

TOWN OF CULPEPER PERSONNEL POLICIES AND EMPLOYEE HANDBOOK

(Updated June 9, 2020)

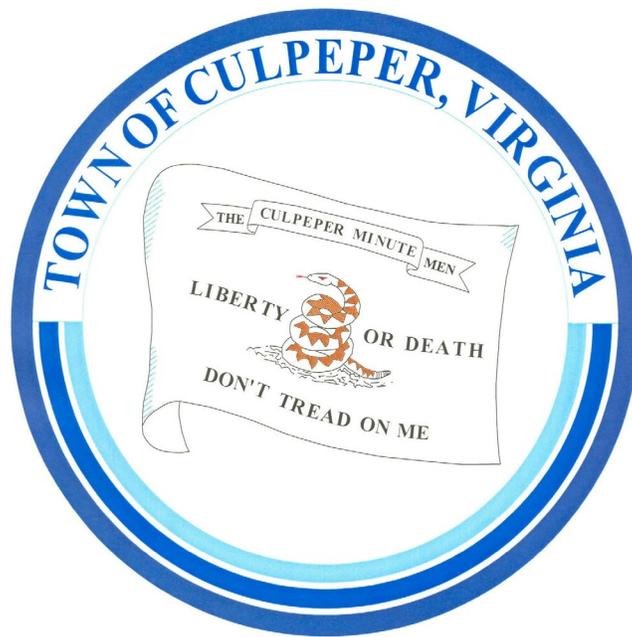


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TOWN OF CULPEPER PERSONNEL POLICIES

1.0 PURPOSE

It is the purpose of the Personnel Policy & Employee Handbook (herein referred to as “this Handbook”) to set forth certain personnel policies and procedures which shall be followed in the administration of personnel of the Town of Culpeper, herein referred to as “the Town.” The policies and procedures are intended to establish an efficient, equitable, and functional system of personnel administration based on merit principles which govern the appointment, promotion, transfer, dismissal, discipline, classification, compensation, benefits, and other related conditions of employment. The policies contained herein have been established in accordance with good administrative procedures, which utilize the best practices of the Commonwealth of Virginia, and other local governments. The substance of these policies and the administration of the personnel programs shall be consistent with all Equal Employment Opportunity policies. In case of any potential inconsistency with federal, state or local law, this Handbook will be interpreted in a way so as to be consistent, if possible. If no consistent reading is possible, then any part of this Handbook in direct conflict with federal, state or local law is invalid in any context in which the conflict occurs.

Neither this Handbook nor any other manuals or procedures established by the Town of Culpeper is intended to, nor does it, make any Town employee terminable only for cause. All Town employees remain employees at will.

1.1 Organizations Affected

All Departments of the Town of Culpeper are affected by these policies and procedures.

1.2 Signature of Employee on Receipt

Each employee shall sign a statement showing that he or she received a copy of this Handbook

2.0 APPOINTMENTS AND SEPARATIONS

2.1 Appointing Authority

The Town Manager has the complete authority in selecting Town employees within the budget and personnel limitations as prescribed by Town Council.

2.2 Recruitment

The Town Manager and Human Resources Director are authorized to make trips as necessary to recruit needed personnel. The Town Manager may authorize an applicant’s travel expenses and may negotiate moving expenses for a new employee.

2.3 Employee Selection

- (a) The Town Manager has authority for the final selection of all Town employees, except Appointive Officers. Employees shall be selected solely on the basis of merit and fitness, and without regard to age, race, color, sex, religion, national origin, political affiliation or because of a disability which will not interfere with the performance of the essential functions of the position.
- (b) Employee selection is based upon knowledge, skills, experience, and abilities set forth in the individual position descriptions and related specifications.

2.4 Orientation of New Employees

- (a) The Human Resources Department is responsible for the orientation activities for new employees, familiarizing them with all regulations and policies of the Town and with the general functions of the Town of Culpeper. Department Heads/Supervisors will also provide for orientation as to specific services of the department to which individuals are assigned and for training courses having reference to work assignments and safety procedures.
- (b) All new employees are required to read these policies. Having read the policies, the employee will sign an "At will" statement, indicating that they have read and understand the policies, a copy of which will be placed in the employee's personnel file. (See Appendix IV). Additionally, all present employees shall be given a copy of these updated policies.
- (c) The Town of Culpeper "New Employee Orientation Check List" will be filled out and filed in the employee's personnel file. (See Appendix II)

2.5 Residency Policy for Town Employees

- (a) The Town Manager shall reside in the town.
- (b) All other appointees and department heads shall reside within the County of Culpeper, unless otherwise so agreed upon as a condition of employment.
- (c) The Town Manager, other appointees and department heads shall have up to (6) months to relocate into the town or county upon employment.

3.0 POLICY

3.1 Administration of Policies

The Town Council shall be responsible for establishing personnel policies. Under its direction, the Town Manager shall have the responsibility for administration, supervision and enforcement of the personnel management system with the assistance of the Human Resources Director. The Town Manager may issue administrative regulations and working rules consistent with these policies. Department Heads shall be responsible for the direction and execution of the personnel management system within that Department and in accordance with the provisions of these policies.

3.2 Application, Amendment, and Deviation of Personnel Policies

- (a) Application of these policies and procedures is effective for all employees of the Town. Persons hired under emergency or contract conditions shall be excluded from the provisions of these policies and procedures unless otherwise stated.
- (b) Amendments to these personnel policies, procedures and practices are subject to change at the Town's discretion in order to maintain their legal compliance, operational effectiveness, and the general scope of desired work-place conditions. Upon amendment of any part of these policies, such amendments will be posted in all Town owned facilities at least five work days before the final approval. Personnel policy amendments shall originate with the Town Manager and be ratified by the Town Council.
- (c) Each employee covered or affected by these policies is responsible for knowledge of and compliance with all provisions contained therein. Violations of these policies and procedures may result in disciplinary action up to and including termination.

3.3 Equal Employment Opportunity

- (a) It is the policy of the Town to maintain a favorable work environment in which employees, regardless of race, color, religion, gender, national origin, sexual orientation, age, physical or mental disability, can enjoy equal opportunities in their employment relationship with the Town. In an effort to maintain equal employment opportunities, the Town has recognized the need to adopt, implement and periodically evaluate its Affirmative Action Program consisting of specific measures to be taken, and its goals and statements.
- (b) Town policy concerning equal employment opportunity requires that:
 - (1) In establishing qualifications for employment, no provisions or requirements will be adopted that would be discriminatory on the basis of such protected characteristics as race, color, religion, gender, national origin, age, sexual orientation, physical or mental disability except to the extent permitted by law and related to such job provisions or requirements.
 - (2) No questions in any examination, application form, or other personnel proceeding, will be so framed as to attempt to elicit information concerning protected characteristics from an applicant, eligible candidate, or employee.
 - (3) No appointment to or removal from a position will be affected in any manner solely by the person's protected characteristics; and further that it will be the responsibility of all employees to abide by and carry out the provisions of the Town's Affirmative Action Program.
- (c) Any employee or job applicant who feels that he/she has been subjected to discrimination by employees, supervisor or agents of the Town, are requested to report the incident or complaint directly to the Human Resources Director, who will investigate and attempt to resolve the matter.

- (d) The Discrimination Complaint (form D) shall be completed and forwarded to the Human Resources Director. This form may be secured from the Human Resources Department.
- (e) Any discrimination complaint initiated by a Department Head will be forwarded to the Town's Personnel Committee. The Personnel Committee will review the complaint, conduct its own investigation and report its findings to the full Town Council.
- (f) Any person, applicant or employee may direct questions regarding Equal Opportunity and Affirmative Action to the Town Manager or Human Resources Director.

3.4 Departmental Policies

- (a) These policies do not limit the power and authority of any Department Head/Supervisor to make departmental rules, policies and procedures governing the conduct and performance of employees, as long as they are not in conflict with these regulations or any equal employment opportunity policies. This includes the General Orders for the Police Department.
- (b) Departmental personnel rules, amendments, and revisions thereto, and departmental personnel policies and procedures must be submitted to the Human Resources Director for review should they be challenged as inconsistent with these regulations. If departmental policies are found to be inconsistent, the Department/Head Supervisor will be directed to make any modifications necessary and take appropriate action.
- (c) Department Heads/Supervisors are required to submit their rules, policies and procedures for review by the Town Manager and Human Resources Director prior to implementation. Departmental rules, policies or procedures which receive approval shall have the force and effect of rules of the Town and disciplinary action may be based upon breach of such rules.
- (d) Where conflicts may arise, the policies and procedures contained in this manual shall prevail.

3.5 Goals of the Personnel Program

It is the policy of the Town of Culpeper:

- (a) To provide, according to its financial ability, a fair and equitable salary for its employees.
- (b) To promote an atmosphere conducive to harmonious relationships so that each day's work may be carried on in a spirit of mutual helpfulness and with a realization that there must be real teamwork on the part of all employees in order to render the best public service.
- (c) To act with integrity and justice towards each employee, recognizing each person's individuality as a human being and his/her right to fair, decent and understanding supervision.
- (d) To provide a good work environment in which all employees are encouraged to participate and cooperate to their mutual benefit and accomplishment.
- (e) To make every effort to furnish decent and safe physical working conditions and reasonable hours of work, holidays, and vacations.

- (f) To help each individual progress in the service of the Town in accordance with his/her capabilities.
- (g) To endeavor to help each employee realize that his/her job is important and respectable and the Town government has an esteemed function in a well ordered society.

4.0 PROHIBITED PRACTICES

4.1 False Statements

No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test held or certificate or appointment under these regulations, or in any manner commit or attempt to commit any fraud preventing the impartial execution of these policies.

4.2 Gifts, Gratuities, Bribes or Rewards

- (a) It is a violation of Federal, State and Town Law for any Town employee to accept a gift from a vendor in return for any consideration given the vendor. Promotional gifts received with an order of material becomes the property of the Town.
- (b) Employees shall not solicit nor accept from any person, business, or organization any gift (including money, tangible or intangible personal property, food, beverages, loans, promises, service or entertainment, etc.) for the benefit of the employees or the Department, if it may reasonably be inferred that the person, business or organization:
 - (1) Seeks to influence action of an official nature which affects the performance or nonperformance of an official duty, or
 - (2) Has an interest which may substantially affect, directly or indirectly, the performance or nonperformance of an official duty.

4.3 Political Activity

- (a) Town employees shall not be coerced to support a political activity or candidate, whether funds or time are involved.
- (b) For the purpose of this policy, the term "political activities" includes, but is not limited to: Voting; registering to vote; soliciting votes or endorsements on behalf of a political candidate or political campaign; expressing opinions, privately or publicly, on political subjects and candidates; displaying a political picture, sign, sticker, badge or button; participating in the activities of, or contributing financially to, a political party, candidate or campaign or an organization that supports a political candidate or campaign; attending or participating in a political convention, caucus, rally, or other political gathering; initiating, circulating or signing a political petition; engaging in fund-raising activities for any political party, candidate or campaign; acting as a recorder, watcher, challenger or similar officer at the polls on behalf of a political party, candidate or campaign; or becoming a political candidate.
- (c) Town employees may participate in political activities while they are off duty, out of uniform and not on the premises of their

employment with the Town. An employee may register to vote and may vote while dressed in Town uniforms or clothing. Town employees shall not engage in other political activities while in Town uniforms or clothing. Employees shall not engage in political activities while performing official duties for the Town or use any Town property or equipment to engage in political activity.

- (d) The components of this section are designed to promote public trust and confidence in Town government by ensuring that it is free of the actual or apparent influence of partisan politics and that employment and advancement in the Town are based on meritorious performance rather than political service or affiliation. In addition, it protects every employee's right to vote and to keep this right free from interference, solicitation or dictation by any fellow employee, supervisor or officer.
- (e) Employees may be candidates for political office but, in order to protect the efficiency, integrity, discipline, and morale of officers and employees, any employee elected to the Town council must resign, or shall be released, from employment with the Town prior to taking office. However, any employee whose total salary, other compensation, and benefits (not including reimbursement for permitted expenses) does not exceed \$5,000 annually may retain such employment after his/her election.
- (f) No employee shall use the prestige of his/her position on behalf of any political organization or party. For purposes of this Handbook, a "political organization" shall be defined as "any group, formal or informal, which endorses candidates for elective office at any level of government—national, state or local." This provision does not prohibit the endorsement of candidates for office by organizations that include town employees, but such an endorsement is a "political activity" to which paragraph 3, above, applies.
- (g) No employee shall use his/her official authority to coerce or attempt to coerce a subordinate employee to pay, lend or contribute anything of value to a political party, candidate or campaign, or to discriminate against any employee or applicant for employment based on political affiliations or political activities.
- (h) Town employees are prohibited from discriminating in the provision of Town services or responding to requests for services, on the basis of the political affiliations or political activities of the person or organization for which such services are provided or requested.
- (i) Town employees are prohibited from suggesting or implying that the Town has officially endorsed a political party, candidate or campaign.

4.4 Conflict of Interest

- (a) The Virginia Conflict of Interests Act applies to employees of the Town of Culpeper. Under certain circumstances, it is prohibited

for employees of the Town to do business with the Town outside of their regular contract of employment, or for their spouses or any other relative residing in the same household to have a personal or financial interest in any contract made with the Town. Employees who feel they may have a potential conflict of interest, must bring the matter to the attention of the responsible Department Head for a final determination.

- (b) Hiring of Relatives – The Virginia State and Local Government Conflict of Interest Act provides that members of an officer's or an employee's immediate family may be employed in the employee's division, department or agency only under the following conditions:
 - (1) The employee does not participate in the decision to hire the employee's immediate family member;
 - (2) The employee exercises no control over the employment or the employment activities of his/her immediate family member; or
 - (3) The employee is not in a position to influence the employment activities of his/her immediate family member.
- (c) By law, no employee may exercise any control over the employment or the employment activities of a member of his/her immediate family if that family member is expected to make \$10,000 or more annual pay from the same governmental body. As applied by this Personnel Policy, no Town employee may supervise an immediate family member and no Town employee can be in a position to exercise control over an immediate family member as an administrator.
- (d) For the purposes of this policy, the following definitions apply:
 - (1) An officer's or an employee's immediate family is defined to include: spouse; and
 - (2) Son, daughter, father, mother, brother, sister, grandmother, grandfather, grandson, granddaughter, mother-, father-, son-, daughter-, brother-, and sister-in-law, step-mother; -father, -son, -daughter, -sister, -brother, foster parents, and half-sister or –brother.
- (e) If the relative relationship which violates this policy is established after employment, the two employees involved shall decide who is to seek a change in position, if a position is available for which the individual qualifies, or who is to leave Town employment. If a decision is not made within 30 calendar days, the Town Manager shall make the decision.
- (f) Department directors shall ensure that this policy is enforced when making recommendations for employment, promotions, transfers, or demotion. Any concerns or questions regarding an applicant's or employee's eligibility under this policy shall be directed to the Town Manger.

4.5 Outside Employment

- (a) Town employees may hold employment or operate businesses, during non-duty hours, provided the employment or business does

not cause conflict of interest, does not reflect unfavorably upon the Town, does not impair the employees ability to perform their Town duties, and is not performed in Town facilities or with Town supplies and equipment. Employees are required to request approval from their respective Department Head before engaging in any outside employment.

- (b) If such outside employment affects the employee's regular employment with the Town, the responsible Department Head may require the employee to discontinue such employment or initiate appropriate disciplinary or personal measures.

4.6 Holding Two Town Jobs

- (a) Employment of persons in more than one Town job is not encouraged. However, it is recognized that there may be times when it is advantageous both to the Town and to the employees that they be allowed to work in two capacities.
- (b) The Department Head who wishes appointment of a Town employee to a second Town job shall consult with the Town Manager and other affected Department Heads prior to taking any action. After approval of the Town Manager and other Department Heads, the requesting Department Head shall send a memorandum to all those involved which sets forth the situation and requests regular appointment procedures to be instituted.

4.7 Lending Town Owned Equipment and Tools

Lending Town owned equipment and tools to contractors, other localities and private individuals is prohibited, except as provided below:

- (a) Under mutual aid agreements.
 - (b) When an occasion should arise where a contractor working for the Town has an equipment failure and the use (rental) of Town equipment is needed to relieve the situation, is deemed appropriate.
 - (c) When it is deemed to be in the best interest of the Town.
- Deviation of this policy requires prior approval of the Town Manager.

4.8 Sexual Harassment

- (a) Title VII of the Civil Rights Act of 1964 provides that it shall be an unlawful discriminatory practice for any employer, because of the sex of any person to discharge, refuse to hire, or otherwise discriminate against that person with respect to any matter directly or indirectly related to employment. Harassment of any employee on the basis of sex violates this federal law.
- (b) To help clarify unlawful sexual harassment, the Federal Equal Employment Opportunity Commission has issued Guidelines on the subject. Those Guidelines state that unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature will constitute unlawful sexual harassment when:
 - (1) Submission to sexual conduct is an explicit or implied term or condition of an individual's employment;

- (2) The submission to or rejection of sexual conduct by an individual is the basis for any employment decision affecting the individual; or
- (3) Sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature have the purpose of unreasonably interfering with an individual's work performance or create an intimidating, hostile, or offensive working environment.
- (c) The Town of Culpeper strongly disapproves of any form of sexual harassment at the workplace, including acts of non-employees. Disciplinary action will be taken promptly against any employee, supervisor or otherwise, engaging in unlawful sexual harassment.
- (d) Complaint Procedure
 - (1) Any employee who feels that he/she has been the victim of sexual harassment should contact their immediate Supervisor/Department Head within 300 days of the incident. If the accused is the immediate Supervisor/Department Head, the employee may then report such action to the Human Resources Director or Town Manager.
 - (2) Upon receipt of the complaint, the Human Resources Director will conduct a thorough investigation of the complaint, including possible interviews with all parties involved.
 - (3) After reviewing the facts of the investigation, the Human Resources Director will determine whether sexual harassment has occurred. Both parties will be notified of the Human Resources Director's decision.
 - (4) If it is determined that sexual harassment has occurred, appropriate disciplinary action up to and including discharge will be taken. The severity of the discipline will be determined by the severity and frequency of the offense, or other conditions surrounding the incident.
 - (5) An employee's failure to report the occurrences of sexual harassment within 300 days may be deemed a waiver of Town action.
- (d) An employee also has the option to register such complaints with the Federal Equal Employment Opportunity Commission.

4.9 Use of Town Owned Vehicles

- (a) Designated Town employees and members of Council are authorized to operate Town owned vehicles. Such vehicles shall be used only in the conduct of official Town business.
- (b) The following administrative policies/operating procedures shall apply to all who use Town-owned vehicles not assigned to the Police Department.
 - (1) Only members of Council or Town employees are authorized to operate Town owned vehicles.
 - (2) All vehicle operators must possess a valid Virginia operators license for the class of vehicle they operate.

- i. Drivers must maintain a favorable driving record as determined by annual review of their Motor Vehicle Record (MVR).
 - ii. Drivers with more than five (5) demerits and/or two (2) moving violations in a 12-month period will not be permitted to operate a vehicle for Town business.
- (3) Private use of public vehicles is expressly prohibited.
- (4) Specialized equipment shall be used only for the purpose for which the equipment is designed.
- (5) Employees are required to obey all traffic and safety laws while operating a vehicle for Town business.
 - i. Any vehicle operator who is guilty of any infraction of the traffic and safety laws of the Town or the Commonwealth shall be solely responsible for any fines or liabilities resultant there from.
- (6) Council has granted the Manager the discretion to schedule the use of emergency vehicles. This is a major responsibility that Council has entrusted to the Manager and one that cannot be taken lightly or abused. Therefore, only a limited number of vehicles will be scheduled for emergency dispatch. All who are authorized this dispatch are to use good judgment, judicious use, and strict adherence of this policy in their use of these vehicles.
- (7) Specific vehicles are assigned to personnel who are on-call on a twenty-four (24) hour basis for the many and varied emergencies which occur after duty hours or on weekends and holidays. These vehicles are on twenty-four (24) hour dispatch to the assigned individual. These vehicles may not be dispatched out of Culpeper County without the written permission of the Town Manager.
- (8) The employees are not authorized to transport members of their families or their friends on a personal use basis. The use of these vehicles for personal trips is prohibited. De minimus use such as securing lunch is permitted.
- (9) Administrative cars for Council and staff use.
 - (a) These vehicles have been assigned to upper management personnel for maintenance and security purposes. The operating conditions set forth in paragraphs one (1) through five (5) above also apply to these vehicles.
 - (b) These vehicles are primarily to be used during duty hours only; however, these vehicles can be placed on twenty-four (24) hour dispatch for special requirements or out of Town trips.
- (10) It is the responsibility of all vehicle operators to immediately report any malfunction or apparent equipment failure and/or damage to the Department Head responsible for the vehicle. Any damage to the property of the Town or others by a Town owned vehicle shall be reported immediately to the responsible Department Head.

- (11) Any variance from these operating policies requires the prior approval of the Town Manager.
- (12) Town employees who fail to comply with these procedures will receive disciplinary action up to and including termination.
- (13) Employees should always be cognizant that the vehicle has a Public Use (Service) license plate and the Town of Culpeper Seal and therefore, should be a courteous and defensive driver at all times.

4.10 Telephone Calls, Visitors, and Personal Letters

- (a) Telephone calls, use of cell phones, mail, and visitors, which are of a personal nature, should be held to a minimum. It is recognized that personal emergencies may arise occasionally, but such emergencies should not interfere with the employee's work.
- (b) Employees may not have their personal mail sent to their place of work except in an emergency situation which may require such delivery.
- (c) Personal Long Distance telephone calls are to be reported to the Treasurer so that collection action may be taken.

4.11 Workplace Violence & Prevention

- (a) The Town of Culpeper is committed to maintaining a safe workplace that is free from threats and acts of intimidation and violence, and has zero tolerance for Intimidation, Threats of Violence, or Acts of Violence in the workplace. Any violation of this policy could result in disciplinary action up to and including termination for a first offense.
- (b) Any intentional act of Intimidation, Threat of Violence, or Act of Violence in the workplace is prohibited.
- (c) Definitions:
 - (1) Intimidation: A willful physical act or verbal communication toward another person, the result of which causes that person to reasonably fear for his/her safety or the safety of others.
 - (2) Threat of Violence: A willful physical act or verbal communication which threatens bodily harm to another person or damage to or loss of the property of another.
 - a. Threat of Violence includes:
 - 1. Direct Threat: A threat directed at a person stating a direct detrimental action
 - 2. Conditional Threat: A threat directed at a person which is contingent upon an action or a circumstance that may or may not occur.
 - 3. Veiled Threat: A threat which implies that the target or someone close to him or her will be harmed, or that their property will be damaged or taken.
 - (3) Act of Violence: A willful physical act in the workplace or while on duty that is intended to cause or is capable of

causing bodily injury or emotional distress to others or damage to property including but not limited to physical assaults

(d) **Managerial Responsibilities**

- (1) Managers and supervisors shall work in partnership with employees to maintain a safe working environment
- (2) Managers and supervisors must intervene when they see behavior or actions in conflict with this policy. Where there is imminent danger, managers and supervisors shall immediately notify the police.
- (3) Managers and supervisors shall work with Human Resources to evaluate and investigate as needed if an incident of workplace violence is reported, is suspected of occurring, or has actually occurred.
- (4) Managers and supervisors shall follow up with employees to ensure that safety practices are consistently followed.

(e) **Employee Responsibilities**

- (1) Employees are expected to treat others with respect. Employees shall not engage in Intimidation, make Threats of Violence or engage in Acts of Violence in the workplace or while on duty. Employees shall demonstrate conduct in the workplace or while on duty that reflects favorably upon themselves, their co-workers, and the Town.
- (2) Employees are expected to promptly report Intimidation, Threats of Violence or Acts of Violence in the workplace or that may lead to violence in the workplace to their supervisor, department head, Human Resource Manager or Town Manager.
- (3) In the event of a threat to commit or commission of a crime, employees shall immediately call the police.
- (4) When there is imminent danger to persons or property, employees may take reasonable action to safeguard persons or property if they determine in their sole discretion that they can do so without putting themselves in danger.
- (5) All employees who obtain a protective or restraining order against another person which lists Town locations as being protected areas shall provide a copy of the order to their department head, Human Resource Manager or Town Manager.

- (f) All reported incidents will be investigated and appropriate action taken.

4.12 Drugs, Narcotics and Alcohol Policy

- (a) The Town of Culpeper recognizes that alcohol and drug abuse has become a serious problem across America. It is therefore, the goal of the Town to establish and maintain a safe and healthy workplace for its employees, free from drug and alcohol abuse,

and to protect the safety of its citizens by providing the highest quality of service.

The Town is committed to assisting employees who may be experiencing problems with drugs and alcohol. Our desire to assist employees does not relieve us of our responsibility to maintain a drug-free workplace. The use of alcohol, illegal drugs, or the misuse of prescription drugs is not acceptable in the Town workplace. Such behavior seriously affects job performance and can create danger to citizens and coworkers. In addition, the use of illegal drugs is not acceptable at any time or place. The policies and regulations pertaining to a drug-free workplace must be followed by all employees in the Town.

- (b) It is the policy of the Town of Culpeper that all Town work sites shall be maintained as drug-free workplaces.

No employees 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 Schedule I through V of Section 202 of the Controlled Substances Act (21 U.S.C.s812) and as further defined by Federal regulation CFR ss1300.11 through 1300.15.

(1) "Workplace" is defined to mean any site for the performance of work by the employee, including but not limited to any Town building or premise, any Town-owned vehicle or equipment, any building or premise used by the Town for Town business, and any non-Town property during any Town-sponsored or Town-approved activity, event, or function. "Workplace" also includes all Town-owned property such as, but not limited to offices, desks, lockers, safes, file cabinets, tool boxes, etc.

- (c) As a condition of employment, each employee shall notify his/her supervisor of his/her conviction of any criminal drug statute no later than five (5) days after such conviction.
- (d) As a condition of employment, each employee shall abide by the terms of this Town policy and regulations respecting a drug-free workplace.
- (e) All Town work sites and all Town-owned property is subject to drug detection inspection at the discretion of the Town.
- (f) The possession and/or consumption of illegal drugs or alcoholic beverages in the workplace is prohibited. Violation of this policy and regulations will result in appropriate disciplinary action up to and including termination.

- (1) Employees shall not appear for duty, or be on duty, while under the influence of intoxicants or drugs to any degree whatsoever.
 - (2) Supervisors who have reasonable suspicion that an employee is under the influence of intoxicants or drugs shall report the suspicion immediately to the Human Resources Director.
 - (3) Reasonable suspicion, for purposes of this Policy, must be based on observations such as an odor of alcohol, inappropriate emotions, or loss of coordination. See Appendix I for additional information.
- (g) An employee in a safety-sensitive position may not perform safety-sensitive job duties while taking prescribed medications that adversely affect the employee's ability to safely and effectively perform those job duties.
- (1) For purposes of this paragraph (g), "safety-sensitive position" means any position involving a substantial risk of injury to the employee, a fellow employee, or a member of the public, and includes sworn police officers, electric linemen, and any employee who operates a motor vehicle (town or personal) in the course of his or her duties. The Human Resources Department will maintain a list of all safety-sensitive positions by job title.
 - (2) For purposes of this paragraph (g), "safety-sensitive job duties" means any duties involving a substantial risk of injury to the employee, a fellow employee, or a member of the public, and includes any duties requiring use of force, electric lines, motor vehicles, climbing, environmental exposures, lifting objects over 25 pounds, moving objects over 50 pounds, or operating machinery (other than office machinery).
 - (3) If an employee in a safety-sensitive position is prescribed medication that may adversely affect the employee's ability to safely and effectively perform safety-sensitive job duties, then the employee must provide documentation to the Human Resources Department from the prescribing physician that he or she is able to safely and effectively perform those duties before the employee may return to duty. The physician shall provide only that information requested on the form supplied by the Human Resources Department for this purpose.
- (h) All employees will be required to sign a written receipt that they have received a copy of this policy.
- (i) Drug & Alcohol Testing: Drug and/or alcohol tests shall be required in the following cases.

- (1) Where an applicant for any full time Town position has been given a conditional offer of employment, subject to passage of a drug screening;
- (2) Random testing: The Town will randomly test employees for compliance with its drug-free workplace policy. Random testing means a method of selection of employees for testing, performed by an outside third party. The selection will result in an equal probability that any employee from a group of employees will be tested. Furthermore, the Town has no discretion to waive the selection of an employee selected by this random selection method;
- (3) Where there is reasonable suspicion that a Town employee, regardless of position or employment status, is under the influence of illegal drugs or alcohol; or
- (4) Where a Town employee, regardless of position or employment status, has been authorized to return to work at the recommendation of the Town's Medical Review Officer (MRO) and the Town Manager after testing positive for drug or alcohol use and referral to an employee assistance program; testing may occur on an unannounced basis for 18 months after the employee returns to work.
- (5) As required by the Omnibus Transportation Employee Testing Act of 1991. Regulations of 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 and alcohol under the following conditions:
 - (a) Pre-employment
 - (b) Random selection
 - (c) Post-accident
 - (d) Reasonable suspicion
 - (e) Return to work after testing positive and follow-up

A refusal to immediately submit to a drug test when requested under the circumstances above or a verified finding of alcohol or illegal drug use may result in withdrawal of a conditional offer of employment or disciplinary action up to and including termination. The list of Town positions determined to be critical to the safety and security of employees or citizens for purposes of this policy are contained in Attachment A and may be periodically revised by the Town Manager.

5.0 PERSONNEL

5.1 Responsibility

The Town Manager shall have responsibility for the overall supervision of the personnel program. The Human Resources Manger shall oversee the processing and maintenance of all personnel records and files and confidential personnel information, and shall act as custodian of all such files. Only authorized personnel shall have access to employee records. The Town Manager, Department Heads/Supervisors, and employees of the Human Resources Department are the only persons authorized to review personnel files within their Departments, other than employees who desire to see their own file.

5.2 Personnel Reports

Any appointment, transfer, promotion, dismissal and other changes in the status of employees shall be reported to the Town Manager, in writing, for final approval.

5.3 Personnel Records

The Human Resources Department is responsible for maintaining personnel records containing all documentation pertaining to each employee's employment record. Employees may request to review their record at any time upon reasonable notice to the Human Resources Director.

5.4 Procedures for Establishing a Position

Persons may not be employed unless there are positions in which to place them. When a Department Head determines that an additional position is necessary in order to carry out the work program of that department, a written request shall be submitted to the Town Manager justifying the action. If the Manager approves the request, the following action will be taken

- (a) Full-time or Part-time and Temporary positions: The recommendation for the additional position will be forwarded to Town Council for their approval and funding.
- (b) Seasonal or Intern positions: If funding is available within the department making the request, the Manager may approve the additional seasonal or intern position for a specific period of time, up to a maximum of 180 days, not to exceed the end of the current fiscal year.

5.5 Two Incumbents in One Position

There are two conditions under which a position may be occupied by two employees at the same time.

- (a) The appointment of a new employee in the same classification held by another employee may be made for a reasonable time before termination so that the new employee can be trained in that position. The Department Head should work out a reasonable period of overlap with the Town Manager.
- (b) When employees are on approved extended leave, their positions may be treated as vacancies during the period of leave. The

request for an overlap of incumbents must be explained carefully on the Personnel Requisition Form. The department must be sure it has sufficient funds to pay both employees, if the employee on leave is in a pay status. Any person hired to fill in where another is on leave must be informed at the time of employment that the job is temporary. Such temporary employees shall not be entitled to any fringe benefits, and their employment is limited to 1,500 hours worked in a 365 day period.

5.6 Applications and Employment

- (a) All applications for employment to a position with the Town shall be made on the prescribed forms and shall be filed on or before the closing date specified for such position. All applications shall be signed, certifying the truth of the statements contained therein.
- (b) Solicited employment applications shall be kept on file for a period of three years, at which time they will be destroyed, unless the applicant requests in writing that their application be kept on file. All non-solicited applications will be kept on file for one year, then destroyed.

5.7 Written Examinations

Written examinations may be required by certain departments. Department Heads will be responsible for scheduling and administering all examinations. The results of such test will be maintained in a confidential file and only released to those who possess a need-to-know to have access to the test results.

5.8 Physical Examinations

- (a) All prospective employees for certain positions may be required to pass a pre-employment physical examination. The Department Head or Human Resources Department shall schedule an appointment with the Contract Physician before an offer is made for hire. All applicants must pass a drug/alcohol test before an offer is made. Audiograms may be required annually for certain employees. Also special examinations to include a polygraph, may be required as pre-employment conditions for certain positions, based upon an opinion from the Town Attorney, which occurs with the justification for the examination for the positions being filled.
- (b) Department Heads shall develop a written list of positions which require a physical examination, audiogram or special examination. This list will be maintained on file in the Human Resources Department and each individual department.

5.9 Types of Appointment

The following types of appointments may be made to the Town of Culpeper:

- (a) Full-time Permanent: A full-time permanent employee works full-time and on a regular basis. The employee is entitled to all benefits and rights as provided by these regulations.

- (b) Part-Time:
- (1) A Classified Part-Time employee is scheduled to work less than 25 hours per week and is paid at any hourly rate. Classified Part-Time employees are paid for hours actually worked. They are not paid for holidays unless they are scheduled or called into work, and they are paid at their regular hourly rate. They do not receive vacation or sick leave. Classified Part-Time employees receive limited benefits. Limited benefits consist of: Attendance at Town Banquet, Town payment of Workers' Compensation, Participation in the Town's performance process, eligibility for merit increases and payment of Social Security.
 - (2) Part-Time Permanent - A part-time permanent employee is scheduled to work on an average over 25 hours a week during the year. Part-time permanent employees are paid for hours actually worked. They are eligible for pro-rated holiday pay for holidays that fall on a regularly scheduled work day. They are also eligible to receive pro-rated vacation and sick leave. Part-time permanent employees also receive the following benefits: Attendance at Town Banquet, Town payment of Workers' Compensation, Participation in the Town's performance process, eligibility for merit increases and payment of Social Security.
- (c) Temporary or Seasonal: A temporary employee is one who is employed for a limited term. The term may be for a one-time need, or it may recur each year, thereby being called seasonal. Incumbents of these positions receive no benefits and are paid for hours actually worked.
- (d) Transfer: Employees may be transferred:
- (1) If they meet the requirements for the positions to which they are transferred.
 - (2) If it is in the best interest of the Town, at the time. Department Heads may transfer employees from one position to another in the same pay class within their own department. The transfer of an employee to a position in another department shall require the approval of the Town Manager.
 - (3) To other positions within the Town if the Supervisor or Town Manager determines that they can perform a more valuable service in a different position. The transfer can be without an employee's consent, but an explanation may be provided, if requested, to the affected employee. An employee may also request a transfer.
 - (4) There shall be no change in salary as the result of a lateral transfer.
 - (5) When an employee is transferred into any position, other than moving within the same classification and range level, the employee shall be paid at an amount within the range

based on qualifications in the new position and the new anniversary date shall change.

- (6) All transferred employees are required to serve a six month probationary period.

- (e) Promotions: A promotion is the change of an employee from one pay level to another pay level having greater responsibility and having a higher minimum and/or maximum rate of pay. Employees who are promoted shall have their salaries increased to an amount within the range based on qualifications in the new position. It is the policy of the Town to employ the best qualified applicant for a vacant position and to promote from within when qualified employees are available for promotion. No employee is assured of a promotion simply because of being a current employee or because of more service than other applicants. All promoted employees are required to serve a six month probationary period.

- (f) Re-employment: When employees are re-employed within one year after termination in a class in which they were previously employed, they shall be paid within the pay range of the position. For evaluation purposes, their anniversary date shall be one year after the date of re-employment. Any person re-employed within 90 days after termination shall, in addition, be given their previous anniversary, delayed by the number of days absent, and shall have their previous benefits reinstated.

- (g) Demotion: A demotion is the assignment of an employee from one position to another position with a lower pay grade. The employee shall be placed within the lower range with consideration given to internal equity and relevant experience. Future pay increases would be limited to the maximum of the lower pay grade. All demoted employees are required to serve a six-month probationary period. Employees may be demoted for the following reasons:
 - (1) Their performance in their present job is unsatisfactory, per section 11.7 of this handbook.
 - (2) Any department reorganization by the Town Manager which changes responsibilities or duties.
 - (3) When an employee would otherwise be laid off because the position is being abolished, lack of work, lack of funds, or other organizational changes.
 - (4) When an employee voluntarily requests such demotion; or
 - (5) For the good of the Town service.

- (h) Reclassification
 - (1) Upon an upward reclassification/reallocation of a position, an employee shall receive the greater amount of either the minimum rate for the new salary range or an increase to their current salary of five percent per grade. Periodically the Town may implement comprehensive revisions to the

pay and classification plan whereby adjustments to employee's individual pay may be based on years of service in the current classification.

- (2) Upon a downward reclassification/reallocation of a position, an employee shall be placed in the new range equal to his/her current rate of pay so that the employee is not penalized by a reduction in pay. When the employee's rate of pay prior to reclassification exceeds the maximum amount of the new, lower range, the employee's rate of pay shall be frozen at the existing rate of pay until the pay of the lower range matches or exceeds the employee's rate of pay from the date of reclassification/relocation.
- (i) **Acting Capacity**
 - (1) When an employee is required to work in the capacity of a higher –level supervisory position due to an anticipated absence over a period of time exceeding 30 days, such employee may be paid additionally for assuming the higher-level duties.
 - (2) Requests for “acting pay” shall be made in writing by the department director and submitted to the Town Manager for approval.
 - (3) The temporary salary adjustment for the period of assignment to the higher-level position shall be determined by the Town Manager.

5.10 Employment Date

The employment date is the date the new employee first reports to work. This date shall be considered the employee's anniversary date for evaluation purposes, to include any probationary period served.

5.11 Probationary Period

- (a) Each employee, except police personnel, must successfully complete at least a 180 day probationary period. Police officers must complete a one (1) year probationary period from completion of field training if uncertified when hired. The probation period for certified officers shall be one year from the start of employment.
- (b) The probationary period is an integral part of the examination process and shall be utilized by the Department Head to train, aid and evaluate the new employee. At any time during the probationary period, the Department Head or the employee may elect to terminate employment. The Department Head, with Town Manager approval, may extend the probationary period.

5.12 Anniversary Date

The “Anniversary Date” shall be the date the employee begins employment. This date shall be considered the date for evaluation purposes. If a change in position occurs (i.e.: promotion, transfer, or change in status – part-time to full-time), at that time the employee will have a new evaluation and anniversary date.

5.13 Precedence of Law

Whenever any Town personnel policy conflicts with a law or with a policy of the State or Federal Governments, the laws or the policy of the higher authority shall apply.

6.0 PAY & CLASSIFICATION PLAN

6.1 The Pay Plan

The Town Council is responsible for:

- (a) Developing a pay plan with an appropriate number of pay levels. The pay plan includes the classification plan.
- (b) Assigning all positions to pay levels within the classification plan based upon a careful analysis of the requirements of the positions. When assigning salary ranges, consideration shall be given to prevailing rates of pay for comparable work of other public and private sector positions, the current cost of living, the duties and responsibilities of the positions, and the Town's financial condition and policies.
- (c) Developing an evaluation program by which employees may progress.

6.2 Maintenance of the Plan

- (a) A general review of the entire plan by the Town Manager is required each year prior to the submission of that year's final budget requests to Council.
- (b) Significant change in duties, responsibilities, working conditions, or other factors shall be considered during the annual review of the pay plan.

6.3 Pay Scale

- (a) The Town's pay plan includes a pay scale which contains basic entry and maximum pay levels. The plan may include a range of steps from the basic to the maximum steps to adequately compensate the employees covered by the classification plan.
- (b) The Town Manager is authorized to employ personnel at a level up to the mid-point of the pay grade of a position. Employees hired above the mid-point level must have approval by Town Council.

6.4 Pay Days

- (a) All salaries to be paid by the Town shall be paid by checks of the Town Treasurer, upon receipt of time sheets furnished by the Department Head and approved by the Town Manager.
- (b) All employees are paid bi-weekly. Unless another pay week is specified by the Town Manager for a specific employee or groups of employees, the Town's pay week begins at 12:01 a.m. on Thursday and runs through 12:00 midnight the following Wednesday. The payday shall be on Wednesday, one week from the end of the pay period.

- (c) Any alternate pay weeks approved by the Town Manager shall be submitted to and maintained by the Human Resources Department and Treasurer's Office.
- (d) Beginning July 1, 2002, all new hires shall be paid by direct deposit of paychecks.
- (e) Beginning January 1, 2003, all employees shall be paid by direct deposit of paychecks.

7.0 COMPENSATION

7.1 General

The Town uses the following plans for the management and compensation of all employees in all positions and pay grades.

- (a) Approved Pay Plan
- (b) Approved Classification Plan
- (c) List of Classifications which would be exempt from the provisions of the Fair Labor Standards Act.

7.2 Responsibility

It shall be the responsibility of the Department Head/Supervisor to ensure that all employees are equitably compensated for their services to the Town. The Town Manager shall be responsible for interpreting any pay problems which are not specifically covered by these regulations.

7.3 Overtime Pay and Holidays

Employees who work in excess of forty hours in one payroll week will be compensated in the manner described below.

- (a) **Exempt employees:** Positions listed as exempt in the Employee Classification Plan, in accordance with the definitions contained in the Fair Labor Standards Act (FLSA), are not eligible for overtime pay nor compensatory time. Such employee may be granted administrative leave by the Town Manager, when in his/her judgment such leave has been earned. Flex-time credits may be requested on an hour-for-hour basis for hours worked in excess of 40 hours per week. Maximum accumulation of flex-time credits is 40 hours. All unused credit shall lapse 12 months from date of accrual. Upon termination of employment, exempt employees are not eligible to be paid for unused flex-time credits.
- (b) **Non-Exempt/Hourly Employees:** Employee positions designated as non-exempt in the Employee Classification Plan and in accordance with the definitions contained in the FLSA shall be compensated at their hourly rate for each hour worked, up to 40 hours in any one payroll weeks. Non-exempt/hourly employees shall receive overtime at a rate of one and one-half times their regular rate for any time actually worked over 40 hours per payroll week. Such employees also receive holiday pay.
- (c) A non-exempt employee may, at his or her option, earn compensatory time at a rate of one and one half hours for all hours actually worked over 40 hours per payroll week instead of

receiving the overtime payment for such hours. Maximum accumulation of compensatory leave credit is 40 hours. Any employee who has accrued the maximum number of compensatory hours shall be paid overtime compensation for any additional overtime hours worked. A non-exempt employee shall be permitted to use accrued compensatory time within a reasonable period not to exceed twelve months after it is earned, if to do so would not unduly disrupt the operations the department. Earned compensatory time cannot be forfeited. Upon termination of employment, non-exempt employees will be paid for any unused compensatory time balances.

- (d) Holiday pay for non-exempt employees who are scheduled or called into work on days designated as Town holiday, shall be paid at their regular rate of pay for hours actually worked, unless the employees worked over 40 hours in the payroll week. In the latter case, employees are to be paid at the overtime rate.

7.4 Optional Work Period for Law Enforcement Personnel

- (a) Law enforcement personnel are defined as members of a body of officers, who are empowered to enforce laws, have the power of arrest, and have undergone (or are undergoing) on-the-job training or similar instructions.
- (b) Work periods of 28 consecutive days with tours of duty not exceeding 160 hours worked and work periods of 7 consecutive days not exceeding 40 hours worked for law enforcement personnel are to be used for these positions.
- (c) Overtime is paid only for those hours worked over 160 hours. No overtime pay is due for time in excess of 8 hours in any work day under this option.
- (d) Non-exempt law enforcement personnel may elect compensatory leave credits in lieu of overtime pay if they so desire. If the non-exempt law enforcement persons elects compensatory leave credits in lieu of overtime pay, hours worked in excess of 171 and 43 per work period shall be paid as overtime pay. Compensatory leave credits may be requested if the new balance will not exceed 80 hours.
- (e) If a Town designated holiday is worked by a law enforcement employee, the employee may elect payment or take time off at a later date.

7.5 Meal Per Diem Allowance

The U.S. General Services Administration (GSA) establishes per diem rates for meals and incidental expenses (M&IE). M&IE per diem covers the cost of meals including tax and tip and incidental expenses. Per Diem rate for the maximum per diem payment for First and Last day of travel shall be as established by GSA, however traveler should only

request per diem for individual meals required during travel. GSA per diem rates may be found at www.gsa.gov/perdiem.

When travel does not include an overnight stay the following eligibility criteria applies:

- Breakfast: Must be outside Culpeper County and workday begun at least 2 hours before start of normal scheduled work day.
- Lunch: Must be outside Culpeper County.
- Dinner: Must be outside Culpeper County and workday ended at least 2 hours after end of normal scheduled work day.

NOTE: The IRS deems meal expenses incurred during daily travel to be a taxable fringe benefit. Applicable taxes will be withheld through the payroll process based on the value of the expense.

Police Officers attending the academy will receive an alternate per diem rate as specified in the Police Department General Orders Manual of Policies and Procedures.

Receipts are not required for Meals Per Diem.

Meals during Emergencies - An employee shall be reimbursed for meals purchased during emergencies when such emergencies occur during nonscheduled working hours. No meal allowance will be paid for scheduled overtime work. Reimbursement for meals during emergency shall be reimbursed based on policies and procedures approved by the Town Manager and will not be reimbursed as a Meals Per Diem Allocation.

Refer to the Administrative Policy Manual – Travel for additional policies related to Meals Per Diem Allowance.

7.6 Travel Expenses

(a) Travel by Personal Vehicle

When a personal vehicle is used, reimbursement will be made for tolls, parking fees and mileage. Employees that use their private vehicles for Town of Culpeper business shall be compensated at the current IRS rate for mileage reimbursement. All reimbursement requests shall be made on the appropriate form from the Treasurer's Office.

The U.S. Internal Revenue Service (IRS) establishes a standard mileage rate to calculate reimbursement for operating a personal vehicle for business miles driven. This standard mileage rate may be found at www.irs.gov/Tax-Professionals/Standard-Mileage-Rates.

Insurance Coverage: All employees who drive private vehicles to conduct Town business shall ensure that they are properly licensed with proper car registration and insurance. The Town's insurance does not cover privately-owned vehicles.

- (b) Transportation:
Transportation includes airfare, rail and ground transportation.
- (1) Airfare – Where possible, airfare shall be purchased with a Town credit card or Town check. Travelers are expected to obtain the lowest available airfare, rail and ground transportation that reasonably meets business travel needs. Travelers are encouraged to book flights at least thirty (30) days in advance to avoid premium airfare pricing. First-class and business-class tickets are not reimbursable. Economy tickets must be purchased for domestic and international flights. Any voluntary upgrade costs are the responsibility of the individual or employee.
 - (2) Rail – The Town will prepay rail transportation provided that the cost does not exceed the cost of the least expensive airfare.
 - (3) Ground Transportation & Rental Vehicles – Transportation expenses will be reimbursed if they are pre-approved and determined to be necessary. Expenses for travel to and from airports and train stations, such as airport limousine, taxicab and/or bus transportation, are qualified expenses. Included also are road tolls and parking fees. Vehicle rental, after reaching destination, is permissible if necessary. Vehicle rental should be limited to subcompact, compact, or intermediate sizes, when available.
- (c) Conference Registration and Banquet Fees:
Registration fees and banquet fees are allowable and can be prepaid for with a Town credit card or Town check. Business-related banquets or meals that are considered part of the conference can be paid with the registration fees; however, such meals must be deducted from the traveler's per diem allowance.
- (d) Lodging:
Lodging may be paid with a Town credit card or Town check. Receipts are required. Travelers are expected to use discretion when choosing lodging to minimize cost to the Town. Employees may use conference recommended lodging if offered or lodging with a lower rate. Employees should request government rates when available. Where lodging is more than 150% of the GSA per diem rate, Town Manager approval is required unless lodging is at the conference rate. GSA per diem rates may be found at www.gsa.gov/perdiem.
- (e) Business Expenses:
Business expenses, including faxes, photocopies, Internet charges, data ports and business telephone calls incurred while on travel status, can be reimbursed. Original itemized receipts are required.

- (f) **Parking:**
Original receipts are required for parking fees (including airport parking) totaling \$25 or more. The lodging bill can be used as a receipt when charges are included as part of the overnight stay.
- (g) **Telephone Calls:**
The costs of personal telephone calls are the responsibility of the individual.
- (h) **Tolls:**
Original receipts are required for tolls totaling \$25 or more.
- (i) **Miscellaneous Transportation:**
Original receipts are required for taxi, bus, subway, metro, ferry and other modes of transportation if costs are \$25 or more for each occurrence.
- (j) **Cleaning Expenses:**
Laundry and dry cleaning expense are not reimbursable unless the travel time exceeds seven (7) days.
- (k) **Miscellaneous:**
Miscellaneous charges are reimbursable provided they are related to the trip and approved by the Town Manager.
- (l) **Travel for Non-employees:**
Additional costs for travel, lodging, meal or other travel expenses for spouses or other family members will not be reimbursed unless the individual has a bona fide town purpose for engaging in the travel or attending the event. Such travel requires prior approval by the Town Manager.
- (m) **Non-reimbursable Travel Expenses:**
The following items that may be associated with business travel will not be reimbursed by the Town:
- Airline club memberships
 - Airline upgrades
 - Personal grooming
 - Personal entertainment expenses, including in-flight movies
 - Costs incurred by traveler's failure to cancel travel or hotel reservations in a timely fashion, unless unavoidable
 - Other expenses not directly related to the business travel
- (n) Refer to the Administrative Policy Manual – Travel for additional policies related to Travel Expenses.

7.7 Payment For Standby Time

- (a) The provisions of this section only apply to non-exempt employees. However, those non-exempt employees covered by

the Town's Police Department Policy "Criminal Investigation Division: On-Call Procedures" are not included as they are governed by that separate Police Department Policy.

- (b) In order to respond to emergency calls during non-scheduled hours, some employees are assigned to standby and call back in the event they are needed ("standby status"). An employee assigned this status will be provided a cell phone and is expected to be available to report to work if contacted by an appropriate Town official or is otherwise notified of a problem within his or her area of responsibility. It is expected that if paged, the employee will respond immediately.
- (c) An employee on standby status will be compensated one hour of pay at the straight rate for every 16 hours that the employee is on standby status.
- (d) If called back to work, the employee will be paid additionally for the actual time at work in increments of 15 minutes.

7.8 Payment for Emergency Call-In

When a non-exempt employee is called into work with less than 12-hours notice, any holiday, vacation, sick, or other leave within that pay week which had been previously approved by the supervisor, will count towards overtime eligibility.

7.9 Weather Emergency Policy

- (a) Occasionally, the Town Manager may close the Town offices for a period of time due to extreme weather conditions making travel and the conduct of normal business hazardous.
- (b) The absence of employees under these conditions shall not be charged to earned leave. Employees who were previously scheduled to be on leave during the time of the office closing, shall also not be charged leave for their absence.
- (c) Essential personnel report to their place of duty when operational necessity indicates. The Department Heads of the following departments have the authority to determine which positions should be deemed essential as needed: Environmental Services, Light & Power, Police, & Public Works.
- (d) Essential personnel who are responding to the weather emergency will receive additional compensatory time on an hour for hour basis for those hours worked during the emergency, up to eight hours. This compensatory time should be taken within 30 days if scheduling permits.
- (e) Essential personnel, who do not report to work, shall be charged with the appropriate leave category or leave without pay.

7.10 Merit Pay

- (a) The Town's compensation plan includes salary ranges which are intended to furnish administrative flexibility in recognizing individual differences between positions allocated to the same

class, in providing employee incentives, in rewarding employees for meritorious service, and in meeting emergency conditions requiring pay adjustments.

- (b) Salary increases within ranges are based on job performance of each employee, the midpoint of the salary range at the time of the increase, and the financial capacity of the Town. Merit pay increases will be considered annually for all employees using the following procedure:

Action	Time Frame
Town Manager recommends aggregate funding for pay adjustments in Proposed Annual Budget to Town Council.	March/April
Human Resources provides Department Heads with Merit Pay Worksheets.	April 1 st
Supervisors prepare and submit annual performance evaluations through Department Heads to Human Resources.	May 1 st
Town Council adopts budget.	June
Department Heads finalize Merit Pay Worksheets, based on approved budget and overall performance evaluation ratings, and submit to Human Resources to review for consistency and approve.	June 30 th
Pay adjustments will be typically effective: <i>(or other date determined by the Town Manager)</i>	August 1 st

- (c) Newly hired employees will receive a pro-rated merit increase based on their length of service within the evaluation period. *(Ex. An employee hired in January would be eligible for 3/12 of the appropriate merit amount, because the evaluation period is April – March.)*
- (d) Salary increases within ranges for unusual or meritorious service may be granted without regard to limitations of time by the Town Manager within available budgeted funds.
- (e) Merit pay increase ranges will be set for the performance ratings of Meets Expectations and Exceeds requirements based on funds appropriated in the approved budget for this purpose. The minimum pay increase rate for the Meets Expectations range will be considered the cost of living adjustment, unless a separate cost of living adjustment (COLA) is approved by Town Council as part of the budget.
 - (1) Employees who receive an overall rating of Needs Improvement will not be eligible for any increase, Merit or COLA.

- (f) Employees are not eligible for a pay increase beyond the maximum level for their pay grade.

8.0 BENEFITS AND WORKING CONDITIONS

8.1 General

- (a) The Town's employee benefits provisions have been designed with the health and well-being of its employees in mind. While leave privileges and other benefits add to the security of its employees, they also aid the Town in attracting and retaining capable employees.
- (b) Employees are expected to consider the needs of the Town in requesting leave and utilizing the leave provisions wisely.
- (c) Should emergencies arise and the requirements of the Town demand it, leave may be suspended temporarily in order to meet these needs. Full-time employees shall begin to accrue benefits from their initial employment date.

8.2 Attendance

- (a) Work attendance is an indication of the employee's sense of responsibility and serves an important basis for advancement in Town service. There will, however, be times when an employee must be absent or late reporting to work.
- (b) All employees have the responsibility for notifying their Department Head/Supervisor prior to and no later than the time they are scheduled to report for work. Failure to notify the responsible Department Head/Supervisor prior to unauthorized leave of absence or other disciplinary actions, such as unsatisfactory evaluation ratings, postponed evaluation increases, suspension without pay, or in extreme cases, dismissal.

8.3 Work Hours

- (a) The Town requires that every full-time employee work a minimum of forty (40) hours per week, except when on authorized leave. Department Heads have the authority to establish basic work weeks that require a minimum of forty (40) hours. The hours for the Municipal Offices are from 8:00 a.m. to 5:00 p.m., Monday through Friday, with one hour for lunch. The lunch period is not considered as part of the minimum of forty hours required each week. Departments may establish other work schedules, with the approval of the Town Manager. The Town Manager may authorize exceptions for Municipal Office employees when appropriate. The hours for reporting to work and leaving may also be different in individual departments.
- (b) If an employee works for a Department where services must be provided on a 24-hour day, 7 day-week basis, the work schedule may vary from one week to the next, and rest days may not be the same each week. Work schedules are determined by the Department Head according to the staffing requirements of the Department.

- (c) Formal break periods, not exceeding fifteen minutes in the morning and fifteen minutes in the afternoon, may be provided for employees in a department. A department is not required to provide break periods. If break periods are provided, they are considered part of the minimum work hours required per week and cannot be saved and used to cover extended lunch hours, late arrivals, early departures or other time off with pay.
- (d) An employee is expected to conform to the established work schedule of their Department, including lunch and break periods. Transportation problems or other personal problems are not a reason for changing work schedules or excusing habitual late unauthorized tardiness, extended lunch periods, early departures, etc.; these may be charged to an employee's annual leave balance at the discretion of the Department Head/Supervisor depending on the circumstances surrounding the unauthorized absence. Annual leave is not designed for habitual use of this kind, however, habitual unauthorized absences may result in disciplinary action such as unsatisfactory evaluation ratings, postponed evaluation increases, suspension without pay, or, in extreme cases, dismissal.

8.4 Courtesy and Ethics

The impression that each employee makes on Town citizens affects their impression of the Town as a whole. Employees are encouraged to make a good impression on everyone with whom they come in contact. If employees have occasions to deal with unreasonable persons or ones whose problems they cannot solve, they should be referred to the employee's Department Head/Supervisor for assistance in resolving the matter.

8.5 Holidays

- (a) All full-time, salaried employees shall be entitled to the following holidays with pay, namely:

<u>Holidays</u>	<u>Date Observed</u>
New Year's Day	January 1 st
Lee Jackson Day	Friday Before Martin Luther King Day
Martin Luther King Day	Third Monday in January
George Washington's Birthday	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11 th
Half-Day Wed before Thanksgiving	Wednesday before Thanksgiving
Thanksgiving Day	Fourth Thursday in Nov.
Friday after Thanksgiving	Friday after Thanksgiving
Christmas Day	December 25 th

- (b) Holidays that occur on a Saturday will be observed on the preceding Friday, and Sunday Holidays will be observed on the following Monday.
- (c) Should a holiday occur during an employee's scheduled vacation, the employee may either receive a paid holiday absence for the day, or extend the vacation period by the number of holidays occurring during the scheduled vacation period.
- (d) Additional time off for the Christmas and New Year's holidays will be granted to Town employees each year based on the Commonwealth of Virginia's holiday schedule.

8.6 Vacation

- (a) Eligibility
 - (1) All salaried employees are entitled to paid vacations in accordance with the provisions below.
 - (2) For purpose of computing leave allowances at the end of the calendar month in which an employee is hired or separated, full credit shall be granted if the employee is hired on or before the 15th day of the month, and full credit shall be granted if the employee terminates after the 15th day of the month.
 - (3) Vacation credits are accrued on the last calendar day at the end of each month, in accordance with the schedule listed below.
 - (4) Part-Time Permanent – pro-rated pay for vacation.

(b) Accrual of Credits

<u>Years of Service</u>	<u>Monthly Credit Hrs.</u>	<u>Max. Days Accum.</u>
0 to 5 years	8	24
over 5 to 10 years	10	30
over 10 to 15 years	12	36
over 15 to 20 years	14	42
over 20 years	16	48

- (c) Vacation credits may be accrued not to exceed, at date of separation or at the end of the yearly payroll period (i.e. pay period that includes Dec. 31), twice the amount which can be earned in one year based on the employee's year of service. Employees may continue to accrue and take vacation leave beyond the stated maximum amounts during any calendar year, but may not exceed the maximum allowable accumulation as of the audit date. Full-time, salaried employees who leave the Town in good standing will be paid for any unused vacation leave balances not to exceed the maximum allowable accumulations for their service category. Employees who are in leave without pay status do not accrue any vacation during that period of leave, except personnel on military duty as mandated by law.
- (d) If employees are in an unpaid status for more than the equivalent of one-half of the working days of a month, they do not accrue leave.

- (e) Vacation leave with pay may not be granted before it is earned, unless there are extenuating circumstances that are approved by the Town Manager.

8.7 Use of Vacation

- (a) Should employees leave the Town service before the end of the first six months, they are not entitled to payment for vacation credits.
- (b) Each Department Head/Supervisor shall keep records of vacation leave credits and use, and shall schedule vacation leave with particular regard to the work demand of the employee's assignment as well as overall departmental requirements. However, vacation is to be granted for the period requested, unless it seriously impairs departmental activity.
- (c) When employees are transferred, promoted, or demoted, all unused balances of vacation credits shall remain to their credit as though no changes had occurred.

8.8 Sick Leave

- (a) All salaried employees who have completed one month of service are entitled to sick leave with pay.
- (b) The limits of paid sick leave are determined by the amount of sick leave credits which employees have accrued. The accrual of sick leave credit can be, and is encouraged to be accumulated.
- (c) Part-Time Permanent Employees – pro-rated pay for sick leave.

8.9 Eligibility

- (a) Employees in full-time positions with the Town for more than one month may be allowed sick leave with pay up to the amount accrued, provided they report their condition to the Department Head/Supervisor at the earliest opportunity, but no later than their scheduled starting time.
- (b) Employees who must leave work due to illness should advise their Department Head/Supervisor prior to leaving. In the event the Department Head/Supervisor is not available, the message should be forwarded to the supervisor through a fellow worker.
- (c) It is the responsibility of every employee to report the circumstances of the sick leave, recovery progress and probable duration. Department Head/Supervisors are responsible for verification, reporting and record keeping of sick leave.

8.10 Accrual of Credits

- (a) Sick leave credits are accrued at the rate of 10 hours per month (1 ¼ days). Employees who are in a leave without pay status do not accrue any sick leave during that period of leave, except personnel on military duty as mandated by law.
- (b) Employees who are in leave without pay status do not accrue any sick leave during that period of time
- (c) In the event an employee returns to work with the Town within one (1) year from the date of termination, the employee will receive one-half (1/2) of the sick leave accumulated at the time of

separation. This does not apply if the employee received any reimbursement for any unused sick leave at the time of separation.

8.11 Use of Sick Leave

The absence of employees for the reasons stated below shall be charged against earned sick leave credits:

- (a) Illness or injury incapacitating the employees from performing their duties.
- (b) Employees who are unable to perform their duties due to temporary emergency or medical disabilities described above, are to submit documentation from their physician indicating the extent of the disability and the anticipated length of time before they are able to fully perform their job.
 - (1) Employees wishing to continue working during a temporary disabling condition must submit information from their physician which outlines the duties which they are able to perform.
 - (2) Considering this information, Department Heads/Supervisors and the Human Resources Director, with the assistance of the designated Town physician, if necessary, will determine if it is reasonable to temporarily restructure the job or if a temporary reassignment is available. If at any time it is not feasible to restructure or temporarily reassign work, employees will remain on paid leave or leave without pay if no leave balances are available.
 - (3) Employees who are allowed to work with temporary disabilities must submit an attending physician's statement monthly. This statement must contain information concerning the physical condition as it relates to continued active service. This information may be reviewed by the designated Town physician to determine if active service will continue.
 - (4) Department Head/Supervisors will closely monitor any employees who are allowed to continue work with a temporary disability. If any actions or behaviors which may indicate a worsening condition or signs of illnesses or injury should be observed, Department Heads/Supervisors must consult the Human Resources Director.
 - (5) When there is reason to believe that the disability may be permanent, prompt action should be taken by the Department Head/Supervisor, with assistance from the Human Resources Director and designated Town physician, if necessary, to determine whether reassignment to compatible work is feasible (including transfer or demotion).
 - (6) Based on the needs of the Department, employees who are unable to work for extensive periods of time due to disabling conditions may be placed in a conditional leave without pay status or dismissed, after appropriate

Family/Medical Leave (FMLA) procedures have been completed.

- (c) An exposure to contagious disease such that presence on duty would jeopardize the health of fellow employees or the public.
- (d) Appointment for examination and treatment related to health (physician or dentist) when such appointment cannot reasonably be scheduled during non-work hours.
- (e) Sick leave with pay may be granted for illness to immediate family members or emergency medical appointments. For the purpose of sick leave, immediate family members are defined as an employee's wife, husband, child, mother, father, step-parent, mother-in-law, father-in-law, brother, sister, foster parents, grandparent, grandchild or step-child. Use of sick leave in this instance is intended to be a time of great need when it is impractical to get a relative, neighbor, or nurse to stay with the family member or when a sudden emergency requires immediate attention by the employee.
- (f) When employees are transferred, demoted, or promoted, all their unused sick leave balances remain to their credit as though no change has occurred.
- (g) A doctor's certificate which discusses the employee's ability to work during the period of absence may be required by a Department Head/Supervisor when the illness exceeds three (3) days or when there is reason to believe that there is abuse of the sick leave benefit. When such proof of illness is requested and is not presented, the Department Head/Supervisor may grant leave without pay or vacation leave, or may treat the absence as ground for disciplinary action.

8.12 Extraordinary Sick Leave

- (a) Where absence of a full-time permanent employee is necessary by serious and extended illness, injury, or disability, which is not related to the performance of duties, the Department Head/Supervisor shall investigate the circumstances including the procurement of a physician's certificate, if necessary, and if warranted, the Department Head/Supervisor may recommend in writing to the Town Manager that extraordinary sick leave with pay be granted to the employee. Should all of the employees' sick leave become exhausted, the balance of the leave may be charged to Compensatory Leave, Administrative Leave (if employee is a Department Head), Vacation Leave, Extraordinary Leave or Leave Without Pay in order listed. If the Town Manager considers extraordinary sick leave to be justified, he shall approve it for an amount not to exceed one-half working day for each completed month of service during the employee's total period of service. If extraordinary sick leave has been given once for any completed month of service, it may not be given for that month again.
- (b) Sick Leave Sharing Program – In the case of an extended illness or non-work-related injury to a fellow employee, a sick leave

sharing program exists, whereby an employee may donate sick leave to a specific Town employee on an hour-for-hour basis upon the approval of the Department Head. No more than 16 hours may be donated by any one employee per calendar year. All donations must be within that employee's department as defined by the composition of the Employee Relations Committee. Generally, no more than eighty (80) hours may be received by any one employee within a 12-month period. Under special circumstances and only when recommended by the applicable Department Head and approved by the Town Manager, 80 additional hours may be donated and can come from other departments. The Town Manager will report to the Personnel Committee all sick leave sharing.

- (c) In order to receive donated sick leave, the employee must first provide a doctor's statement to his/her supervisor clarifying the degree of illness, to include the estimated length of the illness. In addition, the employee must first have exhausted all of his/her sick leave, annual leave and compensatory leave.

8.13 Family and Medical Leave Act (FMLA)

- (a) Under the Family and Medical Leave Act (FMLA) of 1993, an employee may be entitled to 12 weeks of job protected leave in a rolling 12 month period. The 12 month period is measured backward from the start date of an employee's request for family/medical leave.
- (b) Reasons for Leave
Leave may be taken:
 - (1) due to the birth of a child or the placement of a child with the employee for adoption or foster care (leave must be taken within 12 months of the event date);
 - a. Family/medical leave taken for the birth or placement of a child must be taken in one block of time up to 12 weeks, unless the employee and department head agree otherwise.
 - (2) for the employee to care for a spouse, child or parent who has a serious health condition;
 - (3) for a serious health condition that makes the employee unable to perform the essential functions of the job;
 - (4) for leave related to active duty or the call to active military duty of an immediate family member; or
 - (5) to care for a covered service member who has been injured in the line of duty, and who is the employee's spouse, child, parent, or next of kin.
 - a. This type of leave can be taken for up to 26 weeks during a single 12 month period.
- (c) Serious Health Condition – A serious health condition shall be defined as an illness, injury, impairment or mental condition that involves:
 - (1) Inpatient care in a hospital, hospice or residential medical care facility; or

- (2) Continuing treatment by a healthcare provider; or
- (3) In the care of a member of the Armed Forces, including a member of the National Guard or Reserves; an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.
- (d) Notice to Employees – The town shall post a notice explaining the FMLA's provisions and provide information about filing complaints with the Department of Labor.

When an employee requests leave, Human Resources shall notify the employee of the employee's eligibility to take FMLA leave within two business days.

Human Resources will provide written notice detailing the expectations and obligations on the employee and will accompany this notice with any required certification form.

- (e) Qualification for Leave – To qualify, an employee must have been employed by the Town for at least 12 months (need not be continuous) and must have worked at least 1,250 hours in the 12 months immediately preceding the start of leave.
- (f) Request for Leave – An employee is required to provide thirty (30) days notice to his/her department director if the absence is foreseeable. If the leave of absence is not readily foreseeable, this notification must be made as soon as practicable before the leave is to begin. Failure to give timely notice may cause leave to be delayed.
- (g) Certification of Leave – An employee will be required to provide certification for their family/medical leave request. The employee must provide the certification within 15 days of the leave request or the leave may be delayed or denied.

Should the Town disagree with the opinion given by the employee's health care provider, the Town reserves the right to solicit opinions from a second or third health care provider at its expense. Additionally, an employee is required to furnish the department director reports on the status, intent to return and recertification of the serious health condition at no greater than 30-day intervals.

- (h) Use of Accrued Paid Leave – Employees are required to use all available and applicable accrued leave, before leave without pay will be granted, as part of the 12 week family/medical leave. Usage of accrued leave will be consistent with established leave policies. Under family/medical leave, earned annual and compensatory leave may be used without restriction; earned sick leave may be used only for the qualified leave necessitated by the serious health condition of the employee, his/her spouse, child or parent.
- (i) Health Insurance Continuation – During family/medical leave, the Town will continue paying for health insurance coverage, as

provided during active employment status. An employee on leave without pay must provide payment for their portion of the health insurance premium while on leave.

- (j) Return from family/medical leave – Employees will be returned to their original position or to a position with equivalent pay and benefits after family/medical leave. The Town will require a return to work medical certification if the leave was taken due to the employees own medical condition. Prior notification is required before the employee may return to work.
- (k) Fraudulent Leave Requests – An employee who fraudulently obtains family/medical leave is not protected by the Act's restoration or maintenance of health benefits provisions and will be subject to appropriate disciplinary action up to and including dismissal.
- (l) Record Keeping – Human Resources is responsible for keeping records designating family/medical leave usage and must retain these records for at least three (3) years or until audit, whichever is greater. All medical certifications and other medical records must be forwarded to Human Resources and maintained in a separate file.
- (m) Family/medical leave and workers' compensation shall run concurrently, provided that the reason for leave is due to a qualifying serious health condition and the employer properly notifies the employee in writing that the leave will be counted as family/medical leave.
- (n) Rules for Husband and Wife Employed by the Town of Culpeper – A husband and wife who are both eligible for family/medical leave and are employed by the Town may be granted family/medical leave for a combined total of 12 weeks when the leave is taken for the birth, adoption, or foster placement of a child.

A husband and wife who are both eligible for family/medical leave and are employed by the Town shall be granted family/medical leave for a combined total of 26 weeks if the leave is taken to care for an injured service member.

- (o) FMLA Regulations – It is the intent that this policy comply with the Family and Medical Leave Act of 1993, as amended in January 2009. Any issue not specifically addressed herein or requiring greater definition will be reviewed with respect to the FMLA Regulations and Guidelines.

8.14 Sick Leave Reimbursement

Employees with five (5) years of service who leave the Town in good standing, shall be paid twenty-five percent (25%) of their unused sick leave accrued during Town employment, up to \$5,000. If an employee should die while employed with the Town, this sick leave reimbursement will be paid to the same beneficiary as named on their Virginia Retirement System Life Insurance Form. This policy is retroactive for all employees presently employed with the Town.

8.15 Bereavement Leave (Full-time Permanent Employees)

Leave allowance with pay shall be granted to a maximum of three (3) working days immediately following the death of a member of the immediate family. The immediate family is defined as an employee's wife, husband, child, mother, father, step-parent, mother-in-law, father-in-law, brother, sister, foster parents, grandparent, grandchild or step-child.

8.16 Workers' Compensation

- (a) All injuries sustained during working hours, however slight, are to be reported immediately – "Slight" injuries could cause trouble later. If necessary, an employee shall seek medical treatment from a doctor listed on the Panel of Physicians.
- (b) Accidents or injuries by Town employees will be placed in two (2) categories, preventable and non-preventable. The Town's Safety Committee will review all the facts and circumstances surrounding the incident causing the employee's injury.
- (c) In the event of a compensable injury, defined as an "accident arising out of and in the course of the employment", an employee is entitled to compensation under the Virginia Worker's Compensation Act. Any payments made by the employer to the injured employee during the period of disability, or to his dependents, which by the terms of this Act were not due and payable when made, may, subject to the approval of the Industrial Commission, be deducted from the amount paid as compensation; provided that in the case of disability such deductions shall be made by shortening the period during which compensation must be paid and not by reducing the amount of the weekly payment. Any employees entitled to Workers' Compensation will accrue annual and sick leave at their normal rate .
- (d) Personnel who are injured on the job and subsequently eligible for Workers' Compensation will not be permitted to use sick leave in lieu of Workers' Compensation benefits. Effective the date of the injury, regular pay will be stopped, and Workers' Compensation Insurance will become effective.

8.17 Prescriptions and Medical Supplies

When medication is prescribed for a work-related injury or illness, which has been determined to be compensable under Workers' Compensation, the following guidelines shall be followed:

- (a) Employees may deal with the pharmacist of their choice, but the statement must be made out in an employee's name, not in the Town of Culpeper's name. If the drug store approves credit, employees must bring the bill for the prescription to the Human Resources Department immediately so it can be forwarded to the insurance company for payment. The insurance company will pay the drug store directly in this instance.
- (b) If any employee pays for a prescription, the same procedure is followed, except the insurance company will reimburse the employee.

- (c) Occasionally, items other than prescriptions are necessary. The same guidelines shall be forwarded as for prescriptions.
- (d) The claim approval is an agreement between the insurance company (the Town's representative) and employees. For this reason, no purchases may be billed to the Town of Culpeper.

8.18 Job Related Disability Benefits

Under job related disability retirement, members are guaranteed as much as two-thirds of their average final compensation payable from the combined sources of the:

- (a) Virginia Retirement System
- (b) Workers Compensation, and
- (c) One-half of the employee's Social Security Benefits

In addition, persons who retire for job-related disability are entitled to a refund of contributions from their retirement funds. Further information is contained in the Virginia Retirement System brochures provided to employees.

8.19 Civil Leave

The Department Head/Supervisor shall grant employees leave of absence with pay, designated as civil leave, or any absence necessary; for serving on a jury, attending court as a witness under subpoena (as long as the employee is not the defendant), or taking a test of fitness for military service. Employees must show the orders requiring such duty when they request leave. Employees may accept a jury fee.

8.20 Military Leave

- (a) Employees mobilized or ordered to active military duty will have their job status protected in full compliance with current Federal requirements, including fringe benefits as mandated by law.
- (b) All employees attending annual Reserve or National Guard active duty for training are entitled by State Law to not more than fifteen (15) work days of leave annually with full pay. This leave is not charged to the vacation leave of individuals. Weekly or monthly drills must be attended on the employee's own time.

8.21 Educational Leave (Full-time Permanent Employees)

- (a) Education leave may be granted to employees to follow a course of study related to their position with the Town. If leave is needed for three hours or less per week, employees may be granted time off with pay by their Department Head/Supervisor. If more time is needed, the Department Head/Supervisor may approve up to four months of educational leave without pay. Additional time may be approved by the Town Manager on recommendation of the Department Head/Supervisor.
- (b) In all cases, a written memorandum which states the action and circumstances shall be sent to the Town Manger as a matter of record.
- (c) Should the Department Head/Supervisor believe it to be in the Town's best interest to send employees on educational leave and

pay part or all of their salary during that time, their budget must be able to absorb the cost, their work program must be able to overcome their employee's absence, and the request must be approved by the Town Manager. Once approved, employees shall sign a contract agreement to return to the Town service for a period equal to twice the length of time for which the paid leave was granted.

- (d) Employees who are approved by enrollment in a course of study leading to a degree are expected to remain in the service of the Town for one year after completion of all requirements for an Associate's, Bachelor's or Master's degree.

8.22 Administrative Leave

Administrative leave is defined as paid leave, not otherwise classified under the Town's leave policies, which is authorized by the employee's Department Head/Supervisor, subject to the approval of the Town Manager.

- (a) Administrative leave may be used for the following purposes:
 - (1) During the investigation of an alleged improper act by an employee which may result in formal disciplinary action;
 - (2) When the retention of an employee on active duty status may be detrimental to the interests of the Town or injurious to the employee, his/her fellow workers, or the general public;
 - (3) During a breakdown of essential facility services such as heating, air conditioning, water or other problems wherein facilities must be closed and an employee is released early from work or not required to report to work;
 - (4) During a period of equipment breakdown such that it is impossible for the employee to complete assigned tasks;
 - (5) For other necessary reasons at the discretion of the Town Manager.

8.23 Leave Without Pay

- (a) Leave of absence without pay may be granted for personal reasons for periods beyond those allowable with pay provided the Department Head/Supervisor is willing either to allow the position for which leave is taken to remain vacant or to fill it by temporary appointment until the expiration of such leave. Leave of absence without pay shall not be granted for more than 12 months except for educational leave or military leave. No leave of absence without pay shall be granted for more than 90 working days unless recommended in writing by the Department Head/Supervisor and approved by the Town Manager. No leave of absence without pay shall be granted to accept other work.
- (b) Full-time Permanent employees, either probationary or full-time, who want to be granted leave of absence without pay for personal reasons such as protracted illness extending beyond Family/Medical Leave coverage, personal business, or travel must submit a request in writing to their Department Head/Supervisor for approval by the Town Manager.

- (c) Such leave should not be approved unless the employee has exhausted all vacation leave and compensatory leave. If such leave is approved for ten working days or more, a copy of the approval must be sent to the Town Manager. Persons who are absent for ten or more continuous work days shall have their anniversary date adjusted by the length of absence.

8.24 Unauthorized Absence

An unauthorized absence during required hours of work attendance, whether for a day or more or for any part of a day, shall be absent without leave. Such absences shall be without pay and may be made the grounds for disciplinary action. Where the conditions warrant and adequate reasons for failure to secure authorization prior to the absence are found by the Department Head/Supervisor, the absence may be authorized by a later grant of leave. If employees have three (3) consecutive work days, or five (5) accumulated work days of unauthorized absence within any 12 month period, their employment with the Town automatically terminates.

8.25 Virginia Retirement System (VRS)

The Town of Culpeper is a participating member in the Virginia Retirement System. This consists of a life insurance and retirement program.

- (a) Retirement coverage is mandatory for full-time permanent employees regardless of age.
- (b) All full-time permanent employees become members as soon as they begin work, as a condition of employment.

For further details of the benefits of the Virginia Retirement System, see the "Handbook for Members".

8.26 Life Insurance

- (a) Employees covered by the Group Life Insurance Program are entitled to dismemberment, natural and accidental death benefits.
- (b) Dismemberment: If employees are covered by the Group Life Insurance Program, they have dismemberment insurance. If employees have an accidental loss of limb or eye, VRS-31 form "Claim Due to Accidental Loss" must be prepared and submitted.
- (c) Natural Death: In the event of natural death, the beneficiary will receive an amount equal to twice the employee's salary when that salary is rounded up to the next higher thousand.
- (d) Accidental Death: In the event of accidental death, the beneficiary will receive double the normal death benefit. For example, if the employee's annual salary was \$10,200 (rounded to \$11,000), the normal death benefit would be \$22,000, and the accidental death benefit would be an additional \$22,000.

8.27 Retirement

Full-time Permanent employees are automatically enrolled into the Virginia Retirement System (VRS). Information about the benefits available through VRS can be found at www.varetire.org or by contacting the Human Resources Department.

8.28 Health Insurance

- (a) All full-time permanent employees including those serving a probationary period are eligible for health insurance through the Town's policy. The Town pays a portion of the premium for the employee and their families. Deductions for health insurance premiums will be established through the Town's payroll system.
- (b) Employees will be provided coverage on the 1st day of the month following their date of hire.
- (c) For a list of detailed coverage provisions, please review the provider's benefit package provided by the insurance company or contact the Human Resources Department.
- (d) If an employee loses or leaves employment to include retirement, or if another event occurs that would cause the employee to lose coverage under the Town's group health plan, the employee has the right to elect COBRA (Consolidated Omnibus Budget Reconciliation Act of 1985) coverage. COBRA gives you the right to stay in the employer's plan for up to 18 months if you lose or leave your job, or if another event occurs that would cause you to lose coverage under an employer's group health plan. If the employee elects COBRA coverage, the employee must fill out a new health insurance application. The employee pays payment for COBRA coverage directly to the Health Care Provider. Currently, COBRA rates remain the same as the Town's, with a 2% Administration Fee added to this rate. Rates may change when new plans take effect.
- (e) Retirees under the age of 65 with at least ten (10) years of service to the Town are allowed to participate in the Town's health care program to include retirees and spouses at their own expense. If coverage is rejected at retirement or at any later date, it is forfeited and it cannot be reinstated.
- (f) Retirees who are 65 and older with at least ten (10) years of service to the Town are eligible to participate in the Town's Medicare supplemental insurance program at their own expense. If coverage is rejected at retirement or at any later date, it is forfeited and it cannot be reinstated.

8.29 Unemployment Compensation

- (a) Town of Culpeper employees who separate from employment are eligible to apply for unemployment compensation at their local office of the Virginia Employment Commission. After application is made, the Commission determines eligibility on an individual basis. Eligibility depends upon length of employment, reason for separation, employee's entitlement from other work sources, salary earned, etc.
- (b) The Town pays the entire costs of unemployment compensation. Employees do not share in the cost.

8.30 Uniforms

- (a) Some departments within the Town of Culpeper supply uniforms to, or give a clothing allowance for uniforms. Employees who

work in Departments which supply uniforms are required to wear them as a condition of employment.

- (b) Upon approval from the Department Head, employees may wear Town approved tee shirts instead of their standard issue uniform shirt. The conditions for this substitution are as follows:
- (1) It will be the employee's responsibility to maintain the tee shirts in such a manner that they will be clean and in good repair daily.
 - (2) The employee's supervisor will maintain the right to require the replacement of any tee shirts whose condition no longer projects a positive image comparable to that of a standard issue shirt.
- (c) Shorts issued by the Town of Culpeper as part of the uniform contract may be worn during the months of May, June, July, August & September. Shorts may not be worn while operating any type of power tool, grinder, welder, walk-behind lawn mower, weed eater, pipe saw, chain saw, etc., where the use of long pants or coveralls will offer additional protection to the legs. In addition, shorts may not be worn while in the vicinity of any energized conductors or devices or near any which have the potential to become energized unless covered by the flame retardant coveralls issued by the Town of Culpeper.
- (d) Footwear Safety Policy. This policy shall apply to all permanent, temporary, hourly, or seasonal employees listed in the departments below:
- Environmental Services Department, all employees except Laboratory Technician position and Administrative Secretary position;
 - Public Works Department, all employees except Administrative Secretary position;
 - Light & Power Department, all employees except Administrative Secretary position;
 - Planning & Community Development Department, all employees except Office Assistant position, Planning & Zoning Assistant position, Zoning Administrator position and the Planner and Planner II positions;
 - Police Department, Sworn Officers and Parking Control Officers shall wear approved public safety footwear per guidelines issued by the Police Department, which include: black, plain-toed shoes, quarter boot or boot, as approved by the Police Department and suitable for wearing with the police uniform.

Supervisors shall ensure employees assigned to these departments comply with the provisions of the footwear policy referenced in the Town of Culpeper's Safety Manual.

Reimbursement – All individuals employed in the departments listed above with the exception of the Police Department, will be responsible for the purchase of their safety shoes and meeting the established specifications as a condition of employment. After being employed for twelve (12) months, and upon verification by the employee’s supervisor, the Town will participate in the cost of replacing safety shoes for permanent employees in the departments in not to exceed amount as set by Council. This reimbursement will be limited to one (1) pair of safety shoes per year from the date of last purchase and reimbursement by the Town. Reimbursement must be submitted within fourteen (14) days of purchase.

8.31 Tobacco Free Workplace

- (a) It is the purpose of this policy to provide citizens and employees with a safe, healthy, productive, and tobacco-free environment in which to work and transact business.
- (b) Smoking or other use of tobacco is prohibited at any and all Town facilities, and will only be permitted in designated smoking areas.
- (c) Smoking or other use of tobacco is prohibited in all Town vehicles.
- (d) Failure to comply with this policy may result in disciplinary action.

8.32 The Americans with Disabilities Act (ADA)

- (a) The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act, known as the ADAAMA, are federal laws that require employers with 15 or more employees to not discriminate against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.
- (b) It is the policy of the Town of Culpeper to comply with all federal and state laws concerning the employment of persons with disabilities and act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is our policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.
- (c) When an individual with a disability is requesting accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, he or she will be given the same consideration for employment as any other applicant. Applicants who pose a direct threat to the health, safety and well-being of themselves or others in the workplace when the threat cannot be eliminated by reasonable accommodation will not be hired.
- (d) The Town of Culpeper will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be

eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship to the Town. Employees should contact Human Resources with any questions or requests for accommodation.

- (e) All employees are required to comply with the company safety standards. Current employees who pose a direct threat to the health and/or safety of themselves or other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made in regard to the employees' immediate employment situation.
- (f) Individuals who are currently using illegal drugs are excluded from coverage under the company ADA policy.
- (g) The Human Resources department is responsible for implementing this policy, including resolution of reasonable accommodation, safety/direct threat and undue hardship issues.
- (h) Terms used in the policy - As used in this ADA policy, the following terms have the indicated meaning:
 - (1) Disability means a physical or mental impairment that substantially limits one or more major life activities of the individual, a record of such an impairment or being regarded as having such an impairment.
 - (2) Major life activities include the following, but are not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.
 - (3) The ADAAA also includes the term "major bodily functions," which may include physical or mental impairment such as any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine. Also covered are any mental or psychological disorders, such as intellectual disability (formerly termed mental retardation), organic brain syndrome, emotional or mental illness, and specific learning disabilities.
 - (4) Substantially limiting: In accordance with the ADAAA final regulations, the determination of whether an impairment substantially limits a major life activity requires an individualized assessment, and an impairment that is episodic or in remission may also meet the definition of disability if it would substantially limit a major life activity when active. Some examples of these types of impairments may include, but are not limited to, epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder and schizophrenia. An impairment such as cancer that is in remission but that may possibly return in a substantially limiting form also is

considered a disability under EEOC final ADA regulations.

- (5) Direct threat means a significant risk to the health, safety or well-being of individuals with disabilities or others when this risk cannot be eliminated by reasonable accommodation.
- (6) Qualified individual means an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.
- (7) Reasonable accommodation includes any changes to the work environment and may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, telecommuting, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.
- (8) Undue hardship means an action requiring significant difficulty or expense by the employer. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include, but are not limited to:
 - (a) The nature and cost of the accommodation.
 - (b) The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources; or the impact of such accommodation upon the operation of the facility.
 - (c) The overall financial resources of the employer; the size, number, type and location of facilities.
 - (d) The type of operations of the company, including the composition, structure and functions of the workforce; administrative or fiscal relationship of the particular facility involved in making the accommodation to the employer.
 - (e) The impact of the accommodation on the operation of the facility.
- (9) Essential functions of the job refer to those job activities that are determined by the employer to be essential or core to performing the job; these functions cannot be modified.

The examples provided in the above terms are not meant to be all-inclusive and should not be construed as such. They are not the only conditions that are considered to be disabilities,

impairments or reasonable accommodations covered by the ADA/ADAAA policy.

8.33 Retiree Health Insurance Credit

- (a) Eligibility
 - (1) All full-time permanent employees who participate in the Virginia Retirement System and are eligible for an unreduced service retirement benefit.
 - (2) Must have 15 years of consecutive service with the Town of Culpeper.
 - (3) Must have participated in the Town of Culpeper's health insurance programs for the five years immediately prior to the retirement date.
 - (4) Must have retired after the effective date of the program. The effective date of the program is July 1, 2020.
- (b) Benefit
 - (1) Eligible retirees will receive a portable health credit of \$16.67 per month/per year of service with the Town of Culpeper up to 30 years (\$500 per month maximum benefit).
 - (2) Eligible retirees who are 65 and older will receive a portable health credit of \$5.50 per month/per year of service with the Town of Culpeper up to 30 years (\$165 per month maximum benefit).
 - (3) All benefits are provided for the employee only; election of dependent coverage is at the full cost to the retiree.
- (c) If the retiree elects to remain on the Town of Culpeper Health Insurance plan, they will pay the monthly difference between the retiree health insurance premium rate and the credit.
- (d) If the retiree chooses a plan other than the Town of Culpeper Health Insurance Plan, they must submit annual proof of coverage and payment by July 1st of each year in order to continue receiving the credit. If proof of coverage and payment is not received by July 1st, the retiree health insurance benefit will be terminated. Exceptions will be made for those incapacitated.
- (e) Retirees will not receive a credit amount greater than their health insurance premium.
- (f) Once retiree health insurance and/or the credit is terminated, reinstatement will not be allowed.

9.0 EMPLOYEE DEVELOPMENT AND EVALUATION

9.1 General Training Policy

The Town of Culpeper is committed to promoting a progressive training program for its employees. The Town Manager shall devise plans for, and coordinate with the Department Heads and other supervisory officials in the conduct of employee training programs to insure that service rendered to the Town will be more effective and that employees may become fully qualified for promotion to higher level positions. To

accomplish these ends, cooperative arrangements may be made with other public agencies and educational institutions.

9.2 Reimbursement to Town Employees for Education

- (a) Town employees may be reimbursed up to 100% for educational expenses incurred for books, training aids, and tuition when pursuing a degree or certificate program related directly to their work. The amount of reimbursement for educational expenses will be based on the availability of funds in the budget.
- (b) The Town actively supports and encourages this type of outside, off-duty study at local schools and colleges on the part of all employees. However, in order to clarify the administrative procedure for claims of reimbursement, the following guidelines are to be adhered to:
 - (1) The degree or certificate program must be in direct relationship to the employee's position and be taken for academic credit.
 - (2) The Human Resources Department will include funds in their annual budget for the program.
 - (3) Funds will be available to employees on a first come, first serve basis. The employee must achieve a satisfactory rating, or minimum grade of "C" or compatible grade, to qualify for reimbursement.
 - (4) It is recommended that the request for reimbursement consideration be submitted in writing at least ten days prior to the course start date, and include the certificate or degree program the employee is enrolled in, the course description and estimated cost of books, training aids and tuition. The application is to be routed through the Department Head for recommendation. The Human Resources Director will determine the availability of funds and appropriateness of amount. The request will then be submitted to the Town Manager for final approval.
 - (5) Upon completion of the course, a copy of the grade report, and tuition and books receipts are to be submitted to the Human Resources Department for processing.
 - (6) Employees who resign from the Town will be required to repay the full amount of any reimbursements received during the twelve (12) month period preceding the employee's resignation date.

9.3 Performance Evaluation Policy

- (a) Each employee of the Town of Culpeper will be evaluated as to their performance at least once a year. The evaluation shall be completed on the form furnished by the Town, by the employee's

immediate Department Head/Supervisor, and reviewed by the Department Head with the employee and approved by the Human Resources Director. In addition to the annual performance evaluation, the form may be used for probationary, semiannual and any special evaluations.

- (b) Performance evaluations are based on twelve (12) working months, from April 1 through March 31. Evaluations will be completed and submitted to the Human Resources Department no later than May ^{1st}.
- (c) Each employee should be afforded the opportunity to provide their supervisor with a self-evaluation of his/her job performance for the evaluation period. If the employee chooses to provide a self-evaluation to their supervisor for inclusion in the annual performance evaluation, they shall submit it at least 30 days prior to the performance evaluation due date.
- (d) An employee who receives an overall rating of "Needs Improvement" shall be provided with a Performance Improvement Plan (PIP). The PIP is designed to facilitate constructive discussion between an employee and his/her supervisor and to clarify the work performance to be improved. The PIP establishes clear, fair, and specific performance goals to be measured during the following three months. The Human Resources Director shall review the plan before it is provided to the employee, to ensure consistent and fair treatment of Town employees.
 - 1) If the employee receives a rating of "Needs Improvement" following the three month re-evaluation period, the employee may be demoted, reassigned, or terminated at the discretion of the Town Manager.
- (e) Supervisors may submit special evaluations at any time to recognize outstanding performance or unsatisfactory performance without waiting for the annual review cycle.
- (f) Supervisors shall not wait until a performance rating is due to recommend the separation or discipline of an unsatisfactory employee who does not respond to coaching and additional instruction. The supervisor should initiate corrective action as soon as it is concluded that the employee is unable or unwilling to meet the requirements of the position.
- (g) The Human Resources Department will provide performance evaluation training annually for supervisors and department heads.

10.0 EMPLOYEE TERMINATION

10.1 General Policy

It is the policy of the Town to maintain, in so far as possible, steady work and full-time employment, encourage efficient satisfactory employees to remain in the service of the Town, and make provisions through an adequate retirement system for those employees who are unable to work.

All separations are to be conducted in such a manner that those employees will leave without prejudice toward the Town. The responsibility of separating employees lies with the Department Head/Supervisor except that they shall consult with the Town Manager prior to the dismissal of any person (See Section 11.8)

10.2 Date of Termination

An employee's official date of separation is ordinarily the last day of actual work. Employees may not be placed on a leave status whether with or without pay when it is known that they will not return. Instead they must be separated at the end of the period required by Section 11.8. Employees will be paid a lump sum for all money due them, after adjustments for amount owed the Town. This policy may be modified when Federal and State funding requirements specify another procedure.

10.3 Resignation

Employees may resign from the Town service by presenting their written resignation to their Department Head/Supervisor within a reasonable time prior to the effective date. Such resignations may be withdrawn by employees at any time prior to the effective date with the approval of their Department Head/Supervisor. Resigning employees are strongly encouraged to give notice of termination a minimum of two weeks before the effective date and to submit a letter of resignation. Employees absent without notice for three or more consecutive days will be considered to have voluntarily resigned their positions.

10.4 Reduction in Force

(a) The Town of Culpeper has the unilateral right to reduce personnel based on budget requirements, workload factors, reductions in services, or other relevant management considerations regardless of duration of the situation. The decision to eliminate services or reduce personnel shall be made by the Town Manager or by a department head with the approval of the Town Manager. The Code of Virginia preserves as a non-grievable management right the ability of the Town to define its method of reducing its workforce.

(b) Definitions

- (1) Affected/Active Position - Affected/active position is defined as the position in which an employee is actively employed at the time of the reduction in force directive.
- (2) Classification - The grouping of positions within a department that have the same responsibilities and duties performed; education, knowledge, experience and ability requirements; tests of fitness; and ranges of pay.
- (3) Probationary Appointment - Probationary appointment is defined as any employee serving the initial probationary period of a position.
- (4) Reduction in Force (RIF) - Reduction in force (RIF) is defined as a reduction in the number of approved positions because of lack of funds or work and/or the elimination of one or more program functions.

- (5) Seniority/Years of Service - Seniority/Years of Service is defined as the sum of the employee's length of service with the Town.
- (c) Procedures
- (1) When it is determined that revenue projections indicate that funds will not be available to meet future payroll obligations at current staffing levels, the Town Manager shall determine the practicality of the following actions in lieu of a Reduction In Force (RIF):
 - a. Elimination of overtime work.
 - b. Delay of appointments to vacant positions.
 - c. Under filling vacant positions by appointing employees of a lower grade to those positions.
 - d. Conversion of some positions from full-time to part-time status.
 - (2) Upon determining that revenue is insufficient to avoid a Reduction In Force, and after evaluating alternative options, the Town Manager shall make the recommendation to Town Council, who will declare a Reduction In Force.
 - a. When a RIF is declared, consideration should be given to the best interests of the Town in terms of maintaining essential services and programs and minimizing a reduction of effectiveness and efficiency.
 - b. Department Heads will be requested to provide recommendations regarding the identification of programs, functions, and/or positions to be reduced.
 - c. When implementing a RIF, employees of selected classifications will be separated based upon the combined criteria of quality of performance, any disciplinary actions, level of training, and years of service in the position, as set forth below.
 - d. No full-time or part-time employee shall be laid off from any position while any probationary employee's employment is continued in the same position classification.
 - e. The department head will meet with the Human Resources Director and Town Manager to review the reasons for the reduction in force, positions identified for elimination, employment dates in the position, and position performance related information on all impacted employees. An employee's record should be evaluated for the total years of service with the Town versus others in the same category. Where an employee with more years of service in a position is determined to be subject to the reduction in force, the department head shall provide the Town Manager with a written explanation of the rationale and reasoning related

to the employee's performance in that position which resulted in the employee being selected for the reduction in force.

- f. Whenever possible, affected employees will be considered for transfers to a comparable vacant position within their department.
- g. Employees whose positions are eliminated and whose performance is rated at a minimum of "meets expectations" shall be placed:
 - 1. First, in available vacancies of the same classification or the same series at the same pay grade in the same department.
 - 2. If no vacancies exist in the same classification, the employees may be considered for a demotion to a similar vacant position in the same Town department.
- h. Employees to be separated under this Reduction in Force Policy will be paid for earned, but unused, vacation, sick or compensatory leave as provided for in Town of Culpeper policies and will be eligible for COBRA, pursuant to applicable laws and regulations.
- i. Employees, who are not separated through the RIF, may be affected by the increased workload created by the loss of the RIF position. The Human Resources Department will work with departments to take action to assist employees with the transition.

(3) Pay Provisions

- a. An employee who accepts a demotion under this procedure is authorized to receive the compensation of his or her former grade and position for three (3) months (the "three-month period").
- b. If the employee remains in the position at the end of the three (3) month period, he/she shall be demoted to the grade to which the new position is allocated, and his/her salary shall be adjusted, in accordance with the policy governing demotion.

(4) Notice Period and Severance Package

- a. All permanent employees shall be given a minimum of ten (10) working days' notice of separation prior to layoff.
- b. The Human Resources Director shall prepare the written termination notice to all employees in affected positions. The Human Resources Director and Department Head shall meet individually with each employee.
- c. When severance pay is allocated for the purpose of a RIF, it will be paid at the rate of pay at the time of RIF.

- d. Unless otherwise specified, severance shall be forfeited by the employee who declines a transfer, reassignment, or demotion to another vacant position within the same department during the RIF process.
- e. Employees who receive severance pay shall not continue to accrue leave or other employment benefits. Eligibility for leave and employment benefits will be based on the last day physically worked.
- f. Severance payments to an employee shall cease, if not exhausted, upon the re-employment of the employee to any paid status position with the Town of Culpeper.
- g. To receive the severance pay, the employee must have been separated from employment and received a minimum of meets expectations on their performance evaluations.
- h. For eligible employees who meet the above criteria, the amount of severance pay will be as follows:

Completed Years of Service	Severance
0 – 2 years	2 weeks base salary
2 years and above	1 week of base salary for every full year of service, up to a maximum of 12 weeks

(5) Transition Assistance

- a. Employees being separated as a result of a reduction in force shall be scheduled for a transition information session with a representative of the Human Resources Department.
- b. Employees who are separated as a result of a reduction in force may apply for unemployment compensation as provided by the Code of Virginia.
- c. Employees who are separated as a result of a reduction in force shall be paid for earned, but unused, vacation, sick or compensatory leave as provided for in Town of Culpeper policies.

(6) Recall List

- a. Employees being separated as a result of a reduction in force shall be placed on a recall list and must be recalled before any original appointment can be made to their job classification for one year. When there are multiple employees in a particular job classification, the employees will be placed on the recall list based on length of service and training.
- b. Employees placed on a recall list shall be responsible for notifying the Human Resources

Department of any change in address or telephone number.

- c. Employees shall be notified to return to work by certified mail to the last known address in the Human Resources Department. Any individual who fails to advise the Human Resources Department of their intent to return to work within fourteen (14) calendar days of the date of the recall notification shall forfeit all further recall or employment rights.

(7) Re-employment

- a. After the one year recall period, employees who have been separated from service under this policy are eligible for, but do not have a right of, re-employment by the Town of Culpeper. Applications will be subject to the competitive employment practices.

(8) Unfair Application Of Procedures

- a. The Human Resources Director is authorized to review records related to the reduction in force procedure and investigate allegations of unfair application of procedures. The Human Resources Director's decision regarding the application of procedures under this policy is final and there are no rights to grieve any such decision.

10.5 Reduction in Force Not A Disciplinary Measure

Through the continuing process of employee evaluations and guidance, employees who are not giving satisfactory service should be separated by the appropriate method or transferred to a job where they can give satisfactory service. A reduction in force is not a proper means to terminate unsatisfactory employees. If employees are terminated as a result of a reduction in force, they go on the call back list, regardless of service ratings, and must be recalled before any original appointment can be made in that class for one year. It is therefore, apparent that unsatisfactory employees should be dismissed by the proper means and that employees who are separated through a reduction in force should not be made to feel that their work has been unsatisfactory.

10.6 Disability Termination

- (a) Employees may be separated for disability when they cannot perform the essential functions of the job because of a physical or mental impairment. The termination may be initiated by the employee, their legal representatives, or the Town, but in all cases it must be supported by medical evidence acceptable to the Town Manager
- (b) Employees who are terminated for disability reasons shall be so terminated within the provisions of the Virginia Retirement System and Social Security Administration.

10.7 Death

Separation shall be effective as of the date of death as confirmed by a death certificate. Payment for earned salary and for accrued vacation shall be paid to the beneficiary listed on the employee's VRS Beneficiary Form. In the event there is no beneficiary form on file, payment will be made based on the Order of Precedence.

10.8 Employee Dismissal

Employees in the Town service may be dismissed for just cause at any time as described in Section 11.8, with notice to be given and appeal therefrom as provided in that section. The Town Manager shall have final authority for the dismissal of any employee to include general disciplinary action, not withstanding the provisions of the Town's Grievance Procedures.

10.9 Exit Interviews

Upon separation, employees may be asked to participate in an exit interview, conducted by the Human Resources Department. This request is made in an attempt to gather information which may help toward reducing turnover and may result in better working conditions for other employees who follow. This is not an attempt to pry into the affairs of employees, but rather an attempt to increase efficiency and productivity as a result of suggestions they may make regarding the Town's operation. If an exit interview is conducted, employees are encouraged to answer all questions honestly and freely.

10.10 Checkout Upon Separation

Employees who resign, retire, or are discharged or laid off will be required to turn in any Town owned property, clothing or working materials to their Department Head/Supervisor no later than their final working day.

11.0 EMPLOYMENT CONDUCT AND DISCIPLINE

11.1 General Policy

- (a) It is the policy of the Town to act with integrity and justice toward all employees recognizing their individuality as human beings and their right to fair, decent, and understanding supervision. Employees are expected to comply with instruction, established policies, procedures, rules and regulations. The department Head/Supervisor is responsible for seeing that each employee does their job properly and in accordance with work regulations. They are also responsible for the employee's personal conduct on the job. In order to give them authority in line with their responsibilities, Department Heads/Supervisors shall carry out all disciplinary action, upon consulting with the Human Resources Director.
- (b) Whenever employee performance, attitude, work habits, or personal conduct on the job at any time falls below a desirable level, Department Heads/Supervisors shall inform employees promptly and specifically of such lapses and give counsel and assistance. If appropriate and justified, a reasonable period of

time for improvement may be allowed before initiation of disciplinary action.

- (c) In some instances, a specific incident may justify severe disciplinary action in and of itself; however, the action to be taken depends on the seriousness of the incident and the whole pattern of the employee's past conduct and performance. The following types of discipline are available and shall be accomplished in the manner indicated: reprimand and warning, suspension, reduction in pay, demotion and dismissal.

11.2 Disciplinary Illustrations

The illustrations of unacceptable conduct cited below are to provide specific and exemplary reasons for initiating disciplinary action, and to alert employees to the more common-place types of employment conduct violations. However, because conditions of human conduct are unpredictable, no attempt has been made here to establish a complete list. Should there arise instances of unacceptable conduct not included in the following list, the Town may likewise find it necessary and appropriate to initiate disciplinary action in accordance with these policies and procedures.

(a) Attendance

- b. Improper or unauthorized use or abuse of paid leave.
- c. Excessive absenteeism, regardless of reason, the effect of which disrupts or diminishes operational effectiveness.
- d. Being absent without authorized leave, or repeated unauthorized late arrival or early departure from work.

(b) Behavior

- (1) Willful or negligent violation of the Personnel Policies and Procedures, unit operation rules, or related directives.
- (2) Failure to carry out a direct order from a superior, except where the employee's safety may reasonably be jeopardized by the order.
- (3) Engaging in a conflict of interest activity.
- (4) Conduct that discredits the employee or the Town, or willful misrepresentation of the Town.
- (5) Conviction of a crime, including convictions based on a plea of nolo contendere or of a misdemeanor involving moral turpitude, the nature of which reflects the possibility of serious consequences related to the continued assignment or employment of the employee.
- (6) Knowingly falsifying, removing or destroying of information related to employment, payroll, or work-related records or reports.
- (7) Soliciting outside work for personal gain during business hours; engaging in off-duty employment for any business under contract with the Town; participating in any off-duty employment that adversely affects the employee's performance of work for the Town; and engaging in unauthorized off-duty employment.

- (8) Discourteous treatment of the public or other employees, including harassing, coercing, threatening, or intimidating others.
 - (9) Conduct that interferes with the management of the Town's operations.
 - (10) Violation or neglect of safety rules, or contributing to hazardous conditions.
 - (11) Unauthorized removal or use of any Town property; or that of its customers, agents, etc.
 - (12) Physical altercations.
 - (13) Any act or conduct that is discriminatory in nature toward another persons' race, color, gender (including sexual harassment), disability, national origin, sexual orientation, age, religious beliefs or political affiliations.
- (c) Performance
- (1) Inefficiency, incompetence, or negligence in the performance of duties, including failure to perform assigned tasks or training, or failure to discharge duties in a prompt, competent, and reasonable manner.
 - (2) Refusal or inability to improve job performance in accordance with written or verbal direction after a reasonable trial period.
 - (3) Refusal to accept reasonable and proper assignments from an authorized Department Head/Supervisor.
 - (4) Intoxication or incapacity on duty due to the use of alcohol or drugs.
 - (5) Driving under the influence of alcohol or drugs while on duty; suspension of driver's license where job duties require driving.
 - (6) Careless, negligent, or improper use of Town property, equipment or funds, including unauthorized removal, or use for private purpose, or use involving damage or unreasonable risk of damage to property.
 - (7) Unauthorized release of confidential information or official records.

11.3 Reprimand and Warning

- (a) It is the responsibility of the immediate Department Head/Supervisor to recognize and handle disciplinary cases. A conference is not only inevitable, it is desirable. It is the first (and often the only) step in the disciplinary procedure. This discussion, in which the Department Head/Supervisor tries to reach an understanding of the causes for the offense and to impress upon the employee the need for corrective action, is called an oral reprimand. It can eliminate misunderstandings immediately and set the desired standards of conduct and performance. An informal record is kept for oral reprimands.
- (b) Should oral reprimands fail to achieve improved behavior, it is likely a written record is needed. This is called a written reprimand. It discusses the nature of the employee's offense, the efforts made previously to correct the problem, and often it warns

the employee of future actions that may be taken if the matter is not corrected. A copy of a written reprimand is to be sent to the employee and one must be sent to the Human Resources Department to be filed in their personnel folder.

11.4 Probation

Probation may be a restriction placed on an employee as a form of disciplinary action. This type of probation is not to be confused with the probationary status of a new employee or an employee who is transferred or promoted, although during either kind of probation the employee's work performance will be observed for improvement. Disciplinary probationary status is considered a trial period for the employee in order to determine, based on his/her work performance, if further disciplinary action is warranted.

11.5 Suspension

- (a) Suspension as the result of felony arrest
 - (1). Employees who are indicted and charged with the perpetration of a felony, may be removed from work during the period between the indictment or charge and the end of the trial. Removal shall be determined based upon the facts and seriousness of the charges placed against them.
 - (2). During the period of removal, employees shall be considered in a leave without pay status, except that they may request to use their accrued vacation or compensatory time if they wish. Upon conclusion of the court action or official investigation, the employee may be disciplined or removed, or may be reinstated with full, partial, or no back pay, as the Town Manager determines to be appropriate under the circumstances.
- (b). Other types of suspensions
 - (1). A Department Head/Supervisor, in conjunction with the Human Resources Director, may, for cause, suspend employees without pay for a period not to exceed five work days. Notice must be given to the employees immediately, if possible, but not later than one day after the effective date of the suspension. Notices shall be in writing and shall state the grounds for the suspension and its duration. A copy of the notice must be sent to the Town Manager and Human Resources Director.

Employees may respond in writing if they wish a copy of their rebuttal forwarded by the Department Head/Supervisor to the Town Manager. The only exception to this policy is for the Police Department, where the Chief of Police, in conjunction with the Human Resources Director, can suspend an employee for up to a maximum of 20 work days for investigative purposes.

- (2). For a suspected major offense against Town policies, which requires more than a five day investigation, employees may be suspended as indicated in Section 11.5 above. The

Department Head shall consult with the Town Manager and Human Resources Director concerning the additional time needed, and shall notify employees of any extension or the suspension in writing from the Department Head/Supervisor or Human Resources Director to the employees. The Town Manager will determine the amount of time necessary for the extension.

11.6 Reduction in Pay

As a disciplinary measure, the pay of employees may be reduced. If this action is taken, written notice shall be sent to the affected employees stating the grounds for the action, the nature of the reduction and, if appropriate, an estimate of the date when they may expect their pay reinstated. A copy of the notice shall be sent to the Town Manager by the Department Head.

11.7 Demotion for Cause

- (a) When situations occur in which employees are unable to perform their present assigned duties, but the employee is able to perform lower paid related duties, the Department Head/Supervisor may demote them after consultation with the Human Resources Director and approval of the Town Manager.
- (b) The department must have either a vacant position or request reclassification of the current position for placement of the employee.
- (c) As in other disciplinary actions, the grounds for demotion shall be stated in a letter to the affected employees. A copy shall be forwarded to the Human Resources Department by the Department Head to be placed in the employee's personnel folder.
- (d) Employees who are demoted will have their salaries reduced by at least five (5) percent per pay grade. The employee's rate of pay may not exceed the maximum of the new pay grade.

11.8 Dismissal

- (a) Dismissal is the most severe and permanent form of disciplinary action and should only be exercised with care and considerable prior thought. Any Department Head/Supervisor who proposes to dismiss a full-time employee shall make that recommendation to the Town Manager. Once the Town manager has decided to dismiss an employee, he or she must present the affected employee a written statement of the grounds for the action and the employees' appeal rights. The employee will have a brief opportunity at that time to state any reasons why he or she feels that termination is not appropriate.
 - (1) When an employee has been terminated by the Town Manager, the employee may have a right to file an appeal per the grievance procedure under Section 12.0 of this Handbook. Terminated employees, who are eligible for the grievance procedure, may skip steps one through three of this procedure and proceed with step four, panel hearing.

- (b) Dismissal is automatic when employees are absent for three (3) consecutive work days or five (5) accumulated work days within any twelve (12) month period without notifying the Department Head/Supervisor. In unusual cases in which employees could not have contacted a representative of the Town, reinstatement may be arranged with the Town Manager.
- (c) In situations where employees have been convicted of a felony while employed by the Town, dismissal may be used in such cases when the nature of the offense is such that the conviction conflicts with the conduct of the job.

12.0 GRIEVANCE PROCEDURE

12.1 Access to Procedure

Because many employee concerns or complaints can be resolved through communication between the employee and the supervisor, employees are encouraged to take their complaints informally to their supervisors and, if necessary, to upper levels of management as soon as possible. This informal process does not serve to extend the time frames identified in this procedure.

- (a) Coverage of Personnel – Except as identified below, all employees are eligible to file grievances.
- (b) The following categories of employees are not eligible to file grievances:
 - (1) Employees during their initial probation under Section 5.11 (a) of this Handbook;
 - (2) Appointees of elected groups or individuals;
 - (3) Officials and employees who, by charter or other law, serve at the will or pleasure of the Town Council;
 - (4) Employees whose terms of employment are limited by law;
 - (5) Temporary, limited term and seasonal employees;
 - (6) Town Manager, as Chief Executive Officer;
 - (7) Managerial employees (directors, deputy directors, and assistant directors); however, managers may file a grievance regarding disciplinary actions, to include dismissals, demotions and suspensions;
 - (8) Law-enforcement officers as defined in Virginia Code § 9.1-500 whose grievances are subject to the provisions of the Law-Enforcement Officers Procedural Guarantee Act and who have elected to proceed pursuant to those provisions in the resolution of their grievance, or any other employee electing to proceed pursuant to any other existing procedures in the resolution of his/her grievance;
 - (9) An employee who has voluntarily resigned; and
 - (10) An employee who has been dismissed, except for a grievance regarding the dismissal itself.

12.2 Definition of Grievance

- (a) Grievable Issues

A grievance shall be a complaint or dispute by a grievant relating to his employment, including but not necessarily limited to:

- (1) Disciplinary actions, including dismissals, disciplinary demotions, and suspensions, provided that dismissals shall be grievable only when resulting from formal discipline or unsatisfactory job performance.
- (2) The application of personnel policies, procedures, rules and regulations, including the application of policies involving matters referred to in 12.2(b)(3), below.
- (3) Acts of retaliation as the result of utilization of the grievance procedure or participation in the grievance of another Town employee. There is a rebuttable presumption that increasing the penalty that is the subject of the grievance at any level of the grievance shall be an act of retaliation.
- (4) Discrimination on the basis of race, color, creed, religion, gender, sexual orientation, political affiliation, age, disability, or national origin; and
- (5) Acts of retaliation because the employee has complied with any law of the United States, the Commonwealth, or Town, has reported any violation of such law to a governmental authority, or has sought any change in law before the Congress of the United States, the General Assembly, or Town Council.

(b) Nongrievable Issues

The Town shall retain the exclusive right to manage the affairs and operations of Town government. Accordingly, the following complaints are nongrievable:

- (1) Establishment and revision of wages or salaries, position classification or general benefits;
- (2) Work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the job content;
- (3) The contents of ordinances, statutes or established personnel policies, procedures, rules and regulations;
- (4) Failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly;
- (5) The methods, means and personnel by which work activities are to be carried on, including but not necessarily limited to:
 - (a) The provision of equipment, tools and facilities necessary to accomplish the task.
 - (b) The scheduling and distribution of manpower/personnel resources.
 - (c) Training and career development.
- (6) Termination, layoff, demotion or suspension from duties because of lack of work, reduction in work force, or job abolition; except where such actions affect an employee who has been reinstated within the previous six months as

a result of the final determination of grievance. In any grievance brought under the exception to this paragraph, the action shall be upheld upon a showing by the Town that;

- (a) There was a valid business reason for the action; and
 - (b) The employee was notified of the reason in writing prior to the effective date of the action.
- (7) The hiring, promotion, transfer, assignment and retention of employee's position within the Town government;
- (8) The relief of employees from duties in emergencies.
- (c) Time Frames
- (1) It is intended that speedy attention to employee grievances be promoted, consistent with the ability of the parties to prepare for a fair consideration of the issues of concern.
 - (2) The time for submitting an initial complaint shall be within twenty (20) calendar days after the event giving rise to the grievance.
 - (3) Limits for steps after the initial presentation of a grievance shall be the same for the grievant as that which is allowed for the Town's response in each comparable situation.
 - (4) Time frames may be extended by mutual agreement of the Town and the grievant.
- (d) Compliance
- (1) After the initial filing of a written grievance, failure of either party to comply with all substantial procedural requirements of the grievance procedure, including the panel hearing or Administrative Hearing, without just cause shall result in a decision in favor of the other party on any grievance issue, provided the party not in compliance fails to correct the noncompliance within five (5) work days of receipt of written notification by the other party of the compliance violation. Such written notification by the grievant shall be made to the Town Manager, or designee.
 - (2) The Town Manager, or designee, at his option, may require a clear written explanation of the basis for just cause extensions or exceptions. The Town Manager, or designee, shall rule on compliance issues, grievability and consistency with policy. Compliance determinations made by the Town Manager shall be subject to judicial review by filing a petition with the Culpeper County Circuit Court within thirty (30) calendar days of the compliance determination.

12.3 Management Steps

Employees may pursue grievable issues through the grievance procedure as provided below, and supervisors are encouraged to assist in this process. Any grievance of a termination skips these management steps

and shall begin at the Final Hearing (Section 12.5 below), and the employee must provide the written statement of grievance on the Request for Grievance Hearing form within twenty (20) days after notice of the termination. The Town Manager shall then make a determination of grievability under subsection 12.4.

(a) First Step – Immediate Supervisor Review

An employee who believes he has a grievance and wishes to utilize this procedure shall discuss the grievance informally with his immediate supervisor within twenty (20) days of the occurrence of the incident giving rise to the grievance. At this time, the grievance need not be submitted or resolved in writing, and a formal hearing is not required. The immediate supervisor shall offer a resolution of the grievance and communicate it orally, or in writing, to the grievant within ten (10) calendar days.

- (1) The immediate supervisor is the individual who is responsible for evaluating the grievant's performance.
- (2) If the grievance deals with a charge of discrimination against the immediate supervisor, however, the employee shall be permitted to initiate the grievance with the next level by written grievance. See §12.3(b) below.
- (3) The nature of the grievance and the specific relief requested shall be clearly stated.
- (4) The only persons who may be present at the discussion of the grievance and its offered resolution are the grievant, the immediate supervisor, the appropriate witnesses for each side, and any interpreter needed for communication.
- (5) Appropriate witnesses shall be present at the discussion only while actually providing testimony.
- (6) A personal face-to-face meeting between grievant and the immediate supervisor is required.

(d) Second Step – Department Head Review

If the grievant is not satisfied with and does not agree with the decision of the immediate supervisor in the First Step, or if the immediate supervisor fails to respond within the required time frame and the grievant wishes to advance to the Second Step of this procedure, known as the Department Head Review, the grievant shall reduce the grievance to writing on a Request for Grievance Hearing form (obtainable from the Human Resources Director) and shall file the completed request form with his Department Head within ten (10) calendar days of receipt of the response from the immediate supervisor or the deadline for that response, whichever occurs first. The grievant shall specify the relief that he expects to gain through the use of the procedure. The Department Head shall forward a copy of the completed request form to the Human Resources Director. The Department Head or designee shall meet with the grievant in person and shall render a written response to the grievant within ten (10) calendar days of receipt of the Request for Grievance Hearing form, with a copy being sent to the Human Resources Director and Town

Manager. Note that the Immediate Supervisor and Department Head will be, in some cases, the same person.

- (1) The only persons who may be present at the meeting are the grievant, the Department Head, the appropriate witnesses for each side, and any interpreter needed for communication.
 - (2) Appropriate witnesses shall be present at the meeting only while actually providing testimony.
 - (3) A personal face-to-face meeting between the grievant and Department Head or designee is required.
- (c) Third Step – Town Manager Review
- (1) If the grievant does not agree with the decision of the Department Head, the employee may indicate on the Request for Grievance Hearing form the desire to advance the grievance to the Third Step, known as the Town Manager Review. The employee must submit the completed form to the Human Resources Department within ten (10) calendar days of receipt of the response resulting from the Department Head Review.
 - (2) The Town Manager or designee shall meet with the grievant in person within ten (10) calendar days following the receipt of the Request for Grievance Hearing form.
 - (3) The only persons who may be present are the grievant, the Town Manager, the appropriate witnesses for each side, and any interpreter needed for communication.
 - (4) Appropriate witnesses shall be present only while actually providing testimony.
 - (5) The Town Manager shall give the grievant a written response within ten (10) calendar days following the meeting.
 - (6) If the Town Manager is the immediate supervisor or department head of an employee who has a grievance, then the First Step and the Second Step are consolidated into the Third Step. The grievant must, however, submit a completed Request for Grievance Hearing form to begin the grievance.
 - (7) A personal face-to-face meeting between the grievant and Town Manager or designee is required.

12.4 Determining Grievability and Access to the Grievance Procedure

- (a) The Town Manager, or designee, is responsible for rendering a decision on the grievability of issues at any time prior to the Final Hearing, as described in Section 12.5, below. A ruling may be sought on some or all of the issues raised in a grievance. The Town Manger may not designate the town attorney to decide the question of grievability.
 - (1) If the Town Manager or designee determines that the issue is grievable, the grievance can be pursued through the remaining steps.

- (2) If the Town Manager or designee determines that the issue is not grievable, he shall send a copy of the ruling to the grievant within ten (10) calendar days of the request.
- (b) The grievant may request, using the Request for Grievance Hearing form, a decision by the Town Manager as to whether the issue qualifies for a panel hearing or administrative hearing and provide such request to the Town Manager, or his designee, within ten (10) calendar days.
- (c) If the Town Manager, or designee, determines that the issue does not qualify for a panel hearing or administrative hearing, the employee may appeal to the Culpeper County Circuit Court for a hearing of whether the grievance qualifies for a panel hearing or administrative hearing.
 - (1) Proceedings for review of the decision of the Town Manager regarding qualification for a panel hearing or administrative hearing shall be instituted by the grievant by filing a notice of appeal with the Town Manager ten (10) calendar days from the date of receipt of the decision and giving a copy thereof to all other parties.
 - (2) Within ten (10) calendar days thereafter, the Town Manager, or designee, shall transmit to the Clerk of the Culpeper County Circuit Court, a copy of the decision of the Town Manager, and a copy of the notice of appeal and the exhibits.
 - (3) A list of the evidence furnished to the court shall also be furnished to the grievant.
 - (4) The failure of the Town Manager, or his designee, to transmit the record shall not prejudice the rights of the grievant.
 - (5) The court, on motion of the grievant, may issue a writ of certiorari requiring the Town Manager to transmit the record on or before a certain date.
- (d) Within thirty (30) calendar days of receipt of such records by the clerk, the court sitting without a jury shall hear the appeal on the record and such evidence as may be necessary to resolve any controversy as to the correctness of the record. The court, in its discretion, may receive such other evidence as the ends of justice require. The court may affirm the decision of the Town Manager, or his designee, or may reverse or modify the decision. The decision of the court shall be rendered no later than the fifteenth (15th) day form the date of the conclusion of the hearing. The decision of the court is final and is not appealable.

12.5 Final Hearing: If the grievant does not accept the decision of the Town Manager or designee from step 3, the grievant may advance to the final step. The final step in the grievance procedure is the Final Hearing, consisting of either a panel hearing or a hearing before an administrative hearing officer upon the agreement of both parties. Grievances of terminations always begin at this step.

- (a) Panel Hearing. With grievances that qualify as grievable and that are brought before a panel hearing for the Final Hearing, the following procedures shall apply:
- (1) Selection of Panel Members. A panel shall consist of three (3) members, all of whom shall be current Town employees:
 - (A) One member appointed by the grievant,
 - (B) One member appointed by the Town Manager, and
 - (C) Third member selected by the first two.
 - (2) In all cases the third panel member shall be the chairperson of the panel.
 - (3) In the event that an agreement cannot be reached as to the final panel member, the chief judge of the Culpeper County Circuit Court shall select the third panel member.
 - (4) The panel shall not be composed of any persons having direct involvement with the grievance being heard by the panel or with complaints or disputes giving rise to the grievance.
 - (5) The following persons shall not serve as a panel member:
 - (A) Managers who are in a direct line of supervision of a grievant.
 - (B) Persons residing in the same household as the grievant.
 - (C) Relatives of a participant in the grievance process or a participant's spouse.
 - (D) Spouse, parent, child, descendants of a child, sibling, niece, nephew or first cousin.
 - (E) No attorney having direct involvement with the subject matter or the grievance nor a partner, associate, employee or co-employee of the attorney.
 - (6) The full panel selection should be completed by the tenth (10th) calendar day following receipt of the qualification decision. However, this time limit may be extended in instances where it is necessary to request that the circuit court judge appoint the third panel member.
 - (7) Communications with Panel Members
 - (A) The parties shall not discuss the substance of the grievance or the problem giving rise to the grievance with any panel members prior to the hearing.
 - (B) A panel member is not to conduct an investigation into the substance of the grievance nor review materials not available to all panel members and parties. Any matters requiring the attention of the panel prior to the hearing should be communicated in writing to the panel with copies to all parties.
 - (8) Prior To The Hearing
 - (A) The full panel will set the date, time, and place for the hearing, which should be held within ten (10) calendar days following selection of the full panel.

- (B) The panel chairperson shall immediately notify the parties of the hearing date.
 - (C) The Town Manager, or designee, shall provide each panel member with a copy of the Request for Grievance Hearing form and any attachments, Form B, and the Town's Grievance Procedure, at least 10 days prior to the convening of the panel. Other information may only be submitted at the hearing in the presence of all parties.
- (9) Rules For Panel Hearing
- (A) Panels do not have authority to formulate policies or procedures or to alter existing policies or procedures.
 - (B) Panels have the discretion to determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing, and at the request of either party, the hearing shall be private.
 - (C) The Town Manager will provide the panel with copies of the grievance record prior to the hearing, and provide the grievant with a list of the documents furnished to the panel and the grievant and his attorney at least ten (10) calendar days prior to the scheduled panel hearing, and shall be allowed access to and copies of all relevant files intended to be used in the grievance proceeding.
 - (D) The panel shall have the authority to determine the admissibility of evidence without regard to the burden of proof or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence.
 - (E) All evidence shall be presented in the presence of the panel and the parties, except by mutual consent of the parties.
 - (F) Documents, exhibits and lists of witnesses shall be exchanged between the parties in advance of the hearing.
 - (G) The majority decision of the panel, acting within the scope of its authority, shall be final, subject to existing policies, procedures and laws;
 - (H) A personal face-to-face meeting between grievant and the panel is required.
 - (I) The parties may offer evidence and shall produce such additional evidence as the panel may deem necessary to obtain an understanding and determination of the grievance.
 - (J) The panel must decide procedural questions and rule on objections raised during the course of the hearing by majority vote. The panel may recess or

continue the hearing to seek advice on the procedural question.

- (K) The panel has no subpoena power to compel the attendance of witnesses.
- (10) After each side has had the opportunity to present its evidence, the panel shall specifically inquire of all parties whether they have any further proofs to offer or witnesses to be heard. Both parties may make closing statements summarizing their positions, following which the hearing should be declared closed unless the panel agrees to hold it open for the receipt of additional evidence.
- (11) Panel Hearing Decision
- (A) A panel's responsibility is to ensure the proper application of personnel policies and procedure.
 - (B) A panel is to decide cases on the merits, not on compliance matters occurring prior to or during the panel hearing.
 - (C) The panel, in rendering its decision, shall be guided, but not necessarily bound by the relief requested by the grievant. However, the relief granted must be consistent with existing policy, procedures and law.
 - (D) A panel by majority vote, can uphold or reverse the action of the Town or in appropriate circumstances, may choose a modified remedy.
 - (E) The panel shall render its decision on Form B within ten (10) calendar days of the conclusion of the hearing. The reasons for the panel's decision must be set forth on Form B.
 - (F) The panel's decision shall be transmitted to the Town Manager, who in turn shall inform the employee in writing of the panel's decision. A copy of the decision may be given to the employee's supervisor.
 - (G) The grievant must bear any cost involved in employing representation or in preparing their case.
 - (H) The decision of the panel is final and binding and shall be consistent with existing policy, procedures and law. In appropriate cases, the panel might determine that a grievant is entitled to reinstatement, but in no case does a panel have the authority to award back pay, costs, damages or attorney fees. The panel may not order promotion or transfer of the grievant or any other person.
 - (I) The question of whether the relief granted by a panel is consistent with law and written policy shall be determined by the Town Manager, unless such person has a direct personal involvement with the event or events giving rise to the grievance, in which case the decision shall be made by the Culpeper County Commonwealth Attorney.

- (12) Implementation Of Panel Decisions
 - (A) The Town Manager is responsible for ensuring that panel decisions are implemented.
 - (B) Either party may petition the Culpeper County Circuit Court for an order requiring the implementation of the decision of the panel.

- (b) Administrative Hearing Officer. With grievances that qualify as grievable and that are brought before an administrative hearing officer for the Final Hearing, the following procedures shall apply:
 - (1) Administrative Hearing Officer. The Administrative Hearing Officer (“hearing officer”) shall be appointed by the Executive Secretary of the Supreme Court of Virginia. The appointment shall be made from a list of administrative hearing officers maintained by the Executive Secretary pursuant to Virginia Code Section 2.2-4024 and shall be made from the appropriate geographical region on a rotating basis. In the alternative, the Town Manager, in his/her discretion, may request the appointment of an administrative hearing officer from the Virginia Department of Human Resource Management. The Town shall bear the expense of such officer’s services.
 - (2) The hearing officer will set the date, time, and place for the hearing, which should be held within ten (10) calendar days following selection of the hearing officer.
 - (3) Both the Town and the grievant may call upon appropriate witnesses and be represented by legal counsel or other representatives at the Administrative Hearing. Such representatives may examine, cross-examine, question and present evidence on behalf of the grievant or the respondent before the hearing officer without being in violation of the provisions of Virginia Code Section 54.1-3904 (practicing law without a license).
 - (4) The decision of the hearing officer shall be final and binding and shall be consistent with the provisions of law and written policy. The hearing officer shall render a decision in writing and distribute copies to the grievant and Town Manager within ten (10) work days of the conclusion of the hearing. The basis for the hearing officer’s decision shall be specifically set forth in writing.
 - (5) Either party may submit in writing within ten (10) work days to the Town Manager, with a copy to the opposing party, a protest that the hearing officer’s decision was not consistent with law and written policy.
 - (6) The question of whether the relief granted by a hearing officer is consistent with written policy shall be determined by the Town Manager or his designee, unless such person has a direct personal involvement with the event or events

giving rise to the grievance, in which case the decision shall be made by the Commonwealth Attorney for Culpeper County.

- (7) The decision shall be issued within ten (10) work days of receipt and shall be final.
- (8) If necessary, either party may petition the Circuit Court of Culpeper County for an order requiring implementation of the hearing officer's decision. The Town Manager is responsible for assuring that the hearing officer's decision(s) are implemented.
- (9) Rules of Final Hearing
 - (A) There is no subpoena power to compel the attendance of witnesses in any step of the grievance procedure prior to the Administrative Hearing. The hearing officer may, however, on the request of either party, or in his or her own discretion, request the voluntary appearance of witnesses. Town employees are expected to appear as witnesses if requested.
 - (B) The hearing officer does not have the authority to formulate policies or procedures or to alter existing policies or procedures.
 - (C) The hearing officer has the discretion to determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing, but at the request of either party the hearing shall be private.
 - (D) The Town Manager shall provide the hearing officer with copies of the grievance record prior to the hearing, and provide the grievant with a list of the documents furnished to the hearing officer. The grievant and his/her attorney, at least ten (10) work days prior to the scheduled Administrative Hearing, shall be allowed access to and copies of all relevant files intended to be used in the grievance proceeding.
 - (E) The hearing officer has the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence.
 - (F) All evidence is to be presented in the presence of the hearing officer and the parties, except by mutual consent of the parties.
 - (G) Documents, exhibits and lists of witnesses are to be exchanged between the parties at least ten (10) work days in advance of the hearing.
 - (H) The hearing officer may institute such other provisions as may facilitate a fair and expeditious

hearing, with the understanding that the hearing is not intended to be conducted like proceedings in a court, and that rules of evidence do not necessarily apply.

- (10) Hearing Officer Procedures. These procedures are to assist the hearing officer in preparing for and conducting an administrative hearing:
- (A) The parties shall not discuss the substance of the grievance or the problem giving rise to the grievance with the hearing officer prior to the hearing;
 - (B) The hearing officer is not to conduct an investigation into the substance of the grievance nor review materials not available to the parties. Any matters requiring the attention of the hearing officer prior to the hearing should be communicated in writing to the hearing officer with copies to all parties;
 - (C) Prior to the convening of an Administrative Hearing, the hearing officer should carefully review the grievance and become acquainted with the issues to be addressed. Administrative Hearings are not meant to be conducted as full court proceedings and the hearing officer shall not be bound by the technical rules of evidence;
 - (D) A hearing officer's responsibility is to insure the proper application of the Town's policies and procedures. Hearing officers do not have the authority to formulate or to change policies or procedures, nor do they have the authority to consider matters which these grievance procedures, Town Manager or Culpeper Circuit Court have determined to be nongrievable; and
 - (E) The hearing officer may uphold or reverse the decision rendered in Steps One, Two and Three or, in appropriate circumstances, may choose a modified remedy. The hearing officer's decisions, however, must be consistent with provisions of law and written policies, procedures, and law. In appropriate cases, the hearing officer might determine that a grievant is entitled to reinstatement, but in no case does a hearing officer have the authority to award back pay, costs, damages or attorney fees. The hearing officer may not order promotion or transfer of the grievant or any other person.
 - (F) The conduct of administrative hearings shall be as follows:
 1. At the option of each party, opening statements may be made at the beginning of the hearing and the hearing officer may ask for such

statements in order to clarify the issues involved in the grievance.

2. The Town and thereafter the grievant, or their representatives, shall then present their claims, evidence and witnesses who shall submit to questions or other examination. The hearing officer may, at its discretion, vary this procedure but shall afford full and equal opportunity to all parties for presentation of any material or relevant evidence and shall afford the parties the right of cross-examination.
3. The hearing officer may decide procedural questions and rule upon objections raised during the course of the hearing.
4. Witnesses other than the parties should not be allowed in the hearing room except while giving their testimony.
5. The hearing officer may question anyone giving testimony in order to clarify points being made.
6. Exhibits offered by the grievant or the Town may be received in evidence by the hearing officer and, when so received, shall be marked and made a part of the record.
7. The parties shall produce such additional evidence as the hearing officer may deem necessary to have an understanding of and make a determination of the dispute. The hearing officer shall judge the relevancy, admissibility and materiality of the evidence offered.
8. After each side has had the opportunity to present its evidence, the hearing officer shall specifically inquire of all parties whether they have any further proofs to offer or witnesses to be heard. Both parties shall be given the opportunity to make closing statements summarizing their positions, following which the hearing shall be declared closed unless the hearing officer agrees to keep it open for the presentation of additional evidence that could not be presented at the hearing. No rescheduled hearing shall be set more than 10 work days after the initial hearing except by express agreement of both parties.
9. The hearing officer shall render its decision within ten (10) work days of the conclusion of the hearing. The facts found and the reasons

for the hearing officer's decision must be set forth in writing on Form C. The hearing officer is to decide cases on the merits, not on compliance matters occurring prior to or during the Administrative Hearing.

10. The hearing may be reopened at any time before the actual implementation of the hearing officer's decision:
 - a. Upon the hearing officer's own motion.
 - b. By the hearing officer on the application of a party for good cause shown.
11. The hearing officer shall render its decision within fifteen (15) work days of the conclusion of any reopened hearing. The facts found and the reasons for the hearing officer's decision must be set forth in writing on Form C.

12.6 Rules Governing the Conduct of Grievance Hearings

Except as otherwise noted, the following rules apply to all levels of grievance hearings, both at the administrative level and the Final Hearing.

- (a) Role of the Human Resources Director
 - (1) The Human Resources Director or designee shall advise both employees and supervisors in matters concerning this grievance procedure.
 - (2) Where a grievant appeals to Step 3 or the Final Hearing, the Human Resources Director or designee shall transmit the grievance record to the person or panel conducting the next higher level of grievance.
 - (3) During Step 3 hearings and Final Hearings, the Human Resources Director or designee shall serve the person or panel conducting the grievance as facilitator and advisor on personnel-related matters.
 - (4) Neither the Human Resources Director nor his/her designee shall be present during the grievance panel's private deliberations and decision-making process.
 - (5) Neither the Human Resources Director nor any member of the Human Resources Department shall serve as the Town Manager's designee for Step 3 hearings or as a member of a grievance panel for Final Hearings.
- (b) Timelines, Deadlines, Hours, and Location for Holding Grievances
 - (1) Time intervals specified in the grievance procedure may be extended by mutual consent of the parties.
 - (2) When a deadline falls on Saturday, Sunday, or a Town holiday, the next calendar day that is not a Saturday, Sunday, or a Town holiday shall be considered the last calendar day.
 - (3) As far as practical, all grievance hearings shall be held during normal Town working hours as defined by the Town of Culpeper Personnel Policies and Employee Handbook.

- (4) Unless agreed to by both parties, all Step 3 hearings and Final Hearings will be held in an available Town meeting room selected by the Human Resources Director.
- (c) Recording Devices and Court Reporters
 - (1) The use of recording devices or a court reporter is not permitted at Step 1, 2, or 3 hearings.
 - (2) Either party may have a court reporter at a Final Hearing. The party hiring the court reporter shall bear the expense unless both parties agree otherwise.
 - (3) Where an audio recording of Final Hearing is made, other than by a court reporter, it shall be the responsibility of the Human Resources Director, or designee, to make the recording. There shall be no other recording permitted.
 - (4) If the grievant desires a transcript of the hearing, he/she shall bear the costs thereof.

12.7 Authority

The Town Attorney and Town Manager certify that these grievance procedures are promulgated pursuant to, and in compliance with Sections 15.2-1506 and 15.2-1507 of the Code of Virginia, and a copy of the certification has been filed with the Clerk of the Culpeper County Circuit Court. These grievance procedures supersede all grievance procedures previously issued. This procedure may be revised, changed or rescinded as allowed by statute.

13.0 AFFIRMATIVE ACTION PLAN

13.1 Purpose and Scope

The Town of Culpeper believes in and practices the principles of affirmative action and equal employment opportunity.

To further define the affirmative action philosophy of the Town, past actions, current activities and some new ideas are organized into this comprehensive statement to ensure that all employees are aware of, and understand the Town's policy. This statement constitutes the formal Town of Culpeper Affirmative Action Plan, further known as the AAP.

The Town Manager is assigned primary responsibility for the Affirmative Action Plan; all management personnel share in this responsibility.

The AAP contains the steps currently being taken to ensure that minorities and women are considered in all employment activities and plans for new actions which will emphasize the Town's equal employment environment. The activities outlined in the AAP are designed to explore every avenue of employee development to provide greater career potential for the individual and value to the employer. The AAP also provides assurance of full consideration to all citizens of the area for equal employment opportunities within the Town of Culpeper.

This AAP applies to the Town Manager, Department Heads and all employees of the Town of Culpeper.

Achievement of a minimum staffing pattern, equivalent to the minority population of the community, is a major goal of the AAP.

This goal is applicable to all position and will be reflected in recruitment and promotion efforts for all current and future vacancies.

The Affirmative Action Plan reaffirms that equal employment opportunity for all persons, regardless of race, color, religion, gender, sexual orientation, political affiliation, national origin, age, veterans status or disability is a fundamental policy of the Town of Culpeper.

The Affirmative Action Plan includes the involvement of minority businesses in the procurement process, to the extent possible. The Town will continue efforts to identify minority businesses in the area and, when possible, secure goods and/or services required by the Town from these vendors.

The AAP may require special affirmative action throughout the Town government in order to ensure the success of the program.

The AAP will affect all employment practices including (but not limited to) recruiting, hiring, transfer, promotions, training, compensation, benefits, layoffs and terminations.

Successful performance on affirmative action goals will provide positive benefits to the Town through fuller utilization and development of previously under-utilized human resources.

13.2 Responsibility For Affirmative Action

- (a) Responsibility of the Town Manager:
 - (1) Monitor the Written Affirmative Action Plan and internal/external communications procedures.
 - (2) Assist line management in analyzing employment data and identifying problem areas.
 - (4) Monitor internal audits and reporting systems to measure program effectiveness and to determine where progress has been made and where further action is needed.
 - (5) Serve as liaison between the Town, government regulatory agencies, minority and women's organizations and other community groups.
 - (6) Assure the current legal information affecting affirmative action is disseminated to Department Heads, Supervisors and other responsible officials.

14.0 MANAGEMENT RIGHTS

These Personnel Policies are promulgated as a guide for management and employees of the Town of Culpeper. They are adopted for the purpose of

ensuring that all Town employees are aware of their individual rights, job expectations, operating policies and benefits.

Should any section or part of these “Personnel Policies” be found to be illegal or outdated in a court of law, the decision will have no impact on the remainder of the policies.

Should State or Federal law supersede or override these policies, it is accepted that those laws or regulations are considered to be a part of these policies.

Management reserves the right to take action and make decisions as necessary on any personnel related issue which may not have been incorporated as a part of these policies.

15.0 IMMIGRATION LAW COMPLIANCE

The Town of Culpeper complies with the Immigration Reform and Control Act of 1986 and is committed to employing only United States citizens and those who are authorized to work in the United States.

16.0 TECHNOLOGY USE

16.1 Acceptable Use Policy

This purpose of this policy is to set forth rules, regulations and restrictions for Town employee access and use of the Town’s computers; network equipment; software; servers; mobile phones; PDA devices; facsimile machines; other devices capable of transmitting and receiving content in the form of data, images, graphics, photographs, text, video, sound or any other form; documents; spreadsheets; code; algorithms; processes; and other data or ideas which reside in part or in whole on any electronic system or equipment in order to better preserve, protect, manage and maintain the IT Infrastructure while ensuring efficient service to the public.

- (a) All content generated by or residing in any Town electronic communication device is the property of the Town at all times. Employees should have no reasonable expectation of privacy for any interactions conducted on any Town electronic communication device. This content may be accessed, reviewed, copied, disclosed, removed or deleted by supervisors or managers without prior notification to or consent by employees who use electronic communication. Audits are periodically performed for security, network maintenance and to ensure compliance with this policy.
- (b) As depicted by the ‘Freedom of Information and Virginia Government Data Collection and Dissemination Practices Act, employees should be aware that certain electronic communications are “official records” and may be subject to disclosure under those laws.
- (c) Upon termination of employment, all devices must be returned to the Town of Culpeper in working order and without undergoing data manipulation.

- (d) Town employees may on occasion use electronic communication for personal use, but only in complete accordance with this policy and as long as it does not affect productivity. Employees shall not generate, disseminate or retain personal communications using electronic communication tools if the content is defamatory (whether or not it is true), contributes to a hostile work environment, or might otherwise subject the Town to liability or litigation.
- (e) Content generated for personal use on Town-provided electronic communication tools is the property of the Town and subject to supervisory review even if it is not related to the business of the Town. Authorization for personal use of electronic communication may be withdrawn or restricted by the Department Head for any employee for any reason during any period of time. Personal use of electronic communication is a privilege permitted for convenience only. During business hours, it should be used sparingly within reasonable limits.
- (f) As with office telephone, to facilitate the efficient conduct of Town business, the use of personal communication devices should be kept to a minimum and not be disruptive or cause a distraction to the office setting. Supervisors have the authority to restrict or prohibit use of Town assigned and/or personal communication devices at any time on-the-job.
 - Disruptive activity will be defined as but not limited to phone use in meetings, training sessions, or other public places when their use would reasonably be deemed annoying and intrusive.
 - Distraction: Any time the use of a communication device would unnecessarily or unreasonably divert the attention of an employee from official duties and/or cause a potential hazardous situation.
- (g) Use of communication devices for conducting Town-business is considered hours worked. Non-exempt employees are not authorized to work overtime without prior approval by their supervisor.
- (h) Access to the Town's IT Infrastructure is permitted only with proper authentication and or supervision. Any infraction of this should be immediately reported to the Director of IT.
- (i) Employees are to access the Town's IT Infrastructure using only their assigned USER-ID(S) and PASSWORD(S). Under no circumstances are these credentials to be shared or attempt to be forged.
- (j) Employees shall not connect unauthorized equipment to the Town's IT Infrastructure. Unauthorized equipment includes, but is not limited to, hubs, routers, external drives and proxy servers. USB flash drives are permitted. Authorization will be granted by direction of the IT Director.

- (k) Town employees must also adhere to all procedures established by the Information Technology Department.

16.2 Social Media

Town Departments may utilize social media and social network sites to further enhance communications with various stakeholder organizations in support of Town goals and objectives. The Town also recognizes the role that these tools play in the personal lives of some department personnel. The personal use of social media can have bearing on employees in their employment. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by Town employees.

(a) Use of Social Media for Town Business

- (1) All official Town presence on social media sites or services are considered an extension of the Town's website and are to be governed with a level of professionalism consistent with that of our current website.
- (2) All Town social media sites shall be (1) approved by the requesting Department Head and the Information Technology Director, with final approval from the Town Manager; (2) published using approved social networking platform and tools; and (3) administered by a department employee, designated to be the Social Media Site Administrator (SMSA) by the requesting Department Head, that has a complete understanding of this policy and has appropriate content and technical experience.
- (3) Employees shall not create or participate in social media websites on an official basis without the necessary oversight and approval.

(b) Personal Use of Social Media

- (1) When employees create their own blogs, comment on a blog, contribute to a discussion forum or website, create a Facebook page or LinkedIn profile or otherwise contribute to online discussions, they are impacting their personal image and potentially affecting the Town. A supervisor may require an employee to remove content that violates this policy, and may take appropriate disciplinary action if the employee refuses. The posting of content which is contrary to the Town's interest in maintaining the efficiency and effectiveness of the workplace, and the public reputation of the Town of Culpeper may result in immediate disciplinary action.
- (2) The following rules apply when publishing content online:
 - (a) Do not post the Town seal, official badges, patches, emblems, logos, or uniforms since these are protected official images and symbols of the Town.
 - (b) Do not post content that is inconsistent with your duties and obligations as an employee of the Town. Content that is related to your job responsibilities and which has an

adverse effect upon the workplace or your ability to perform your responsibilities may form the basis of an adverse employment action up to and including termination. Employees should be especially sensitive to the potential for the following types of information to adversely affect the public confidence required for their position:

- (1) Provocative or inappropriate photographs or information
 - (2) Content regarding the abuse of alcohol or use of illegal drugs
 - (3) Negative comments about their supervisor, co-workers or clients
 - (4) Discriminatory comments (race, sex, national origin, or religion, for example)
 - (5) Posting confidential or sensitive information obtained in the course of employment
- (c) Do not post confidential, sensitive, or copyrighted information to which you have access because of your employment with the Town. Before removing a public record or copy from the workplace, comply with Virginia Freedom of Information Act requirements by identifying the record and asking for a copy from the keeper of the record. Before posting the record, consult with your supervisor to determine whether doing so is consistent with your job responsibilities.
- (d) Employees who have responsibility for public safety, public money, valuable assets, people's children, animals, the disabled, or the elderly all depend upon public trust and confidence for the successful performance of their jobs. They should be especially mindful of the potential for their online content to adversely affect their employment.
- (e) If you identify yourself as an employee of the Town of Culpeper, then be sure to make it clear that you are expressing your own views and not those of the Town or your Department. Don't give the appearance that you are speaking or acting on the Town's behalf.
- (f) Supervisors should not initiate a social networking relationship with a subordinate. If your subordinates are included in your social network, then be sure that your online content, including content you post about yourself and any comments you may make about your subordinates, is consistent with your role as a supervisor.
- (g) If your co-workers are included in your social network, then be sure that your content is consistent with Town policy regarding how to treat co-workers. For example, do not post content that would violate the Town's policy against sexual harassment or other discrimination.
- (h) Employees may comment on issues of general or public concern (as opposed to personal grievances), including local issues and criticism of local officials and local

policies, so long as the comments do not disrupt the workplace, interfere with important working relationships or with efficient work flow, or undermine public confidence in your ability to perform your job. These instances must be judged on a case-by-case basis.

- (1) Matters of public concern are those matters of interest to the community as a whole, whether for social, political or other reasons.
 - (2) Employees have a statutory right to participate in political activities while they are off duty, out of uniform and not on the employer's premises. Virginia Code §15.2-1512.2
 - (3) Employees have a statutory right to communicate opinions on matters of public concern directly to state or local elected officials regardless of the impact on the workplace. Virginia Code §15.2-1512.4.
- (i) Examples of personal grievances include disciplinary action, work schedule, morale, and complaints about supervisors or co-workers that do not involve actual wrongdoing, illegal discrimination, corruption, or waste. These topics are not protected as matters of public concern. These comments may subject an employee to disciplinary action if they constitute insubordination or if they otherwise violate general rules of conduct.

APPENDIX I
**INFORMATION PERTAINING TO DRUGS, NARCOTICS
AND ALCOHOL POLICY**

INFORMATION PERTAINING TO DRUGS, NARCOTICS & ALCOHOL POLICY

TEST PROCEDURES IN GENERAL

The administration of the Drug and Alcohol Testing Program will be in accordance with the Department of Transportation Regulations, Federal Highway Administration and the Drug-Free Workplace Act of 1986. Detailed provisions are listed in the regulations regarding collecting, labeling, and transporting the sample. Specific requirements regarding confidentiality are also included. An Evidential Breath Testing device operated by a trained Breath Alcohol Technician (BAT) will be used to test for presence of alcohol. Urinalysis will be used for the detection of controlled substances. All employees tested will be required to sign an authorization and consent form releasing the information to the employer. The testing of the sample will be performed by a laboratory approved by the National Institute on Drug Abuse (NIDA), including a NIDA panel screening with gas chromatography/mass spectrometer (GC/MS) confirmation on all positive tests. The panel includes screening for amphetamines, marijuana, cocaine, opium, and phencyclidine (PCP). The cutoff level for each substance tested for, both drugs and alcohol, will be consistent with those currently recommended by the Federal Department of Transportation guidelines. The cost for all drugs/alcohol tests will be borne by the Town.

Any employee subject to testing under this plan will be permitted to provide urine specimens in a manner such that the employee is not observed while actually providing the specimen, unless there is reason to believe that the employee has altered or substituted the urine specimen provided. If it is determined that the employee has altered or substituted the urine specimen provided, the employee will be immediately terminated.

Failure to appear for testing without prior notice acceptable to the Town will be considered refusal to participate in the testing and will subject the employee to the full range of disciplinary action, up to and including termination; or in the case of an applicant, the rescinding of a conditional offer of employment.

When a confirmed positive test result for drugs has been returned by the laboratory, the tested employee will be given an opportunity to provide to the Town's Medical Review Officer (MRO) appropriate and corroborated information to demonstrate the confirmed positive test result is from a legally prescribed medication or other ingestion. Evidence to justify a positive test result may include, but is not limited to:

- 1) A valid prescription; or
- 2) A verification form from the individual's physician verifying a valid prescription.

If the MRO determines there is a lack of legitimate reason for the positive result, the result will then be considered a verified positive test result. The MRO will timely and confidentially notify the Human Resources Director in writing of the verified positive test result. If the test results are positive the employee must be evaluated by a Substance Abuse Professional (SAP).

A Return-To-Duty test must be conducted prior to returning to the job. The employee will be subject to a minimum of six (6) unannounced follow-up drug tests in the first twelve (12) months following the positive result. The employee may submit a written request for a retest of the original specimen within 72 hours of being notified by the MRO. The retest will be at the employee's expense.

The laboratory may disclose laboratory test results only to the MRO. Any positive result which the MRO justifies by acceptable and appropriate medical or scientific documentation to account for the result as other than the intentional ingestion of drugs will be treated as a negative test result and may not be released for purposes of identifying drug use/misuse.

If the result of the employee's alcohol test indicates a blood alcohol concentration of .02% or greater, but less than .04%, the employee will be suspended without pay and shall not be permitted to perform the duties of a position that requires a CDL for at least 24 hours and a retest that indicates a blood alcohol level (BAL) of less than .02%. If the blood alcohol concentration is greater than .04% the test is considered a positive result and the employee must be evaluated by a SAP. Return-To-Duty tests must be conducted prior to returning to the job. The employee will be subject to a minimum of six (6) unannounced follow-up alcohol tests in the first twelve (12) months. All positive tests will be confirmed by a second test. The results of these tests will be reported immediately to the Town Manager. A positive test result on any Return-To-Duty test will result in immediate termination.

All drug testing information specifically relating to employees and applicants is confidential and should be treated as such by anyone authorized to review such information. In order to implement this program efficiently and make information readily retrievable, the Town Manager's Office shall maintain all records relating to reasonable suspicion, suspicion of tampering with evidence, and other authorized documentation necessary to implement and maintain this program.

All records and information of any personnel actions taken on employees with verified positive test results shall be maintained in confidential and secured files in the Town Manager's Office and disseminated only to authorized individuals on a confirmed "Need to Know" basis as determined by the Town Manager.

GUIDELINES FOR REASONABLE SUSPICION TESTING

The following guidelines are provided as an aid in administering and enforcing the Town's Drug-Free Workplace Policy. They are not meant to cover every situation; however, they are designed to help avoid allegations of unlawful treatment. These guidelines cannot be used as a substitute for good judgment; each situation must be reviewed on a case-by-case basis. When a supervisor, in his or her judgment, has reason to believe that an employee has used and is under the influence of drugs or alcohol, the supervisor should ask his or her supervisor to corroborate the observations. The following examples, alone or in combination, may comprise reasonable suspicion. The list is not all inclusive.

- 1) Unexplained inability to perform normal job functions.
- 2) Slurred speech.
- 3) Smell of alcohol or drugs on breath.

- 4) Any unusual lack of physical coordination or loss of equilibrium.
- 5) Unexplained hyperactivity or depression and withdrawal.
- 6) Unexplained inability to think or reason at the employee's normal level.
- 7) Bizarre behavior.
- 8) Possession of alcohol or illegal drugs, or the presence of alcohol containers, illegal drugs, or drug paraphernalia in an area subject to the employee's control.
- 9) Information provided by a reliable and credible person.

If during normal working hours reasonable suspicion is confirmed, the supervisor shall contact the Human Resources Director to discuss the observations and to determine the appropriate course of action. If the employee is to be tested, the Human Resources Department shall make the arrangements with the Town's designated collection center for the necessary drug and/or alcohol tests. The employee will be transported to the testing site. If the reasonable suspicion is confirmed outside of normal working hours, then the supervisor shall arrange to have the employee transported to the approved collection center. For purpose of these guidelines, normal working hours are considered 0800 to 1700 hours, Monday through Friday.

If the employee refuses to be tested, the employee shall be immediately suspended from duty without pay and transported home. The refusal of an employee to submit to a reasonable suspicion test shall comprise insubordination and may be the basis for disciplinary action, up to and including termination.

The supervisor who orders a drug and/or alcohol test shall document, in writing within 24 hours of the observed behavior, the conduct giving rise to the reasonable belief of drug use. The documentation should include any statements made and any actions taken by any persons involved in the incident. All records should immediately be forwarded to the Town Manager.

For the purpose of maintaining a workplace free of drugs and alcohol, the Town of Culpeper will maintain the right to search the lockers, file cabinets, desks, other Town-owned or provided fixtures, and fixtures owned by employees but used for Town business.

WHAT ARE THE EFFECTS OF ALCOHOL AND DRUGS ON THE BODY?

ALCOHOL

Alcohol, a central nervous system depressant, is the most widely abused drug. About half of all auto accident fatalities in this country are related to alcohol abuse.

FACT: A 12-ounce can of beer, a 5-ounce glass of wine and a 1-1/2 ounce shot of hard liquor all contain the same amount of alcohol. Coffee, cold showers and exercise do not quicken sobriety. Each 1-1/2 ounce of alcohol takes the average body about one hour to process and eliminate.

Alcohol first acts on those parts of the brain that affect self-control and other learned behaviors. Low self-control often leads to the aggressive behavior associated with some people who drink. In large doses, alcohol can dull sensation and impair muscular coordination, memory, and judgment. Taken in large quantities over a long period of time alcohol can damage the liver and heart and cause permanent brain damage. On the average, heavy drinkers shorten their life span by about ten years.

Other Effects:

- greatly impaired driving ability
- reduced coordination and reflex action
- impaired vision and judgment
- inability to divide attention
- lowering of inhibitions
- overindulgence (hangover) can cause: headaches, nausea, dehydration, unclear thinking, unsettled digestion and aching muscles

Marijuana

Marijuana is also called 'grass,' 'pot,' 'weed,' 'Mary Jane,' 'Acapulco Gold,' 'joint,' 'roach,' among other street names.

FACT: While alcohol dissipates in a matter of hours, marijuana stays in the body for 28 days.

Marijuana alters sense of times and reduces the ability to perform tasks requiring concentration, swift reactions, and coordination. The drug has a significant effect on judgment, caution, and sensory/motor abilities.

Other Effects:

- driving ability impaired for at least 4-6 hours after smoking one 'joint' (cigarette)
- restlessness
- inability to concentrate
- increased pulse rate and blood pressure
- rapidly changing emotions and erratic behavior
- altered sense of identity
- impaired memory
- dulling of attention
- hallucinations, fantasies and paranoia
- reduction or temporary loss of fertility

COCAINE

Cocaine is a stimulant drug, which increase heart rate and blood pressure. As a powder, cocaine is inhaled (snorted), ingested, or injected. It is known as 'coke,' 'snow,' 'nose candy,' and 'lady'. Cocaine is also used as free-based cocaine known as 'crack' or 'rock' which is smoked. It acquired its name from the popping sound heard when it is heated.

FACT: Many people think that because crack is smoked, it is 'safer' than other forms of cocaine use. It is not. Crack cocaine is one of the most addictive substances known today. The crack 'high' is reached in 4-6 seconds and lasts about 15 minutes.

The most dangerous effects of crack is that it can cause vomiting, rapid heart beat, tremors and convulsive movements. All of this muscle activity increases the demand for oxygen, which can result in a cocaine-induced heart attack. Since the heart regulating center in the brain is also disrupted, dangerously high body temperature can occur. With high doses, brain functioning, breathing and heart beat are depressed, leading to death.

Other Effects:

- a 'rush' of pleasurable sensations
- heightened, but momentary, feeling of confidence, strength and endurance
- accelerated pulse, blood pressure and respiration
- impaired driving ability
- paranoia, which can trigger mental disorders in users prone to mental instability
- repeated sniffing/snorting causes irritation of the nostrils and nasal membrane
- mood swings
- anxiety
- reduced sense of humor
- compulsive behavior such as teeth grinding or repeated hand washing
- short-lived state of euphoria
- drowsiness followed by sleep
- constipation
- decreased physical activity
- reduced vision
- change in sleeping habits

PCP

Phencyclidine or PCP, also called 'angel dust,' 'rocket fuel,' 'super kools,' and 'killer weed' was developed as a surgical anesthetic in the late 1950's. Later due to its unusual sides effects in humans, it was restricted to use as a veterinary anesthetic and tranquilizer. Today it has no lawful use and is no longer legally manufactured.

FACT: PCP is a very dangerous drug. It can produce violent and bizarre behavior even in people not otherwise prone to such behavior. More people die from accidents caused by the erratic and unpredictable behavior produced by the drug than from the drug's direct effect on the body.

PCP scrambles the brain's internal stimuli and alters how users see and deal with their environment. Routine activities like driving and walking become very difficult.

Low dose produce a rush, sometimes associated with a feeling of numbness. Increased doses produce an excited, confused state including any of the following: muscle rigidity, loss of concentration and memory, visual disturbances, delirium, feelings of isolation, and convulsions.

Other Effects:

- Impaired driving ability
- Drowsiness
- Perspiration
- Repetitive speech patterns
- Incomplete verbal responses
- Blank stare
- Thick, slurred speech
- Involuntary eye movement

AMPHETAMINES

Amphetamines are drugs that stimulate the central nervous system and promote a feeling of alertness and an increase in speech and general physical activity. Some common street names for amphetamines are 'speed,' 'uppers,' 'black beauties,' 'bennies,' 'wake-ups,' 'footballs,' and 'dexies.'

FACT: People with a history of sustained low dose use quite often become dependent and believe they need the drug to get by. These users frequently keep taking amphetamines to avoid the 'down' mood they experience when the 'high' wears off.

Even small infrequent doses can produce toxic effects in some people. Restlessness, anxiety, mood swings, panic, heart beat disturbances, paranoid thoughts, hallucinations, convulsions, and coma have been reported. Long-term users often have acne resembling measles, trouble with their teeth, gums and nails, and dry dull hair. Heavy, frequent doses can produce brain damage resulting in speech disturbances.

Other Effects:

- Loss of appetite
- Irritability, anxiety, apprehension
- Increased heart rate and blood pressure
- Difficulty in focusing eyes
- Distorted thinking
- Perspiration, headaches and dizziness
- Short term insomnia

OPIATES

Opiates, including heroin, morphine, and codeine are narcotics used to relieve pain and induce sleep. Common street names are 'horse,' 'hard stuff,' 'morpho,' 'M,' 'brown sugar,' 'Harry,' and 'Mr. H.'

FACT: Heroin also called 'junk' or 'smack' accounts for 90% of the narcotic abuse in the country.

Sometimes narcotics found in medicines are abused. This includes pain relievers containing opium and cough syrups containing codeine. Heroin is illegal, and cannot even be obtained with a physician's prescription.

Most medical problems are caused by the uncertain dosage level, use of unsterile needles, contamination of the drug, or combination of a narcotic with other drugs. These dangers depend on the specific drug, its source and the way it is used.

APPENDIX III

Town of Culpeper Employee Grievance Procedure –Request for Grievance Hearing

TOWN OF CULPEPER
Employee Grievance Procedure
REQUEST FOR GRIEVANCE HEARING

Please Type or Print

Name of Grievant

Employee Number

Job Title

Department

STEP 2 – Department Level Hearing – To be completed by the grievant at Step 2 only and filed with grievant's department.

1. Date of the incident giving rise to this grievance. _____

2. Date of the grievant's first awareness of the incident. _____
Explain on separate sheet if there is a time delay.

3. Have you had a Step 1 informational hearing with your immediate Supervisor?
____ YES ____ NO (Check one)

4. If yes, when? _____

5. Person(s) against whom this grievance is directed: _____

6. Specify the incident that resulted in this grievance. (Use separate sheets if necessary.)

7. Specify the policy(ies), rule(s), or regulation(s) at issue. (Use separate sheets if necessary.)

8. Specify the relief sought. (Use separate sheet if necessary.) _____

Signature of Grievant

Date Submitted

****To be completed by the grievant's supervisor****

Signature of Departmental Receipt

Date Received

STEP 3 – Town Manager Level Hearing – To be completed by the grievant at Step 3 only and filed with the Town Manager.

I wish to have my grievance heard at Step 3 (Town Manager) level. I understand that, by requesting to have my grievance heard at Step 3, I am giving up relief, if any, that was awarded to me at Step 2.

Signature of Grievant

Date Submitted

STEP 4 – Grievance Panel Hearing – To be completed by the grievant at Step 4 only and filed with the Town Manager.

1. I wish to have my grievance heard at the Step 4 (Grievance Panel) hearing. I understand that, by requesting to have my grievance heard at Step 4, I am giving up relief, if any, that was awarded to me at Step 3.

2. Name of grievant's panel member: _____

Address: _____

Telephone Number: (Home) _____ (Work) _____

Signature of Grievant

Date Submitted

APPEAL to CIRCUIT COURT

() I do not wish to appeal the Town Manager's disqualification and consider this grievance concluded.

() I wish to appeal the Town Manager's disqualification determination to the Culpeper County Circuit Court.

Employee's Signature

Date

EMPLOYEE INFORMATION REQUEST FOR GRIEVANCE HEARING for employees of the Town of Culpeper, Virginia

For further information contact:
Human Resources Department, Town of Culpeper, 400 S. Main Street, Culpeper, VA 22701

PROUD OF OUR PROGRESS, EXCITED ABOUT OUR FUTURE.