule Policy	
14	10/19/2010	Reformat Employee Privacy Policy; Add Contagious Temporary Illness Policy and Procedures; Remove Sections: Cash Advances for Travel, Credit Card Policy, Expense Policy – Credit Card Use, Allowable Expenses; Meal Reimbursement Policy; Travel / Convention / Seminar Policy. Add Section: Travel, Meal, And Mileage Reimbursements section to reference Procurement Policies and Procedures; Add to Supporting Documents: Clarke County Department Of Joint Administrative Services Purchasing Department Procurement Policies And Procedures	
15	05/15/2012	Ill Employee Benefits 12 Health Insurance A Eligibility <u>Remove</u> : <i>Participating employees and elected officials with at least eight (8) years of service or five (5) years of service with medical disability may remain on the County health insurance program on an individually paid basis after leaving service with the County. Such participants, who have left county service, and who discontinue participation, are not eligible for reinstatement. <u>Replace With</u>: A regular full-time employee that has served Clarke County for a minimum of 10 years, and who is eligible to draw retirement payments from the Virginia Retirement System, may be a part of the health insurance retiree group, if the employee elects to join this group within thirty-one days subsequent to the termination date. The premium for the retiree group membership shall be borne by the member and, if membership is discontinued, there is no eligibility for reinstatement. Dependents covered on the termination date can continue to be covered, but dependents cannot be added subsequent to the termination date.</i>	
16	07/01/2017	Complete rewrite. Adopted by the Board of Supervisors May 16, 2017, effective date of July 1, 2017. <i>Clarke County General Government Employee Grievance Procedure removed and numbered PD-121101-15.</i>	
17	07/01/2018	<i>Section 1.4 rewrite the Personnel Definition for Administrative leave. Section 1.4 Changed Nonessential Employee to Non-essential Personnel. Section 4.1 added description on Holiday accrual, use of holiday leave, and conversion of holiday leave to annual leave at end of calendar year. Section 4.7 Rewrite of Leave Without Pay. Section 4.8 Rewrite of Administrative Leave. Section 4.5.1 added that the employee keeps his/her pay if paid by the court system for jury duty. Section 4.5.2 added that if the employee is subpoenaed for any action not related to employment with Clarke County, the employee may be absent without loss of pay provided that the employee is not a party of the proceeding. Public Safety Addendum added to Section 4.3 Reformat for consistency throughout the entire document.</i>	

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<i>Revision No.</i>	<i>Revision Date</i>	<i>Description</i>	<i>Final Approval</i>
<i>New</i>	<i>06/15/1982</i>	<i>Prior 2003</i>	<i>7/1/82</i>
1	02/19/1985	⋮	
2	05/19/1987	⋮	
3	12/15/1987	⋮	
4	05/16/1989	⋮	
5	12/19/1989	⋮	
6	03/20/1990	⋮	
7	12/20/1994	⋮	
8	06/1995	⋮	
9	01/31/2003	Add Time Sheet Submission Requirements; Add County Smoking Ordinance and Policy Memo date 5/27/97 to VI Smoking/Tobacco Use Policy under Section VI; Add Travel / Convention / Seminar Policy – Memo Dated 02/25/93; Add Cash Advances for Travel Policy [undated]; Add Credit Card Policy [undated]; County Employee Expense Policy adopted 12/21/99; Delayed Opening – Closure Policy adopted 3/19/96; Sexual Harassment Policy 10/3/94; Non-discrimination Policy adopted 10/16/02; Drug-free Workplace Policy revised 11/1/95 – ratified by Board action 11/21/95; Grievance Procedure Adopted 6/15/82 Effective 7/1/82 amended 10/16/84; 7/21/87; 9/17/91	
10	01/01/2004	Sect III: 4.Comp. Leave – Add calculations for exempt & non-exempt and remove statement “hour-for-hour basis”; 11.Life Insurance – remove “under age 65” and change example from 9,200/20,000 to 22,600/46,000; 10.Retirement – Change from “The costs are shared...the County” to “The County bears the cost for the employee.” Remove 2 nd Paragraph An individual leaving ... monthly paycheck. Add Supporting Documents Section; Add Disciplinary Levels Sections; Revise Resignation & Termination Section to include processing guidelines for Annual Leave payouts and/or expense reports, as well as return of County property. Add under Policies: Employee Leave Authorization Requirements & add reference to section in Annual Leave Section; Add Absenteeism & Reporting Requirements	
11	9/21/2004	Add Employee Privacy Practices and Procedures for Privacy of Health Information; Expand list of Causes for Disciplinary Action. Page 6 Comp of Emp #2 Salary Adj Remove Para 2 Personnel records . . . for increases – Add to Para 4 “unless otherwise agreed”. Add to Disciple #3 Level 1 shall be documented “and kept . . file”. Add reference to Form F1211-13 to Level 2 & 3.; Add Employee Privacy Policy	
12	07/07/2008	Add to Supporting Documents PD-121101-01 General Government Timesheet Procedure and form numbers; Update Military Leave from 44-75 to § 44-75.1. Militia state active duty; Update VI. Smoking/Use of Tobacco Products Policy from Virginia Indoor Clean Air Act 15.1-291.1 et seq. to § 15.2-2801 Statewide regulation of smoking et seq.; Grievance Procedure Coverage of Personnel Chapter 10.1 to Chapter 5 § 9.1-501 et seq. and 9.1-502 – and from 2.1-114.5:1C to 15.2-1507	

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Chapter 1: Organization and Administration

1.1 Adoption of Personnel Policies

The following information serves as the Personnel Policy Manual for Clarke County, adopted by the Clarke County Board of Supervisors on May 16, 2017, effective July 1, 2017. Because of the changing environment and world in which we work, it is subject to subsequent amendments as necessary. This manual supersedes all previous personnel manuals adopted by Clarke County.

The rules and regulations contained within this manual are established under authority of Section 15.2-1506 of the Code of Virginia, 1950, as amended.

The policies and procedures outlined herein shall apply to all individuals employed by Clarke County. The policies and procedures shall apply to employees of Constitutional Officers, where the Constitutional Officer has agreed to participate in this personnel system. This includes:

- Attorney for the Commonwealth
- Clerk of the Circuit Court
- Commissioner of the Revenue
- Sheriff
- Treasurer

Employees of the Constitutional Officers shall be excluded from the Grievance Procedure outlined within these policies.

The Constitutional Officers of Clarke County shall retain the right to their own hiring practices and terminations in accordance with all applicable statutes and regulations.

These policies and procedures shall not apply to employees of Clarke County Public Schools or Clarke County Social Services without specific action by the appropriate body to adopt the same.

In the event any office or agency of Clarke County other than the Board of Supervisors adopts these policies and procedures, the officer or board involved shall exercise the authority assigned herein to the Agency Personnel Administrator, unless otherwise specified.

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1.2 General Policy

It is the fundamental policy of Clarke County that a fair and uniform personnel management system be established for its employees in order to insure the most effective provision of services to the residents of the community. Therefore, it shall be the policy of the County that:

- Its Equal Employment Opportunity policy includes its commitment to prohibit harassment against employees because of race, traits historically associated with race, color, religion, ancestry, national origin, military status, sex, sexual orientation, gender identity, age, disability, genetic information, marital status, pregnancy, childbirth or related medical conditions, or other reasons prohibited by law.
- Equitable incentives and conditions of employment shall be established and maintained.
- Compensation shall be in accordance with duties assigned.
- Employees shall be expected to work productively and to demonstrate a considerate and friendly attitude towards persons with whom they come in contact during the course of their work.
- Employees shall adhere to the policies and procedures required of them and shall endeavor to serve the citizen and taxpayer to the best of their ability.

The County retains the sole right to exercise all managerial functions including, but not limited to:

- directing the work force,
- assigning, reassigning, supervising, disciplining, and dismissing employees,
- transferring or reassigning duties as necessary to provide services to the residents of Clarke County,
- establishing, changing, altering, or deleting policies as may be deemed necessary to achieve the County's goals, and
- altering at will the organization and structure of the County, as may be deemed necessary, within the statutory requirements of the Commonwealth of Virginia.

1.3 Purpose and Scope of Manual

This manual is intended to serve as a source of information concerning employment with Clarke County and answers many questions frequently asked by County employees concerning their employment with the County. If further information or advice about matters covered in this manual is needed, employees should contact their supervisors, department heads, or agency personnel administrators.

The policies and procedures contained in this manual are internal guidelines, which do not create contractual rights and should not be interpreted to constitute binding contractual obligations. This

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manual is not, and shall not, be construed as an explicit or implied contract, nor shall it modify any existing 'at will' status of any County employee and shall not create a due process requirement in excess of federal or state constitutional or statutory requirements. The County reserves the right, in its sole judgment, to modify, amend, or rescind the provisions of this manual.

Much of the information contained in this manual is drawn from relevant laws, regulations, and policies of the state and federal government and the County. Should there be a conflict between any statement, fact or figure presented within these policies, and the prevailing laws, regulations, and policies, the latter takes precedence.

Employees have the responsibility to keep themselves informed of updates and revisions to the County's policy. Department heads are also responsible for maintaining current manuals within their departments, and make the manual available to all employees.

This manual will supersede any existing personnel policies in effect prior to the date of the publication of this manual. It applies to all Clarke County employees regardless of status.

Additionally, it is the policy of the County to strive for safety in all activities and operations, and to carry out the commitment of compliance with health and safety laws applicable to the County by enlisting the help of all employees to ensure that public and work areas are free of hazardous conditions.

- Provide equitable conditions of employment for County employees,
- establish and maintain uniform standards of employment and compensation, and
- provide assistance to department directors and supervisors in their administration of personnel matters.

1.4 Personnel Definitions

Administrative Leave – Administrative Leave is used when it is in the best interest of the County to immediately remove an employee from the workplace. Leave may be with or without pay as determined by the agency personnel administrator.

If an employee is:

- returned to duty after unpaid Administrative Leave, the employee will be paid for the time spent on unpaid administrative leave.
- separated from employment subsequent to unpaid administrative leave the date of separation shall be, the first day placed on administrative leave.

Agency Personnel Administrator – For employees of the Clarke County Board of Supervisors, the County Administrator shall be the agency personnel administrator. For employees of

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Constitutional Officers, the Constitutional Officer by whom they are employed shall be the agency personnel administrator.

Allocation – The assignment of a position to its appropriate class in relation to duties performed.

Anniversary Date – The date an employee commenced work in his/her position.

Applicant – An individual who indicates a specific interest in a current job vacancy for which the County is hiring; and who provides all required information on an application form.

Appointment – The offer to and acceptance by a person of a position.

Authorized Absence – An absence approved by the employee's supervisor after the agency personnel administrator receives proper notification (reason for absence and estimated length of absence).

Absent Without Leave (AWOL) – Any unauthorized absence during a scheduled work period.

At-Will Employment: Employment that can be terminated without cause or notice by either the employer or the employee.

Break in Service – Any separation from the service of Clarke County whether by resignation, retirement, layoff, dismissal, disability retirement, or absent without leave after which the employee is then re-employed. An authorized leave without pay shall not be considered as constituting a "break in service."

Classification (Class) – A position or group of positions that are sufficiently alike in duties performed, degree of supervision and required, minimum requirements of education, experience or skill, and other such characteristics to be equitably assigned the same class title, same or similar qualification requirements, the same skill level, the same test of fitness, and the same salary range.

Class Series – A number of positions involving the same character of work, but different in the level of difficulty and responsibility.

Class Description – A formal written description of the class that defines the general character, scope of duties, and responsibilities of positions in the class.

Compensation Plan – The official schedule of pay approved by the Clarke County Board of Supervisors assigning one or more rates of pay to each class title, arranged schematically by classification series.

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Constitutional Officer – Those persons identified as County officials who are elected in accordance with Article VII, Section 4 of the Constitution of Virginia, including Sheriff, Treasurer, Commonwealth’s Attorney, Commissioner of the Revenue, and Clerk of the Circuit Court.

Continuous Service – The total length of time an employee is employed by Clarke County. Continuous service is defined as beginning with the date of employment and continues until the employee’s retirement or other separation from the County.

County Administration – the County Administrator or his/her designee.

Day – eight (8) hours.

Demotion – Movement from one class of position to another of a lower salary range in which the employee meets the minimum qualification requirements.

Dependent – A family member who is claimed as a dependent on the employee’s Federal Income Tax Return.

Discipline – Action taken against an employee ranging from verbal reprimand to dismissal depending on the severity of the employee’s unsatisfactory work performance or misconduct.

Dismissal – An involuntary separation of an individual’s employment that is initiated by the County.

Employee – An individual who, in consideration of wages or salary for the benefit and under the control of the County, is compensated through the County payroll. “Employee” does not include:

1. members of the County Board of Supervisors,
2. Constitutional Officers and their employees, unless the officer has elected to be covered by the County’s personnel system (though Constitutional Officers may elect to become part of the County’s Classification and Compensation system and Personnel Policies by executing an agreement with the Board of Supervisors at adoption of these Policies and upon the initiation of each term of office for the Constitutional Officer),
3. members of boards, commissions and authorities,
4. employees of the Clarke County School Board, and
5. independent contractors.

Essential Personnel – Employees who hold certain positions that provide necessary health, safety, and emergency services for the County regardless of adverse conditions.

Furlough - Mandatory time off from work with no pay that is an alternative to a layoff and is initiated by the County through no fault of the employee. During a furlough, an employee’s benefits continue to be paid and leave accrued.

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Holidays – official workday designated by the Code of Virginia or Executive action to be observed as paid time off. For regular full - time employees a holiday equals eight (8) hours and a half – day holiday equals four (4) hours. For regular part – time employees a holiday equals a prorated amount of time proportionate to hours worked.

Incumbent – An employee occupying a position in the County service.

Layoff – A temporary or indefinite reduction in the workforce due to economic conditions, technological changes, lack of work, or other appropriate reasons, initiated by the County and usually through no fault of the employee.

Leave Without Pay (LWOP) - A temporary non-pay status and absence from duty that in most cases is requested by the employee. In most instances, granting LWOP is a matter of supervisory discretion and may be limited by agency policy. Employees, however, have an entitlement to LWOP in the following situations:

The Family and Medical Leave Act of 1993 (FMLA) (Public Law 103-3, February 5, 1993), provides covered employees with an entitlement to a total of up to 12 weeks of unpaid leave (LWOP) during any 12-month period for certain family and medical needs. (See 5 CFR part 630, subpart L.)

Employees may not be in a pay status while receiving workers' compensation payments for injuries occurring during the course of their employment.

Note: Employees should be aware that LWOP may affect eligibility for certain employee benefits.

Maternity Leave - Pregnancy, childbirth or related medical conditions associated with birth shall be treated as any other temporary disability with respect to sick leave, annual leave, compensatory time, and leave without pay.

Merit Salary Increase – An increase in compensation established in the Compensation Plan which may be granted to eligible employees after completion of the appropriate length of service and a performance evaluation rating which satisfies the requirements for advancement.

Military Leave - Employees shall be granted a leave of absence without loss of annual or sick leave for annual active duty training as a member of the National Guard or any reserve component for the Armed Forces of the United States, for a period not exceeding 15 calendar days.

An employee who is absent for militia duty under orders of the Governor pursuant to the Code of Virginia § 44-75.1 shall be entitled to a leave of absence with pay for the period of ordered absence.

A permanent employee who enters on active duty or who receives orders in any of the Armed Forces of the United States shall be entitled to military leave without pay and to reinstatement in a similar position upon return from active duty as prescribed by public law.

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Military Status – status as (i) a member of the uniformed forces, as defined in 10 U.S.C. § 101(a)(5), of the United States or a reserve component thereof named under 10 U.S.C. § 10101, (ii) a veteran as defined in 38 U.S.C. § 101(2), or (iii) a dependent as defined in 50 U.S.C. § 3911(4) except that the support provided by the service member to the individual shall have been provided 180 days immediately preceding an alleged action that if proven true would constitute unlawful discrimination under this section instead of 180 days immediately preceding an application for relief under 50 U.S.C. Chapter 50.

Non-essential Personnel – An employee who is not required to work during adverse conditions, which are declared and defined by the agency personnel administrator.

Performance Evaluation – A systematic review of employees in the effective accomplishment of their assigned duties and responsibilities. A recommendation for a salary increase may or may not be included in the evaluation.

Personnel File – Official file of information pertaining to each employee.

Position Classification Plan – The official system of grouping of similar positions into appropriate classes based on the respective duties, typical tasks, and qualifications.

Promotion – Movement from one class of position to another of a higher salary range in which the employee meets the minimum qualification requirements.

Qualifications – The minimum education, experience, and special job-related requirements that must be fulfilled by a person prior to appointment or promotion.

Reclassification – A change in the classification of a position or group of positions.

Re-Employment – When an employee is terminated and then subsequently employed again by the County.

Reinstatement – The time an employee returns to work from an authorized leave of absence or transitions from a non-pay status to a paid status. Reinstatement means the employee is treated as if on leave without pay for the time he/she was away from the County.

Resignation – Voluntary separation initiated by an employee who chooses to leave his/her position with the County.

Salary Range – A level within a salary schedule into which job classes with similar job evaluation factors are placed for compensation purposes. Pay grades have minimum rates, midpoint rates, and maximum rates and define what the County is willing to pay for a particular job. The midpoint of the pay grade approximates the market salary rate for satisfactory performance.

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Secondary (Outside) Employment – Employment in any capacity other than the employee’s primary full-time job with Clarke County.

Supervisor – An employee who has the responsibility for directing and evaluating the work of other employees.

Suspension – A forced leave of absence — without pay — for disciplinary purposes.

Transfer – Movement of an employee from one position to another position. Transfers can take place within a department, between departments, between positions of the same pay range, or between positions of the same class.

Unauthorized Absence – An absence from a scheduled work period without approval from the employee’s agency personnel administrator, or an absence when the employee does not follow the proper request or verification procedure for an absence.

Vacancy – A newly established position or position that has been rendered vacant through resignation, retirement, or other removal of the previous incumbent.

Work Day – A day is a 24-hour period, beginning at 0000 and ending at 2400.

Work Place – Any County-owned or leased property (including parking lots), any site where official duties (including business-related activities for or on behalf of the County) are being performed by a County employee during regular work hours, or while operating a motor vehicle or machine leased or owned by the County.

Work Week – Seven consecutive days starting at 0000 on Sunday and ending 2400 on Saturday.

Work Schedule – Standard work schedule shall be 40 hours per week. Exceptions: Public Safety Personnel follow Section 7 (k) of FLSA.

1.5 Mission, Vision, and Values

Employees of the Board of Supervisors will be provided with copies of the County Government Mission Statement, the County Government Vision Statement, the County Staff Mission Statement, the County Staff Vision Statement, and the County Staff Values Statement, which may be amended at any time by the Board of Supervisors. Employees of the Board of Supervisors are expected to read these statements and discuss with their supervisor any questions they have concerning them.

Chapter 2: Employment

2.1 Equal Employment Opportunity & Accommodations

County of Clarke – Personnel Policies

It is the policy of Clarke County to ensure equal employment opportunities to all employees and applicants for employment without regard to race, traits historically associated with race, color, religion, ancestry, national origin, military status, sex, sexual orientation, gender identity, age, disability, genetic information, marital status, pregnancy, childbirth or related medical conditions including lactation, or other reasons prohibited by law.

Equal employment opportunity applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training. Clarke County prohibits any such discrimination or harassment. This policy also ensures that equal opportunity will be provided not only in employment, but also as it relates to promotions, wages, benefits, and all other privileges, terms and conditions of employment. Clarke County shall operate within the principles of Equal Opportunity Employment guidelines set forth in federal, state, and local laws and regulations.

2.1.1 Accommodation for known limitations related to Pregnancy, Childbirth, or Related Medical Conditions

Definitions:

“Lactation” means lactation as defined in §2.2-3905.

“Reasonable accommodation” includes more frequent or longer bathroom breaks, breaks to express breast milk, access to a private location other than a bathroom for the expression of breast milk, acquisition or modification of equipment or access to or modification of employee seating, a temporary transfer to a less strenuous or hazardous position, assistance with manual labor, job restructuring, a modified work schedule, light duty assignments, and leave to recover from childbirth.

“Related medical conditions” includes lactation.

Clarke County will provide reasonable accommodation as described in this section for requests received from employees related to pregnancy, childbirth, or related medical conditions.

Clarke County will not take adverse action against an employee who requests or uses a reasonable accommodation pursuant to this section. As used in this subdivision, "adverse action" includes failure to reinstate any such employee to her previous position or an equivalent position with equivalent pay, seniority, and other benefits when her need for a reasonable accommodation ceases.

Clarke County will not deny employment or promotion opportunities to an otherwise qualified applicant or employee because such employer will be required to make reasonable accommodation to the known limitations of such applicant or employee related to pregnancy, childbirth, or related medical conditions.

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Clarke County will not require an employee to take leave if another reasonable accommodation can be provided to the known limitations related to the pregnancy, childbirth, or related medical conditions of such employee.

Clarke County will engage in a timely, good faith interactive process with an employee who has requested an accommodation pursuant to this section to determine if the requested accommodation is reasonable and, if such accommodation is determined not to be reasonable, discuss alternative accommodations that may be provided.

Clarke County will post in a conspicuous location and include in any employee handbook information concerning an employee's rights to reasonable accommodation for known limitations related to pregnancy, childbirth, or related medical conditions. Such information shall also be directly provided to (i) new employees upon commencement of their employment and (ii) any employee within 10 days of such employee's providing notice to the employer that she is pregnant.

An employee or applicant who has been denied any of the rights afforded under Section 2.1.1 may bring an action in a general district or circuit court having jurisdiction over the employer that allegedly denied such rights. Any such action shall be brought within two years from the date of the unlawful denial of rights, or, if the employee or applicant has filed a complaint with the Office of Civil Rights of the Department of Law or a local human rights or human relations agency or commission within two years of the unlawful denial of rights, such action shall be brought within 90 days from the date that the Office or a local human rights or human relations agency or commission has rendered a final disposition on the complaint.

2.1.2 Accommodations for Employees with Disabilities

Definitions:

“Person with a disability” means the term as defined in §51.5-40.1 of the Code of Virginia.

“Physical impairment” means the term as defined in §51.5-40.1 of the Code of Virginia.

“Mental impairment” means the term as defined in §51.5-40.1 of the Code of Virginia.

“Otherwise qualified person with a disability” means the term as defined in subsection A of §51.5-41.

Clarke County will make reasonable accommodations to the known physical and mental impairments of an otherwise qualified person with a disability, if necessary to assist such person in performing a particular job, unless Clarke County can demonstrate that the accommodation would impose an undue hardship on the County. In determining whether an accommodation would constitute an undue hardship upon the County, the following shall be considered:

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Hardship on the conduct of the office's business, considering the nature of the office's operation, including composition and structure of the office's workforce,

Size of the facility where employment occurs,

The nature and cost of the accommodation needed, taking into account alternative sources of funding or technical assistance included under §51.5-173.

The possibility that the same accommodations may be used by other prospective employees, and

Safety and health considerations of the person with a disability, other employees, and the public.

Clarke County will not take adverse action against an employee who requests or uses a reasonable accommodation pursuant to this section.

Clarke County will not deny employment or promotion opportunities to an otherwise qualified applicant or employee because the County will be required to make reasonable accommodation for a person with a disability.

Clarke County will not require an employee to take leave if another reasonable accommodation can be provided to the known limitations related to the disability.

Clarke County will engage in a timely, good faith interactive process with an employee who has requested an accommodation pursuant to this section to determine if the requested accommodation is reasonable and, if such accommodation is determined not to be reasonable, discuss alternative accommodations that may be provided. The General Government Grievance Procedure may be used to appeal decisions made by the County.

Clarke County will post in a conspicuous location and include in any employee handbook information concerning an employee's rights to reasonable accommodation for disabilities. Such information shall also be directly provided to (i) new employees upon commencement of their employment and (ii) any employee within 10 days of such employee's providing notice to the employer that such employee has a disability.

The County Administrator is designated by the Board of Supervisors as the County ADA Coordinator. In this role, he or she will coordinate the county's efforts to comply with the ADA and investigate any complaints that the county has violated the ADA. The Coordinator serves as the point of contact for individuals with disabilities to request auxiliary aids and services, policy modifications, and other accommodations or to file a complaint with the county; for the general public to address ADA concerns; and for county departments and employees of the county.

The County Notice Under the Americans With Disabilities Act is hereby recognized as an Appendix to the Personnel Policy and can be amended from time to time as necessary by the ADA Coordinator.

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2.2 Open Door Policy

Clarke County practices an open-door policy in which any employee who wishes to meet with his/her agency personnel administrator can do so by establishing an appointment.

Although the County endorses an open-door policy, employees are strongly encouraged to resolve any issues directly with the parties involved.

If the parties involved are unable to reach an agreement, the issue should be brought to their agency personnel administrator's attention.

2.3 Rehire/ Reinstatement

An employee who voluntarily leaves the County in good standing shall be eligible for rehire. No pre-employment tests are necessary if an employee is rehired within six (6) months.

An employee who voluntarily leaves the County in good standing and wishes to return within thirty (30) days to his/her former position (if vacant), may be reinstated at the discretion of the department head. A reinstated employee was on a leave-without-pay status for the time of the separation.

2.4 Orientation

1. The agency personnel administrator will provide a new employee with a job description, policies and other miscellaneous information. The new employee will go to Human Resources to complete the necessary federal and state tax forms and to obtain information on employee benefits.
2. The Immigration Reform and Control Act of 1986 makes it illegal for employers to employ anyone who is not authorized to work in the United States. All new employees are required to provide documents establishing their identity and authorization to work in the U.S. A list of approved documents is included on Form I-9 (Employment Eligibility Verification), which must be completed by all new employees and verified by a representative of the County. Failure to provide required documents within three (3) days of employment may result in automatic termination.
3. The agency personnel administrator or his/her designee will provide additional information to new employees, including but not limited to:
 - work standards and regulations,
 - hours of work, timesheets, leave requests,
 - duties of the position,
 - safety rules and procedures, location of safety or protective equipment,
 - tour of the work area, including location of equipment, supplies, etc.,

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- introduction to co-workers,
- schedule for lunch and breaks,
- when and to whom to report absence from work, and/or
- who is responsible for performance planning and evaluations.

2.5 Evaluation / Testing

As deemed necessary of job performance physical or skill examinations shall be conducted by the agency personnel administrator or his/her designee.

2.6 Employment Categories

At the time of hire, all employees are designated as either casual, part-time, regular full-time, regular part-time, seasonal, temporary. New employees are considered probationary for the first six months of their employment. At the discretion of their supervisor, this probationary period may be extended for an additional six months if the employee has not demonstrated proficiency in their job or work performance issues exist.

Employees are designated as either exempt or non-exempt employees.

Employees in the following categories have no right of appeal through the grievance procedure:

- Casual
- Probationary
- Seasonal
- Temporary
- Employees of constitutional offices

Casual employees are part-time employees with no fixed work schedule.

Part-time employees are hired only when his/her services are needed for a part of a workday or work week, generally 24 hours or less per week.

Regular part-time employees consistently work between 24 and 29 hours per week, receive pro-rated sick leave and annual leave, and are eligible for paid holidays after three years.

Regular full-time employees consistently work a 40-hour week on a year-round basis. *Some regular full-time positions involve non-standard work hours to insure continuous operation.* Employees in this category receive full benefits, including retirement, group life, health insurance, sick leave, annual leave, military leave, paid holidays, and voluntary payroll deductions.

Seasonal employees are generally employed for a length of time that normally will not exceed 120 days a year. This position may be either part-time or full-time, and the employee does not

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receive County benefits. Employees in this category may be dismissed at any time and have no right of appeal through the grievance procedure.

Temporary employees are fill positions with a short or fixed term to accomplish a specific project or projects. This position may be either part-time or full-time and usually is for duration of less than one year. Temporary employees are not eligible for County benefits. Employees in this category may be dismissed at any time and have no right of appeal through the grievance procedure.

2.7 Employment Status

All positions shall be designated as either 'exempt' or 'non- exempt.'

Exempt status includes employees classified as executive, administrative, or professional employees and other exempt classifications in accordance with the Fair Labor Standards Act and applicable regulations of the United States Department of Labor.

Non-exempt status includes employees not falling into one of the exempt categories as defined under the Fair labor Standards Act. All non-exempt employees shall be eligible for overtime pay or compensatory time as defined by, and in accordance with, the Fair Labor Standards Act and applicable regulations of the United States Department of Labor.

2.8 Personnel Files

It is Clarke County's objective to maintain complete and accurate personnel files. These records are confidential; therefore, access is limited to the appropriate personnel.

All confidential information will be separately kept to comply with HIPAA regulations.

The agency personnel administrator shall maintain the County's official personnel records for all Clarke County employees employed by the agency. These personnel records include information and official records to document employee's employment history with the County as well as information required to make these personnel rules effective.

The Personnel File will contain information such as, but not limited to:

- completed application for employment,
- interview records,
- personnel action forms,
- performance reviews,
- discipline records,
- training records, and
- any polices the employee was required to review and sign.

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It is Clarke County's intent to safeguard each employee's personal information in accordance with appropriate laws and regulations. Personnel Information will not be given until F1211-24 Employee Disclosure Consent Form is obtained.

Benefit enrollment forms and similar financial information shall be maintained by the Clarke County Joint Administrative Services Department.

An employee has the right to review his/her personnel record maintained by the agency personnel administrator by scheduling an appointment during normal County work hours. The agency personnel administrator or designee will be present while an employee reviews the file's contents.

If the employee finds information he/she believes is inaccurate, the employee may request in writing that it be changed or appropriately purged.

If an employee disagrees with information in his/her official personnel record, the employee is encouraged to write a rebuttal for inclusion in his/her personnel record.

An employee is also encouraged to provide information such as letters of commendation or certifications to the agency personnel administrator for inclusion in his/her personnel record.

Purging of official personnel record information will be done in accordance to retention schedules provided by the Library of Virginia.

Purging of any information in an official personnel record may be done only with the approval of the agency personnel administrator.

Personnel files and the contents of the file are the property of Clarke County. Department heads and supervisors may review the personnel record of any employee or prospective employee under their supervision by contacting the agency personnel administrator.

2.9 VRS Plan Definitions

- VRS Plan 1: Employees are in VRS Plan 1 if their membership date is before July 1, 2010, and they were vested as of Jan. 1, 2013. Members who are eligible for an optional retirement plan (ORP) and have prior service under VRS Plan 1 are not eligible to elect the Hybrid Retirement Plan. They will select VRS Plan 1 or ORP.
- VRS Plan 2: Employees are in VRS Plan 2 if their membership date is between July 1, 2010, and Dec. 31, 2013, or if their membership date is before July 1, 2010, and they were not vested as of Jan. 1, 2013. Members who are eligible for an optional retirement plan (ORP) and have prior service under VRS Plan 2 are not eligible to elect the Hybrid Retirement Plan. They will select VRS Plan 2 or ORP.
- VRS Hybrid: Employees are in the Hybrid Retirement Plan if their membership date is on or after Jan. 1, 2014, or they are members in VRS Plan 1 or VRS Plan 2 who elected to opt into

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the plan during the special election window in 2014.

Chapter 3: Compensation

3.1 Position Classification and Compensation Plan

County Administration is responsible for the Position Classification and Compensation Plan. County Administration is responsible for ensuring the Position Classification and Compensation Plan is fair and equitable. Any situations that do not appear to be in accordance with the plan should be brought to the County Administrator's attention.

3.1.1 Interpretation

County Administration shall be responsible for applying the Position Classification and Compensation Plan with respect to issues not specifically covered by the plan using the policies expressed herein as a guide.

3.1.2 Review and Revisions

Department heads shall be responsible for bringing to the attention of the County Administrator any substantial change in duties, responsibilities, or other factors affecting the classification of any position in their respective departments.

Upon receipt of such information, the County Administrator shall review the position and determine if the classification should be changed.

Agency personnel administrators should annually review agency job descriptions.

Plan Review:

The County Administrator, upon request of the agency personnel administrator, shall review the Position Classification and Compensation Plan for adequacy prior to the submission of the annual budget to the County Board of Supervisors.

In conducting the review, consideration shall be given to current cost of living and the County's financial position.

Based on the findings, the County Administrator may recommend revisions in the plan to the County Board of Supervisors.

3.1.3 Classifications

All full-time regular County positions are included in the Position Classification and Compensation Plan.

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All regular positions in the County are grouped together into classifications.

Each position in the County is classified according to the type of work and the amount of responsibility in the position.

Similar positions with like duties and responsibilities are placed in the same pay grade.

Each position has an established pay grade and a specification describing the duties and qualifications of the position.

3.1.4 Classification of New Positions

To establish a new position in the County, the appropriate department head shall prepare a new personnel request form and a job description for the proposed position with the assistance of its agency personnel administrator. The final draft should be submitted to the County Administrator for review and approval.

If the County Administrator approves the new position, it shall be allocated to one of the classes in the Position Classification and Compensation Plan. In the event a suitable class does not exist, the County Administrator shall establish a new position classification and assign an appropriate pay grade to the class.

The proposed position will be presented to the Personnel Committee of the Board of Supervisors for approval. With the approval of the Personnel Committee, the proposed position will be presented to the full Board of Supervisors for final approval.

3.1.5 Appeals and Reclassification

A request may be made to the County Administrator to review the position classification.

- Such requests shall be submitted, in writing through the agency personnel administrator.
- All requests for review of classification shall contain a statement of justification.
- The County Administrator's decision regarding classification shall be final.

An employee whose position is reclassified upward may receive ten (10) percent above the present salary, or the minimum of the new grade, whichever is higher. *However, the employee will not be eligible to receive salary increases — other than across-the-board pay-level revisions or adjustments to that particular grade due to market adjustments — for one year from the date of classification.*

3.1.6 New Employees

A new employee of the County is normally paid the minimum rate of pay for the grade.

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A new employee with unusual experience may be paid within the grade and commensurate with the performance capability associated with the experience.

Any rate paid to a new employee above the minimum for the classification requires written documentation and approval of the agency personnel administrator.

General Pay Adjustments Eligibility:

- New employees shall not be eligible for general pay adjustments for a period of 90 days.
- After 90 days, new employee pay will be adjusted in the same manner as adjustments made during the disqualified period.

3.1.7 Job Descriptions

All positions listed on the Position Classification and Compensation Plan will have an associated job description.

Job descriptions will be reviewed by the supervisor and employee, as necessary or on an annual basis during the annual performance evaluation.

Department heads will give any suggested revisions to agency personnel administrator.

County Administration will update job descriptions and give them to the County Administrator for approval.

Job descriptions may be updated more often as duties and responsibilities change.

The employee shall be given a copy of his/her job description.

County Administration will keep official copies of all job descriptions.

3.2 Pay Policies

It is the policy and practice of Clarke County to accurately compensate employees and to do so in compliance with all applicable state and federal laws.

3.2.1 Payday Frequency Requirements

Employees will be paid monthly.

3.2.2 Working Hours

Forty (40) hours shall be the normal workweek for payroll calculations.

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The work week is defined as seven (7) consecutive 24-hour periods, beginning on Sunday and ending on Saturday with a day beginning at 0000 (midnight).

All County employees shall be required to observe all practices relating to hours of work, safe working requirements and lunch periods. It is therefore fair for the County to expect the time paid for to be time worked with due regard for health and safety.

Employees are granted a lunch period that needs to be scheduled through their supervisor.

Exception: Public safety personnel may be assigned different work weeks and pay periods in accordance with state and federal law.

3.2.3 Record of Time Worked

Employees are required to keep records of time worked certifying they have neither reported hours not worked nor hours worked but not reported during the specified pay period. Falsification of time records is grounds for disciplinary action, including dismissal.

At the end of the specified pay period, employees shall provide time records to their supervisors or agency personnel administrator for review, approval, processing, and retention per schedule.

3.2.4 Garnishments, Tax Liens and Court Orders

Clarke County is obligated by federal and state law to withhold money from an employee's paycheck for child support, unpaid student loans, unpaid medical bills, unpaid taxes, or any other judgment ordered by the Court. An additional fee shall be charged as provided by law.

3.2.5 Overtime and Compensatory Time

All non-exempt employees are compensated for overtime in accordance with the U.S. Fair Labor Standards Act or applicable state statutes.

Overtime and/or compensatory time will be accrued / compensated at the rate of one-and-one-half hour for every hour in excess of 40 hours or in accordance with FLSA for Public Safety personnel.

Non-exempt – Compensatory Time

Compensatory time will be accrued at the rate of one and one half hour for every hour in excess of 40 hours worked in the event unscheduled overtime is authorized.

Compensatory time is to be used or compensated within the fiscal year it is earned. The final compensatory time report will be complete at the beginning of July and compensated

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by the end of July. At the agency personnel administrator's discretion, accumulated compensatory hours may be paid down with greater frequency.

At the employee's written request, no more than 80 hours of compensatory time can be carried forward to the next fiscal year.

At no time shall compensatory time exceed 240 hours.

All compensatory time must be approved by the agency personnel administrator.

Non-exempt – Overtime Public Safety Personnel

Communications Specialist and Sheriff Office - Administrative Assistant will be paid at the rate of one and one half hour for every hour in excess of 40 hours worked within a work week.

All sworn staff will be paid at the rate of one hour for every hour in excess of 160 hours worked per 28-day period cycle, and one and one half hour for every hour in excess of 171 hours worked per 28-day period cycle.

Fire & Rescue EMT & Medics will be paid at the rate of one and one half hour for every hour worked (Annual and Sick Leave used included, does not include Holiday) over 192 hours per 28 day period cycle.

All overtime must be approved by the agency personnel administrator.

Exempt

Exempt employees are not paid overtime or compensatory time for work in excess of 40 hours. It is anticipated exempt employees shall manage their schedules and workload so that departmental objectives are met.

Agency personnel administrators who determine specific exempt employees are subject to unreasonable hours and/or duties that would be otherwise non-exempt, may provide supplemental compensation at a rate not exceeding time-and-one-half for those hours deemed unreasonable or non-exempt.

3.3 Employee Transfers

Employees may be voluntarily or otherwise transferred from one job to another and from one location to another as may be required in order to meet the needs of the organization.

Every effort will be made to minimize personal hardships in the event of job reassignment or transfer.

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The agency personnel administrator retains complete discretion to determine both the location and place for the conduct of business and the assignments to each employee consistent with the employee's job specifications.

Reasons for transfers may include fluctuations in workloads and production flows, increased career opportunities, emergency requirements, health considerations, personal preference and/or implementation of governmental mandates.

3.3.1 Temporary Transfers

Temporary transfers may occur as job requirements may dictate.

Temporary transfers will usually not last longer than three (3) months, but may be extended an additional three (3) months with the approval of the agency personnel administrator.

3.3.2 Employee Transfer Request

The County encourages current employees to seek out and apply for transfers, especially when transfers result in promotions and upward mobility of employees.

The County will entertain an employee's request for transfer if such action is consistent with the requirements of the County and such a transfer does not disrupt the orderly and acceptable conduct of business.

A transfer to a new position within the same classification may occur at the request of the employee only after the employee has held his/her current position for at least six months and has performed in a satisfactory manner.

3.3.3 Transfer Training Period

During an initial training period, a transferred employee will be evaluated to determine his/her suitability to the new position.

If it is determined the employee is not suited to the new position, the employee may be subject to reassignment to another available position or terminated.

3.3.4 Compensation of Transferred Employees

Pay for transferred employees will be handled thusly:

- An employee transferred to a job within the same salary grade will continue to receive his/her existing rate of pay.

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- An employee transferring at his/her request to a job at a lower grade may be paid within the lower pay grade of the new position, commencing with the start of the new job.
- An employee transferring to a job with a higher grade will earn the minimum of that grade. It will be at the County Administrator's discretion to allow the whole increase at once or to gradually increase pay over a specific period of time. This may be done if the employee is increasing several grades.

3.4 Insurance

The Board of Supervisors shall determine insurance contributions and coverage annually through the budget process.

3.4.1 Life Insurance

For Virginia Retirement System (VRS) eligible employees, the Board of Supervisors shall pay the premium for life insurance available to such employees in accordance with the VRS insurance program.

3.4.2 Group Health Insurance

Regular full-time employees and members of the Board of Supervisors are eligible to participate in the group health insurance program. The Board of Supervisors will annually determine group health insurance coverages available to employees and the contribution rates for the employer and employee in each category.

Regular full-time employees who retire with at least five (5) years of service with Clarke County, and are eligible for and receive an immediate annuity through the Virginia Retirement System (VRS) may remain on the County's health insurance program after retirement at the full employee cost. Such eligible individuals may elect to continue coverage for a spouse or dependent that was covered prior to retirement. In no case will a former employee be permitted to add a spouse or dependent to coverage after retirement. When a retiree drops his or her coverage from the employer plan, spouses and dependents will not be able to continue coverage. Any retiree who becomes eligible for Medicare will no longer be eligible for health insurance coverage.

New regular full-time employees are eligible for health insurance coverage the 1st day of the month following the start of employment.

The County will pay the established employer-paid portion of the group health insurance premiums to provide coverage for eligible employees through the end of the calendar month in which the employee was actively employed. After that date, eligible former employees and their spouses and eligible dependents will be offered coverage in the group health insurance plan as provided for by federal COBRA laws. In the event any covered individual terminates his or her

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coverage in the group plan under COBRA, that individual will not be eligible to reinstate coverage in the group plan.

3.4.3 Worker's Compensation Insurance

The County shall provide coverage for employees under a worker's compensation insurance plan.

3.4.4 Liability Insurance

The County shall provide liability insurance covering all county employees.

3.4.5 Unemployment Insurance

The County shall participate in the unemployment insurance program as determined by the Virginia Employment Commission.

Chapter 4: Paid Time Off and Other Absences

4.1 Holidays

Clarke County observes legal holidays established by Commonwealth of Virginia, federal law and as designated by the governor, the president of the United States and/or the County Board of Supervisors. Known holidays (specific dates) will be posted at the beginning of the calendar year, using the legal holidays schedule.

The County will follow state or federal government if additional holidays are approved by the governor or president after publication of the County's annual list of observed holidays.

Any day so appointed by the governor or the president shall be a legal holiday regarding the transaction of all business.

4.1.1 Eligibility for Holiday Pay

Regular full-time employees shall be eligible for holiday pay from date of hire.

Regular part-time employees working an average of 24- to 29-hours per week shall be eligible for holiday pay after three (3) years continuous service.

4.1.2 Holiday Pay

Non - Exempt - Full Time

Employees will receive eight (8) hours of Holiday pay or four (4) hours for half – day holiday.

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For the legal holiday, if an employee is:

Scheduled to work:

- The employee will receive the holiday, and
- The normal scheduled hours worked on that day at the regular rate of pay.

Not scheduled to work:

- Employees will receive the holiday.
- If an employee who is regularly scheduled off on holidays is called in, they will be compensated for the time they work either by compensatory time or paid out in straight pay.

An employee who works on a holiday is not entitled to compensatory time (overtime – Public Safety Personnel) at time and a half for the hours actually worked, unless otherwise required under the FLSA.

Public Safety Personnel who work alternate work schedules (e.g., 9, 10, or 12 hour shifts) will receive compensation for the holiday equal to eight (8) hours. Employees must use accrued leave or flex their schedules (with supervisory approval) for the remainder of the work cycle to cover the entire shift.

All compensatory time will be accrued at the end of each pay period.

All overtime (public safety personnel) will be paid at each pay period.

Exempt

If an employee must work their entire shift on the legal holiday, he/she will be given an alternative day off within the calendar year.

4.2 Sick Leave

Clarke County recognizes the importance of providing quality benefits for its employees. All sick leave absences will be charged against the number of days earned the employee's accumulated sick leave balance. Additional time off for sickness will be granted in accordance with the Family and Medical Leave Act.

4.2.1 Excused Absences

Under the sick leave plan, absences for the following reasons are acceptable:

- Absence due to personal illness and/or quarantine.

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- The Agency Personnel Administrator reserves the right to request a doctor’s certificate in cases of excessive use of sick leave.
- “Excessive” is defined as:
 - Five [5] days or more of consecutive leave
 - Frequent intermittent use of leave
 - Questionable patterns of use.
- Absences due to illness in the immediate family requiring the attention of the employee.
- Absences due to medical or dental appointments.
- For sick leave purposes, “immediate family” includes natural parents, foster parents, step-mother, step-father, wife, husband, children, brother, sister, daughter-in-law, son-in-law, father-in-law, mother-in-law, sister-in-law, brother-in-law, grandparents, grandchildren, or any person who permanently resides on a continuing basis without interruption in the household of the employee.

4.2.2 Unexcused Absences or Abuse

In the event an employee entitled to acquire and utilize sick leave is found to have used it for purposes other than its allowed uses (identified under Excused Absences), the employee’s regular salary shall be reduced by an amount equal to the full salary for time taken. Other disciplinary action deemed appropriate by the agency personnel administrator may be taken, including dismissal.

4.2.3 Donation of Sick Leave

A sick leave donation policy has been established so that County employees may donate sick leave days to another employee within the division. This policy — established in accordance with Policy GCBE Family and Medical Leave — shall pertain to situations described in that policy.

The regulations governing the program are as follows:

- Employees who want to donate sick leave must complete a “Clarke County Leave Donation Form,” and submit it to their respective agency personnel administrators.
- Requests for approval of the donation of sick leave shall be limited to situations in which an employee has used up all of his/her own compensated leave, and another employee or employees agree to donate sick leave.
- The maximum number of hours for any combination of donations to any one employee

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is 80 hours per year. If an employee returns to work prior to the use of the additional donated hours, donated hours will be retained by the receiving employee for future use.

- In the case of an extreme extenuating circumstance or hardship, the agency personnel administrator may at his/her discretion grant an exception to the 80-hour maximum.

4.2.4 Accumulation of Sick Leave

Full-time employees earn eight (8) hours of sick leave per month of employment.

Regular part-time employees working an average of 24- to 29-hours per week are eligible for sick leave at a rate of two (2) hours of sick leave per month of employment.

Leave will be posted on a monthly basis.

Sick leave days are earned and credited as long as an employee is in a paid status. Unpaid FMLA and workers' compensation are not considered paid status for the purpose of earning sick leave.

Plan 1 and 2 (See Section 2.9 VRS Plan Definitions and Section 4.11 Pay Upon Separation)

- Sick leave may accumulate from year to year with no maximum accumulation.

Hybrid (See Section 2.9 VRS Plan Definitions and Section 4.11 Pay Upon Separation)

- Sick leave may accumulate from year to year with a maximum accumulation of 90 days.

4.2.5 VRS Hybrid Employees Short-term Disability Benefits

- General
 - VRS Hybrid Retirement Plan employees are provided a short-term disability benefit (STDB).
 - Clarke County has contracted with a third-party insurer to provide this benefit. Therefore, all eligibility requirements are dictated by the insurer.
 - The insurer requires the employee must be a VRS Hybrid Retirement Plan member for a waiting period of one year before being eligible for STDB. (The eligibility waiting period of one year is waived for work-related claims.)
 - The benefit elimination period is waived for catastrophic or chronic conditions.
 - STDB is provided to a hybrid employee during a sickness/disability.

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- Elimination Period

Once an employee has been deemed eligible for STDB, a benefit elimination period of seven (7) calendar days must be satisfied before benefits are payable.

The required workdays during the benefit elimination period must be covered by the employee's paid sick leave (or other paid leave) or leave without pay.

Once the employee reaches Day 8 of the absence, the employee must report the absence to the insurer.

- Compensation Benefit

The compensation benefit payable during the STDB absence is based on continuous months of service and will provide partial or full income replacement for a maximum of 125 days. Compensation is directly paid to the employee by the locality.

- If an employee works more than 20 hours during the benefit elimination period, a new benefit elimination period must be met before STDB begins.

The VRS Hybrid Retirement Plan employee will be permitted to supplement his/her income of less than 100 percent compensation by utilizing his/her earned sick and other paid leave balance to offset the difference in pay.

- The amount deducted to supplement the per diem rate will not exceed the full per diem rate of the pre-disability wage.

- Long-term Disability

VRS Hybrid Retirement Plan employees are also provided a long-term disability (LTD) benefit that will begin upon the expiration of the maximum period of 125 days for which the employee receives STDB.

- Employee Status during Short-term Disability

During the STDB absence, an employee will remain "active" and all benefits will remain in force.

An employee must cooperate and adhere to all guidelines and requirements during the absence.

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4.3 Annual Leave

Full-time employees will accrue annual leave monthly up to the maximums shown below.

At the end of each calendar year, any unused annual leave beyond the maximum is automatically converted to sick leave unless scheduled leave has been revoked. In case of carry over, the employee must take the leave in the following year.

Annual leave balances at the time of employment termination will be dealt with thusly.

Table 1.A

<i>Employee Status</i>	<i>Years of Continuous Service</i>	<i>Monthly Accrual</i>	<i>Maximum Accrual</i>
Full-time	0-4 Years	12 hours	280 hours
	5-9 Years	14 hours	280 Hours
	10 + Years	16 hours	280 Hours
Regular Part-time Working an average 24- to 29-Hours per Week	All Years	8 hours	280 Hours

Note: Scheduled leave is taken at the employer’s discretion. When granting an employee scheduled leave, department heads and supervisors are required to:

- ensure coverage of all required department activities, and,
- be fair to all persons in the department with regard to the distribution of leave.

Public Safety Addendum

Annual Leave (Public Safety Employees)

- **Essential full-time personnel** working a schedule of 192 or more hours in the 28-day cycle shall receive the following leave accruals:

Table 1.B

<i>Employee Status</i>	<i>Years of Continuous Service</i>	<i>Monthly Accrual</i>	<i>Maximum Accrual</i>
Full-time	0-4 Years	14.4 hours	280 hours

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<i>Employee Status</i>	<i>Years of Continuous Service</i>	<i>Monthly Accrual</i>	<i>Maximum Accrual</i>
	5-9 Years	16.8 hours	280 Hours
	10 + Years	19.2 hours	280 Hours

- **Essential Personnel** working a schedule of 160 hours in a 28-day cycle or 40 hours a week shall receive leave accrual per table 1.A of the Clarke County Personnel Policy.
- **Non-essential personnel** shall receive leave accrual per table 1.A of the Clarke County Personnel Policy.

4.4 Bereavement Leave

Clarke County recognizes the death of a family member can have a significant impact on an employee's ability to perform his/her duties. Bereavement leave will be authorized under the provisions of this policy in order to help employees deal with the loss of a family member.

Bereavement leave is a form of administrative leave approved by the agency personnel administrator. For approval, the employee must contact his/her agency personnel administrator. At the agency personnel administrator's discretion, the employee may be asked to provide a copy of the obituary, funeral program, or substantially similar documentation upon return. This leave is used only in conjunction with an employee's absence from work because of the death of a family member.

Bereavement leave is administrative in nature; therefore, employees do not accrue it or carry a balance.

Bereavement leave is not authorized for the death of a pet or livestock.

Eligibility for use: Only full-time employees are eligible to request and receive authorization for paid bereavement leave.

Frequency and duration: There is no limit on the number of times during a year an employee may request bereavement leave. There is a limit on the number of bereavement leave days for which an employee may receive authorization for each occurrence of a death of a family member.

An employee may use up to five (5) consecutive days for the death of the employee's spouse/partner, child, step-child, foster child, parent, or step-parent, sister, brother, grandchild, grandparent, father/mother-in-law, brother/sister-in-law, permanent member of the employee's household, or a person for whom the employee was the sole financial support. This category may also include individuals who are not related to the employee by blood or marriage.

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An employee may utilize other accrued leave from his/her designated/identified personal leave account to take additional days beyond that provided for above.

4.5 Leave for Court Appearances

4.5.1 Jury Duty

Employees called for jury duty may be absent without loss of pay subject to verification of actual days served. (Verification is to be provided by the Clerk of Court.) Additionally, the employee keeps any compensation that is paid by the court system for jury duty.

4.5.2 Subpoenas

Employees subpoenaed as court witnesses in relation to employment with Clarke County may be absent without loss of pay provided a copy of the subpoena is presented to the agency personnel administrator.

If an employee is subpoenaed for any court action not related to employment with Clarke County, the employee may be absent without loss of pay provided the employee is not a party to the proceeding and provided a copy of the subpoena is presented to the agency personnel administrator.

4.6 Military Leave

Pursuant to Section 44-93 of the Code of Virginia, 1950, as amended, all County employees who are former members of the armed services or are members of the organized reserve forces of any of the armed services of the United States, National Guard or naval militia shall be entitled to military leave in accordance with U.S. regulations without loss of seniority, accrued leave or efficiency rating, on all days when they are engaged in federally funded military duty, including training duty or when called forth by the governor.

There shall be no loss of pay for up to fifteen (15) workdays during such leaves of absence. When relieved from such duty, County employees shall be restored to positions held when ordered to duty as described under the "Uniformed Services Employment and Reemployment Rights Act of 1994."

The employee will be paid the higher of the County salary or the military salary.

4.7 Leave Without Pay

Agency personnel administrator may grant regular employees leave without pay for a reasonable purpose for a period up to 15 days.

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Extended Leave of Absence Without Pay:

The agency personnel administrator must approve requests for extended leaves of absence without pay exceeding 15 days (or for intermittent leaves without pay) in accordance with the Family and Medical Leave Act or other leave without pay schedule.

Employees on approved, extended leaves of absence (or intermittent leaves without pay) do not accrue annual leave and sick leave credits.

An approved leave of absence without pay is not considered a break in service.

The County may continue to pay the group insurance premiums through the Virginia Retirement System for employees on extended leaves of absence without pay (or intermittent leaves without pay) in the same manner as it does for employees in pay status.

An employee will be responsible for paying his/her portion of the group health coverage if applicable.

It shall be the responsibility of the agency personnel administrator to provide notice of leave without pay status to the payroll department.

4.8 Administrative Leave

An employee may be placed on administrative leave by his/her department head — with authorization of the agency personnel administrator — when it is in the best interest of the County to remove the employee from the workplace.

The employee may be placed on administrative leave during an investigation.

The employee will stay on administrative leave for as long as deemed necessary by the agency personnel administrator.

The employee may be paid his/her full salary for the duration of the leave.

Time designated as administrative leave with pay will not be charged to the employee's paid leave.

4.9 Volunteer Fire and Rescue Calls

With permission from their immediate supervisors, employees who volunteer members of a Clarke County fire department or rescue squad may be permitted to leave their jobsites when required to respond to emergency calls.

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4.10 Voting and Elections

Clarke County encourages its employees to vote, as well as participate in the election process.

A County employee may serve as an Election Official if they:

- are a qualified voter of the Commonwealth of Virginia,
- agree to represent a recognized political party,
- do not hold an elected office,
- are not a deputy and/or employee of an elected official, and
- obtain approval from his/her supervisor.

The employee will not be required to use annual leave or compensatory time for the time missed from work.

4.11 Pay Upon Separation

4.11.1 General

Clarke County will compensate employees for annual and sick leave held in their personal accounts upon their termination of employment as described below. *For the purposes of this policy, retirement through the Virginia Retirement System is treated as termination.*

4.11.2 Full-time employees Plan 1 and 2

Accumulated sick leave days as follows:

Employees must have worked for ten (10) continuous years for Clarke County.

Employees will be compensated at a rate of \$30 per day for accumulated (unused) sick leave up to a maximum of 200 days.

A lump-sum payment will be made upon termination for employee meeting the longevity requirement above.

Accumulated annual leave days as follows:

Employees earning annual leave will receive payment for earned, accumulated, unused annual leave days up to a maximum of 280 hours.

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The rate of pay will be at the employee's hourly rate at the time of termination or retirement.

4.11.3 Hybrid employees

Accumulated sick leave days as follows:

Employees must have worked for ten (10) continuous years for Clarke County.

Employees will be compensated at a rate of \$30 per day for accumulated (unused) sick leave up to a maximum of 90 days.

A lump-sum payment will be made upon termination for employee meeting the longevity requirement above.

Accumulated annual leave days as follows:

Employees earning annual leave will receive payment for earned, accumulated, unused annual leave days up to a maximum of 280 hours.

The rate of pay will be at the employee's hourly rate at the time of termination or retirement.

4.11.4 Regular Part-time employees Plan 1, 2, and Hybrid

Accumulated sick leave days as follows:

Employees must have worked for ten (10) continuous years.

Employees will be compensated at a rate of \$10 per day for accumulated (unused) sick leave up to a maximum of 200 days.

A lump-sum payment will be made upon termination.

Accumulated annual leave days as follows:

Employees earning annual leave will receive payment for earned, accumulated, unused annual leave days up to a maximum of 280 hours.

The rate of pay will be at the employee's hourly rate at the time of termination or retirement.

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Chapter 5: Employee Responsibilities

5.1 Standards of Conduct and Performance

Clarke County has established Standards of Conduct, rules of personal conduct and standards of acceptable work performance for all its employees. Violation of the established rules and/or unacceptable work performance may result in the imposition of corrective action. Such actions are designed to be used as corrective measures and shall not be based on an employee's race, traits historically associated with race, color, religion, ancestry, national origin, military status, military service, sex, sexual orientation, gender identity, age, disability, genetic information, marital status, pregnancy, childbirth or related medical conditions, or other reasons prohibited by law.

The Standards of Conduct in this policy are intended to protect the wellbeing and rights of all employees to assure safe, efficient County operations; and to assure compliance with public law.

The standards serve to:

- establish a fair and objective process for correcting or treating unacceptable conduct or work performance,
- distinguish between less serious and more serious actions of misconduct, and provide corrective action accordingly, and
- limit corrective action to employee conduct occurring only when employees are at work or when otherwise representing the County in an official or work-related capacity, or where the conduct is otherwise work related.

The Standards of Conduct are intended to be illustrative but not all-inclusive. Accordingly, any action, even if not specifically listed in the policy, that in the judgment of the department heads or agency personnel administrator seriously undermines the effectiveness of County activities or the employee's performance shall be treated consistent with the provisions of this policy.

5.1.1 Standards of Conduct

- The effective operation of the County requires all public officials and employees be independent, impartial and responsible to County residents and visitors.
- Decisions and policy will be made through the proper channels of County government.
- County employees will maintain ethical conduct by setting forth actions that are compatible with the best interests of Clarke County.
- No employee shall grant special consideration, treatment or an advantage to a resident, visitor or employee, which is not available to any other citizen or employee.

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- County employees are expected to be good stewards of the public's resources. Employees are expected to report to their supervisor any illegal or fraudulent conduct, any theft of county funds or assets, abuse of county property or resources, or any other suspected fraud, waste, or abuse. If the employee is uncomfortable notifying their supervisor, they should notify their agency personnel administrator. If the employee is uncomfortable notifying their agency personnel administrator, they should notify the Chairperson of the Board of Supervisors.
- Employees are expected to maintain timely and regular attendance at work.
- Employees are expected to meet established performance standards. Conditions or circumstances that may prevent employees from performing effectively or from completing assigned tasks should be reported to supervisors.

5.2 Secondary Employment

Employment with the County is primary.

The County discourages any secondary employment in order to minimize the potential for conflict of interest.

Any employee who seeks secondary employment shall discuss this with his/her immediate supervisor, and obtain approval prior to accepting a secondary position.

In the event secondary employment interferes with an employee's attendance or ability to do his/her County job, the employee may be asked to discontinue dual employment.

Employees who have secondary employment at the time of hire by the County must notify their immediate supervisors and the agency personnel administrator.

5.3 Conflict of Interest

As provided in the Virginia Conflict of Interests Act, Sections 2.2-1300 et seq, Code of Virginia, 1950, as amended, no County employee shall engage in any financial or other interest that might impact the performance of his/her duties.

Employees shall not — without proper authorization — disclose confidential information concerning Clarke County.

Employees shall not accept any gifts or favors from a individuals, corporations, or firms that are intended to influence the employee's decision or discharge of his/her duties. Any de minimus gift must be disclosed to the agency personnel administrator.

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Employees shall not represent private interests before the interests of the County, unless they are doing so as members of civic organizations or speaking on issues of general public interest.

5.4 Attendance

Every employee is expected to be on the job during all assigned hours. Excessive absences or tardiness may lead to disciplinary action up to and including termination.

In the event of a sick leave absence, all employees shall notify their immediate supervisors as soon as possible or at least two hours prior to shift time. When requesting leave or reporting an absence, an employee must contact his/her supervisor or designee. Failure to notify a sick leave absence as required may result in disciplinary action.

5.5 Use of Computer Systems, Internet and Phones

Computer and networking systems, including email, internet, and all other County resources and equipment are considered County property.

The use of these systems, networks and equipment is limited to business purposes only, except as specifically set forth below.

Infrequent and very limited use of County telephones for brief local calls or short local transmissions of faxes is generally permitted so long as it does not interfere with the employee's performance of his/her duties, is consistent with all other County policies, is not disruptive to the County, and is not potentially disruptive or offensive to others.

Use of all other County resources, such as long-distance telephone service, postal and shipping service, copiers, long-distance faxes, vehicles, equipment and/or office supplies and materials for any non-business purposes is generally not permitted, and may only be used with prior management approval as set forth below.

Use of computers and computer systems and networks for personal and/or professional development or continuing education reasons is permitted only where approved by management in advance. Note: Such approved personal use of County computers may be considered a taxable fringe benefit.

5.5.1 Incidental Use

During or after normal working hours, employees may occasionally wish to access the internet for non- work-related purposes, just as they might browse a newspaper in the building or make occasional, short, non-work-related local telephone calls. The County recognizes its employees have busy lives and long workdays, which sometimes warrants infrequent and limited personal

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use of County computers to access the internet for non-business purposes. Such infrequent and limited non-business use is generally permissible (subject to the restrictions below) so long as it does not interfere with the employee's performance of his/her duties, is consistent with all other County policies, is not disruptive to the County, and is not potentially disruptive or offensive to others.

If an employee has doubts about the meaning of infrequent and limited, he/she should consult an immediate supervisor or the agency personnel administrator.

The County reserves the right to block and/or monitor internet access to any websites the County deems to be offensive or undesirable. Additionally, employees found to be visiting websites that are not blocked but are subsequently found to be offensive are subject to review and possible disciplinary action. These offensive sites include, but are not limited to, sites focusing on pornography, violence, hate groups, games, and similarly objectionable material.

The County strives to maintain a productive, efficient workplace free of harassment of any type. The County therefore prohibits use of its telephone systems, facsimile systems, computer systems and networks, email, or the internet that is disruptive and potentially offensive to others.

The display or transmission of sexually explicit images, messages, or cartoons is prohibited. This includes but is not limited to ethnic slurs, racial or sexual comments, off-color jokes, vulgarities, obscenities, or anything that may be construed as harassment, discrimination, or which is disrespectful of others.

Individuals should refrain from using computer systems, email and the internet for personal reasons except as permitted under this policy.

Email should be considered official County letterhead. All email messages are considered County documents and are subject to subpoena. All email correspondence should be professional, complete and accurate. Email may not be used to solicit others for commercial ventures, religious or political causes, outside organizations or other non-County business matters. County email users cannot assume privacy. Employees waive any right to privacy in email and other technology communications, and they consent to access and disclosure by authorized County employees. The County reserves the right to read and preserve email and all other computer or internet communications, including contents of all files or messages created, transmitted, or stored using County resources.

5.5.2 Use of Licensed Software

The County purchases and licenses the use of various computer software for business purposes and does not own the copyright to any software.

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Employees may only use software on County networks according to the software license agreement. County policy prohibits the illegal duplication of software and its related documentation.

The County maintains and supports hardware, software, and network services for business use. Employees should only use the software and hardware provided. County policy prohibits the loading of files and software or the altering of software setup and configuration without authorization from the systems administrator.

Some licenses allow for software use by an individual on the computer in his/her office and on his/her home or portable computer, provided only one copy of the software is in use at a time. Not all vendors allow such copying. Employees should use the software only in accordance with the terms of the license agreement. Before making a copy of software applications for use on a computer other than a primary work computer, employees must check with the systems administrator.

Likewise, software employees have licensed for use on home computers may not be appropriate or authorized for use on County-owned computers. Installing software not authorized by the County on work computers can cause system problems. "Shareware" or software acquired for use at home cannot be supported by the County network systems administrator and could introduce viruses into the system. Use of non- authorized software on County computers is prohibited.

Employees should notify their immediate supervisors, systems administrator, or agency personnel administrator upon learning of any violations of this policy. Employees who violate this policy will be subject to disciplinary action up to and including termination of employment.

5.6 County-Owned Vehicles

County employees are responsible for the proper use and care of County-owned vehicles used in their work.

Any defects noted by the employee should be reported to the immediate supervisor as soon as possible.

Vehicles are to be used as authorized.

5.6.1 Accidents Involving County-Owned Vehicles

Employees involved in any accident while driving a County-owned vehicle must:

- Immediately call 911 for first aid assistance if it is necessary.
- Notify the Sheriff's Office or other law enforcement agency if accident is outside of Clarke County.

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- Obtain the names and addresses of the other person(s) involved in the accident.
- Obtain the names and addresses of all witnesses present.
- As soon as possible, notify department head. It is the department head's responsibility to notify the agency personnel administrator of the accident.

5.7 Keys to Buildings and Facilities

Employees will be issued keys to the offices and/or buildings on an as-needed basis.

The keys are County-owned property.

Only the County maintenance department is authorized to duplicate keys, ensuring an accurate record of key holders is maintained.

Immediately report lost keys. Lost keys compromise security and replacement can be costly.

Employees shall return keys to the agency personnel administration or their immediate supervisors for reassignment upon separation.

5.8 Harassment

The County supports its Equal Employment Opportunity policy. This includes its commitment to prohibit harassment against employees because of race, traits historically associated with race, color, religion, ancestry, national origin, military status, sex, sexual orientation, gender identity, age, disability, genetic information, marital status, pregnancy, childbirth or related medical conditions, or other reasons prohibited by law. This prohibition covers illegal harassment by anyone in the workplace, including supervisors, co-workers, and non-employees.

The County expects its employees to treat each other with respect and courtesy.

County employees have the right to be free from inappropriate comments, unwelcome sexual advances, requests for sexual favors, any verbal or physical conduct of a sexual nature based on a person's protected class, when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or when such conduct creates an intimidating, hostile or offensive work environment.

The County will not tolerate discrimination or harassment.

5.8.1 Procedure

The following procedure applies to any harassment complaint:

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- Any employee who feels he/she has been discriminated against or harassed because of race, traits historically associated with race, color, religion, ancestry, national origin, military status, sex, sexual orientation, gender identity, age, disability, genetic information, marital status, pregnancy, childbirth or related medical conditions, or other reasons prohibited by law or for any other improper reason should immediately report the matter to his/her supervisor or the agency personnel administrator. The employee may inform any of these persons of the complaint. For example, if the employee prefers not to report it to his/her supervisor, the employee should report it to the agency personnel administrator.
- Employees should not assume County management knows about any particular situation. Supervisor or the agency personnel administrator must be promptly informed of the issue so it may be addressed.
- Employees should report situations before they become severe or pervasive.
- Such reports or complaints can be made without fear of retaliation.
- The County will investigate the complaint in a prompt, thorough, and impartial manner. The County will ensure as much confidentiality as is possible. The County will not retaliate against anyone who provides information during the County's investigation.
- The County will take immediate and appropriate corrective action if it determines harassment has occurred in violation of this policy. Such action may include the suspension or discharge of the offender.

Questions regarding this policy or the need for information on complaint procedures, should be directed to the employee's agency personnel administrator.

5.9 Drug Free Workplace

In compliance with the Drug Free Workplace Act of 1988, the County shall:

1. publish a policy notifying employees of the County's drug prohibitions in the workplace and specify any actions that will be taken against employees for violations of such policy,
2. notify employees who are subject to the County's drug and alcohol abuse policy, that as a condition of employment with the County the employee will:
 - a. Abide by the terms of the drug and alcohol policy, and
 - b. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction,
3. notify any contracting agency within ten (10) days after receiving notice of such conviction,

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4. impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program by any employee who is so convicted, and
5. make a good faith effort to continue to maintain a drug-free workplace through implementation of this program.

5.9.1 Inspection

Inspections and searches conducted under this policy shall be for the purpose of determining adherence to County policy, fitness for duty and appropriate discipline. Law enforcement personnel investigating criminal activity shall not conduct inspections or searches pursuant to this policy.

The County reserves the right to search County-owned property, including vehicles, structures, buildings, equipment, computer and other electronic communication systems, furniture, offices, desks, lockers, files, file cabinets, and containers at any time and for any reason.

All County employees are strongly encouraged to refrain from storing on or in County-owned property any personal article, including personal correspondence, they wish to protect from inspection by County officials.

By accepting or continuing employment, each County employee is deemed to have consented to unannounced searches of his/her own work areas upon request.

Searches of an employee's person, personal vehicle or personal containers such as purses, brief cases or lunch pails will not be conducted without the employee's consent. However, an employee's refusal to consent to reasonable searches of his/her person, vehicle or personal containers while on County property may result in disciplinary action up to and including discharge.

5.9.2 Drug Policy

Clarke County has long been committed to a safe and healthful working environment for its employees. Additionally, it has an obligation to the general public to conduct its operations safely and efficiently.

With this commitment and obligation in mind, the County is reaffirming its rules prohibiting alcohol and drug abuse. The County also reaffirms its willingness to assist employees with alcohol- or drug-related problems in order to find the appropriate treatment for rehabilitation and recovery. In accordance with a long-standing policy, this notice reemphasizes to County employees (and employees of other companies and contractors) that the abuse of drugs and alcohol poses a serious threat to the safety of all employees and the County's operations and to the public. Accordingly, the use, possession, being under the influence or having a detectable

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presence of drugs or alcohol in one's system (except where expressly authorized) or manufacture, distribution or sale of such substances on County premises or on-the-job or any off-the-job abuse of such substances that adversely affects an employee's job performance or other County interests is prohibited.

Drugs and alcohol include any substance with the potential to produce effects of intoxication and/or the potential to produce physical, mental, emotional or behavioral changes that could adversely affect an employee's ability to safely and efficiently perform his/her job. Specifically this include marijuana, cocaine, amphetamines, barbiturates, heroin, opium and phencyclidine. The term "County premises" in this notice is used in the broadest sense and includes all land, property, buildings, structures, cars, trucks, and all means of conveyance owned or leased by the County, or otherwise being utilized for County business. The term on-the-job includes paid and unpaid meal periods during the business day and paid and unpaid overtime.

Employees who have drug and/or alcohol abuse problems are encouraged to request assistance through community agencies. The County will take no disciplinary action against employees who voluntarily seek such assistance. The existence of or employee participation in an employee assistance program does not, however, relieve any employee from compliance with the terms of this notice or other applicable standards governing performance and conduct.

Employees who violate this Drug and Alcohol Free Workplace Policy will be subject to disciplinary action up to and including discharge, and they may be allowed to participate in approved treatment as an alternative to discharge.

Employees of independent contractors and temporary agency employees who violate this policy will not be allowed to perform additional services on behalf of the County.

The County may request an employee to participate in drug or alcohol testing for justifiable reasons to further insure safe and healthy working conditions for all.

The County reserves the right to take other justifiable measures, including the inspection of all County premises and the personal property of employees on County premises, in order to insure compliance with this policy.

Participation in such testing and inspection is voluntary, but employees who refuse shall be deemed in violation of this Policy and subject to termination of employment.

Contractor employees who refuse to comply shall not be permitted to perform further work for the County.

All records and information obtained by the County regarding alcohol and drug testing and the results and treatment of employees for chemical dependency will be confidentially maintained by restricting access on a need-to-know basis to those designated by management.

Drug and Alcohol Policy and Regulations

Purpose

Clarke County recognizes that drug and alcohol abuse are serious problems across America. It is, therefore, the goal of the County to establish and maintain a safe and healthy drug- and alcohol-free workplace for its employees and to protect the safety of the public by providing the highest quality of service.

The County is committed to assisting employees who may be experiencing problems with drugs or alcohol. Employees with such problems are encouraged to seek counseling or other treatment prior to disciplinary or performance action being taken. The desire to assist employees does not relieve the County of its responsibility to maintain a drug- and alcohol-free workplace. The use of alcohol, illegal drugs, or the misuse of prescription drugs is not acceptable in the County workplace. Such behavior seriously affects job performance and can create a danger to the public and co-workers. The policy and regulations pertaining to a drug- and alcohol-free workplace must be followed by all County employees.

Policy and Regulations

- Clarke County maintains a drug- and alcohol-free workplace for all its employees. "Workplace" is defined in Section 1.4 Personnel Definitions of this Personnel Policy.
- Any drug or alcohol test that results in a "positive" reading will be subject to the County's Drug and Alcohol Policy and Regulations.
- No employee shall unlawfully manufacture, distribute, dispense, possess, or use on or in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance, as defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. §812) and as further defined by the Code of Federal Regulation (21 CFR §§1300.11 through 1300.15).
- As a condition of employment, each employee shall notify his/her supervisor of any conviction of any criminal drug law no later than five (5) days after such conviction.
- As a condition of employment, each employee shall abide by the terms of the County's policy and regulations respecting a drug- and alcohol-free workplace.
- The possession and/or consumption of alcohol and/or illegal drugs in the workplace are prohibited. This prohibition covers the entire period between the time an employee initially reports to work to the time the employee leaves work at the end of his/her shift inclusive of all breaks and meals.

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- Violation of this policy and regulations will result in appropriate disciplinary action up to and including termination.

- For purposes of maintaining a workplace free of drugs and alcohol, the Clark County reserves the right to search all County workplaces, as defined in the glossary of glossary of this Personnel Policy.
 - Employees who have separated from County employment as a result of a positive drug and/or alcohol test will not be entitled to re-employment except in certain circumstances as determined by the County Administrator, Director of Social Services or Constitutional Officer.

 - All employees are subject to reasonable suspension and post-accident drug and alcohol testing.

Drug Testing

- Drug tests may be required in the following cases:
 - when an applicant for a County position, critical to the safety and security of employees or the public, has been given a conditional offer of employment subject to a negative drug test result,
 - when there is reasonable suspicion that a County employee, regardless of position, is under the influence of illegal drugs,
 - when a County employee has been authorized to return to work at the recommendation of the County's Medical Review Officer and the Agency Personnel Administrator after testing positive for drug use and after referral to appropriate counseling programs, and
 - when an employee has been referred to the Employee Assistance Program because he/she is seeking assistance due to drug use. Additionally...
 - As required by the Omnibus Transportation Employee Testing Act of 1991 and implementing regulations of the Office of Drug & Alcohol Policy & Compliance, and the Federal Highway Administration (49 CFR, Parts 40 and 382, et. al.), all employees and applicants who hold or are offered a position that requires a Commercial Driver's License (CDL) as a condition of employment and continued employment will be tested for drugs under the following conditions:
 - pre-employment
 - random
 - post-accident:
 - The employee receives a citation.
 - A fatality or injury treated away from the scene has occurred.

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- One or more vehicles are towed.
- The employee should be promptly tested for both drugs and alcohol (within 2 hours).
- Reasonable suspicion.
- Return to work after positive test and follow-up.

Refusal to Submit to Drug Test

Refusal by an employee to immediately submit to a drug test when requested will be considered a positive test result. A refusal is defined in 49 CFR Part 40 and includes, but is not limited to, failure to appear for testing for any reason, leaving the testing site without prior notice acceptable to the County, or failure to complete and sign an authorization and consent form.

Medical Use of Cannabis Oil

In compliance with §40.1-27.4 of the Code of Virginia, Clarke County will not discharge, discipline, or discriminate against an employee for such employee's lawful use of cannabis oil pursuant to a valid written certification issued by a practitioner for the treatment or to eliminate the symptoms of the employee's diagnosed condition or disease pursuant to §54.1-3408.3 of the Code of Virginia.

Nothing in this section shall restrict Clarke County's ability to take any adverse employment action for any work impairment caused by the use of cannabis oil or to prohibit possession during work hours, or require Clarke County to commit any act that would cause the County to be in violation of federal law or that would result in the loss of a federal contract or federal funding.

5.10 Workplace Violence

Due to the increasing incidence of violent activities in workplaces around the world, Clarke County is implementing this policy to state its strong condemnation of acts of aggression or violence in the workplace. This includes, but is not limited to, intimidating, threatening or hostile behaviors, physical abuse, vandalism, arson, sabotage, or use of weapons.

In addition, jokes or comments regarding violent events that promote violent events will not be tolerated and may result in disciplinary action.

The purpose of this policy is to minimize the risk of personal injury to employees and others at work, and damage to County property.

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Through the steps outlined below, the County aims to identify stresses in the workplace and develop a risk-reducing violence prevention program. It is important for employees to be familiar with the provisions of this policy.

The County does not expect any employee to become an expert in psychology or to physically subdue a threatening or violent individual. In fact, the County discourages its employees from engaging in physical confrontations with potentially violent individuals. However, employees are expected to exercise reasonable judgment in identifying potentially dangerous situations. It is essential for all employees to recognize there often are behaviors exhibited by individuals before any physical acts of violence occur. Such behaviors include:

- co-workers displaying overt resentment, anger, and hostility,
- co-workers making ominous threats such as bad things are going to happen to a particular person or a catastrophic event might occur,
- co-workers whose work performance has suddenly and/or significantly deteriorated,
- co-workers who display irresponsible, irrational or inappropriate behavior, and/or
- co-workers who brandish weapons in the workplace.

5.10.1 Prohibited Conduct

Threats, threatening language, or any other acts of aggression or violence made toward or by any County employees will not be tolerated.

For purposes of this policy, a threat includes any attempt to intimidate or instill fear in others, menacing gestures, flashing of concealed weapons, stalking, verbal or physical abuse, or other hostile, aggressive, injurious, and destructive actions undertaken for the purpose of domination or intimidation, where one may fear bodily injury.

County property covered by this policy includes, without limitation, all County-owned or leased buildings and surrounding areas such as sidewalks, walkways, driveways, and parking lots. County-owned vehicles are covered by this policy at all times regardless of where they are located.

The County reserves the right to conduct searches and inspections of employee's personal effects or County-provided materials in situations meeting the definition of "reasonable-cause" and when a supervisor and the agency personnel administrator agree on the "reasonable-cause" decision.

Illegal and/or unauthorized articles discovered or articles deemed to be dangerous weapons may be taken into custody and may be turned over to law enforcement representatives, as appropriate.

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Any employee who refuses to submit to a search, or who is found in possession of prohibited or dangerous articles, will be subject to disciplinary action up to and including termination.

5.10.2 Threat Reporting Procedures

All potentially dangerous situations, including threats, should be reported to a supervisor or the agency personnel administrator. Report *any* incident involving conduct prohibited by this policy. Employees who believe they have been subjected to any behaviors listed above are required to immediately report the incident to a supervisor. Complaints will be treated seriously and will be investigated.

Employees who observe or have knowledge of any violation of this policy should immediately report it to management.

All threats will be investigated. The County will take appropriate action and look to employees for support of this policy.

Based upon findings, disciplinary action may be taken against the offender.

Employees are empowered to contact the proper law enforcement authorities without first advising the agency personnel administrator if they believe an immediate safety threat exists.

5.11 Domestic Violence

In order to create a safe, productive workplace, Clarke County is committed to providing information, resources, and support for employees and management who are responding to domestic violence concerns.

Clarke County treats all employees fairly and will not discriminate against an employee in any employment actions because the employee is, or perceived to be, a victim of domestic violence.

To enable employees to seek assistance for domestic violence needs, the County will respond to employees who are victims of domestic violence in an open-minded manner. Respecting the employees' need for confidentiality whenever possible, the County reserves the right to disclose limited information and take action when it is clearly necessary to protect the safety of its employees.

5.11.1 Education and Training

Clarke County believes offering employees opportunities to increase their awareness of domestic violence helps to prevent and reduce the impact of domestic.

The County provides workplace educational and informational resources to employees whenever feasible.

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5.11.2 Safety and Security

Clarke County will not tolerate any acts of threat or domestic violence against any employee while on County property or while conducting County business.

Employees who threaten, harass, or abuse anyone — either at the workplace or from the workplace — may be subject to disciplinary action, up to and including termination.

Employees who become aware of threats or acts of domestic violence that may occur or have occurred in the workplace must immediately inform their supervisors. In addition, employees with Orders of Protection or restraining orders that reference the worksite, must provide their supervisors or agency personnel administrator with a copy of the order.

5.11.3 Employees Who Commit Acts of Domestic Violence

An employee who is found guilty of committing an act of domestic violence in the workplace may be subject to disciplinary action, up to and including termination.

Further, if an employee is found using any County resources such as work time, workplace phones, facsimile machines, mail, email, or any other means to commit an act of domestic violence may be subject to disciplinary action, up to and including termination.

5.12 Discipline

It is the policy of the County that all employees are expected to comply with the County's standards of behavior as set forth in these policies.

Any non-compliance with these standards must be remedied and can be subject to one or more disciplinary actions.

The supervisor or agency personnel administrator shall consider the severity of the non-compliance and shall utilize the disciplinary action available in a progressive manner.

5.12.1 Progressive Discipline

In general, the County follows a progressive discipline approach, giving most employees opportunities to correct problems before more serious disciplinary actions are taken.

In addition to the process outlined below, alternate strategies such as performance improvement plans, mediation, conflict resolution and demotions may be used on a case-by-case basis. These actions are to be utilized when it serves the County's best interest to resolve the problem in the least negative and most cost-effective manner.

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In the event it becomes necessary to take disciplinary action against an employee, the supervisor shall have the following guidelines available:

- a. Discussion: Meet with and advise the employee of the nature of the problem and the action necessary to correct the situation. This action may be considered informative in nature and usually will not result in any entry in the employee's personnel file, However, the supervisor/agency personnel administrator should document the conversation for reference.
- b. Warning: A verbal reprimand of the employee followed by a written entry in the personnel files indicating the actions taken.
- c. Written Notice: Issue a written reprimand to the employee advising him/her of the facts involved and advising that such action is being recorded in the employee's personnel file.
- d. Suspension: Place the employee on leave with or without pay pending completion of any investigation, court action, or other such matter deemed to be serious enough to warrant suspension. Employees who are suspended from work will not accrue or receive any employee benefits during their suspensions. Suspension shall not exceed thirty (30) working days.
- e. Termination: Terminate the employee from his/her employment. This should be a last resort when serious misconduct remains uncorrected or when initial misconduct is so significant that the employment must be terminated. In the event a supervisor recommends dismissal, a complete review will be made by the agency personnel administrator of the facts surrounding the request. If dismissal is warranted, the employee will be given a final notification form and an opportunity to respond.

5.12.2 Resignation with Pending Charges to Terminate

An employee who wishes to resign during the termination process may do so by submitting a letter of resignation to the department head or agency personnel administrator. If the letter of resignation is accepted in lieu of termination, the letter of resignation will be placed in the employee's personnel file.

5.12.3 Appeal

Only employees subject to the grievance procedure who believe they have been improperly disciplined may use the grievance procedures set forth herein to have their views considered.

5.12.4 Notification

No disciplinary action that results in suspension or dismissal shall occur until the employee has been notified in writing by the supervisor or agency personnel administrator.

5.12.5 List of Offenses Typically Addressed Through Progressive Discipline

Listed below are some of the infractions that are typically addressed through progressive discipline, however disciplinary action is not limited to the offenses listed. Note: Clarke County reserves the right to determine the level of seriousness of the offense and what course of action will be taken.

- Rude, abusive, indecent or threatening language to employees or the public,
- Failure to attend scheduled meetings or training sessions,
- Absences without approved leave,
- Inadequate or unsatisfactory work performance,
- Disruptive behavior,
- Careless workmanship or negligence of a minor nature,
- Violation of a County policy,
- Abuse of County property,
- Violating a safety rule where there is not a threat of bodily harm,
- Failure to follow a supervisor's instructions,
- Unsatisfactory attendance or excessive tardiness, and/or
- Conviction of a moving traffic violation while using a County-owned vehicle.

5.12.6 List of Offenses Addressed Through More Serious Discipline

Listed below are some of the infractions that are typically addressed through more serious discipline, however disciplinary action is not limited to these offenses listed.

- Charged with a felony or convicted of a misdemeanor,
- Theft or misappropriation of funds or resources,
- Falsifying any official County document,
- The willful giving of false statements,
- Unsafe or illegal conduct that could result in endangering oneself, other employees or property, and/ or the public,
- Fighting and/ or other acts of physical violence,
- Absence in excess of three days without proper authorization or a satisfactory reason,
- Gambling on County property or during work hours,

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- Sleeping during normal work hours for employees other than those who sleeping facilities are provided, such as fire and emergency medical services personnel,
- Insubordination,
- Sexual, racial or any other form of harassment,
- Theft or unauthorized removal of County records or property,
- Participating in any kind of slow down or similar concerted interference with County operations,
- Gross negligence, and/or
- Willfully or negligently damaging or defacing County property.
- Retaliation against any employee who has filed a grievance in accordance with the General Government Grievance Procedure, a complaint pursuant to an alleged violation of the Personnel Policy, or a report of suspected fraud, waste, or abuse.

5.13 Separation of Employment

The termination of an employee's service in the County may be the choice of the employee to either resign or retire, or the choice of the County to reduce the work force or to dismiss the individual. Whatever the reason for the separation, this final employee action must be documented and closes the entire personnel file.

An exit interview will be held between the employee and the agency personnel administrator. This interview is encouraged in all voluntary terminations and retirement.

During the exit interview, the employee may discuss reasons for leaving and the status of benefits and compensation. This is not a counseling or grievance session.

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