



Personnel Policies Manual

Greene County, Virginia

October 2010

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GREENE COUNTY, VIRGINIA PERSONNEL POLICIES MANUAL

CHAPTER 1

ORGANIZATION AND ADMINISTRATION

1.1 PURPOSE OF PERSONNEL POLICIES

It is the policy of the Greene County Board of Supervisors:

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

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

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

1.2 ADOPTION OF PERSONNEL POLICIES

The personnel policies set forth in this Manual supersede all previous personnel policies and serve as the official personnel policies of Greene County, Virginia.

1.3 ADMINISTRATION

- A. The County Administrator shall be responsible for the administration of the County personnel program. The County Administrator may delegate responsibility for administering the County personnel program to another full-time County employee.

Decisions made by those designated to administer these policies may be appealed by the affected employee to the County Administrator or his/her designee.

- B. This Manual is intended to address most personnel situations and actions for which the County Administrator is responsible. However, those situations not specifically covered shall be interpreted and acted upon by the County Administrator in keeping with the intent of these policies and procedures.

1.4 SCOPE

These policies and procedures shall apply to all departments, positions and employees of Greene County except for employees specifically exempted by actions of the Greene County Board of Supervisors or the Commonwealth of Virginia.

1.5 COMPLIANCE

Department Heads shall take necessary and prompt action to ensure compliance with these policies within their respective departments.

1.6 LIMITATIONS

- A. The policies set forth herein are not intended to create a contract, nor are they to be construed to suggest any express or implied contractual obligations of any kind with the County. Any non-mandated benefits outlined within this policy are subject to approved annual appropriation by the Greene County Board of Supervisors. The County retains the right to amend, cancel or otherwise change any of these policies and procedures at any time as circumstances may warrant with the approval of the Board of Supervisors.
- B. Employment with the County is voluntarily entered into and the employee is free to resign at any time. Similarly, the County may terminate the employment relationship and such termination or any other form of discipline shall be a judgment reserved to the County at its sole discretion.

1.7 AVAILABILITY AND ACKNOWLEDGEMENT OF PERSONNEL POLICIES

The County Administrator shall be responsible for maintaining a complete and current set of personnel policies and for bringing these policies to the attention of all County employees. In addition, a copy shall be maintained in the office of each department director. Each County employee shall be given a copy of the personnel policies upon adoption of these policies by the Greene County Board of Supervisors. Future employees shall receive a copy of the current personnel policies when they begin their employment service with the County. All employees will acknowledge receipt of these policies via a signed and dated statement, which will be maintained within the employee's personnel file. The statement shall include the employee's confirmation that these policies have been read and are understood by the employee. The Personnel Policy Manual shall be available for review by any employee or the public during the County's regular business hours.

1.8 **PERSONNEL DEFINITIONS**

Administrative Leave – Leave approved with pay by the County Administrator and not covered by any other leave provision.

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

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

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

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

Authorized Absence – An absence approved by the employee’s supervisor after proper notification (reason for absence and estimated length of absence) is given to the supervisor.

Absent Without Leave (AWOL) – The term used for any unauthorized absence during a scheduled work period.

Break in Service – Any separation from service to Greene County whether by resignation, retirement, layoff, dismissal, disability, retirement or absent without leave when the employee is subsequently re-employed. An authorized leave without pay shall not be considered as constituting a “break in service.”

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

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

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

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

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

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

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

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

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

1. Members of the Board of Supervisors;

2. Constitutional Officers and their employees, unless the officer has elected to be covered by the County's personnel system. Constitutional Officers may elect to become part of the County's Classification and Compensation system and Personnel Policies by executing an agreement with the Greene County Board of Supervisors at adoption of these Policies; and, upon the initiation of each term of office for the Constitutional Officer;
3. Members of independent boards, commissions and authorities; and
4. Employees of the Social Services and School Board; and,
5. Independent contractors.

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

Full-Time Permanent Appointment – Appointment to a full-time permanent position indicates that the employee is to work for the County on a full-time continuous basis, without time limitation and requiring a regularly scheduled work period.

Full-Time Temporary Appointment – Appointment to a full-time temporary position indicates that the employee is scheduled to work for a maximum of one year.

Immediate Family – Spouse, son, daughter, father, mother, brother, sister, grandmother, grandfather, grandson, granddaughter; mother-, father-, son-, daughter-, brother- and sister-in-law; step-mother; -father, -son, -daughter, -brother and sister, or half-brother and half-sister.

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

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

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

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

Non-essential Employee – An employee who is not required to work during adverse conditions. Adverse conditions are declared and defined by the County Administrator.

Part-Time Permanent Appointment – An appointment to a part-time position that is routinely scheduled to work for the County on a continuous basis, without regard to time limitation. Permanent part-time employees work less than eight hours, or less than 40 hours per week or less than 52 weeks per year. Employees occupying part-time permanent positions shall receive fringe benefits as specified in these policies.

Part-Time Temporary Appointment – An employee that is routinely scheduled to work for a period of less than one year. Part-time temporary employees work less than eight hours per day, or less than 40 hours per week. Temporary employees shall not receive fringe benefits.

Pay Grade – A level within a pay scale in which job classes with similar job evaluation factors are assigned.

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

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

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

Probationary Period – The working test or trial period of employment beginning on the first day of work.

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

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

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

Re-Employment – When an employee's services are terminated and that employee is subsequently employed again with the County.

Regular Employee – The status of a classified employee who has successfully completed the initial probationary period. Regular employees work 40 hours per week for not less than 52 weeks per year. Annual leave sick leave and holidays shall count as time worked.

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

Resignation – Voluntary separation initiated by an employee who chooses to leave the County service.

Safety-Sensitive Position – Positions that require possession of a CDL as a condition of employment are considered safety-sensitive.

Secondary (Outside) Employment – Employment in any capacity other than the employee's primary County job.

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

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

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

Unauthorized Absence – Any absence from the job during a scheduled work period, without approval from the employee's immediate supervisor or when an employee does not follow the proper request or verification procedure for an absence.

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

Workday – Scheduled number of hours an employee is required to work per day.

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

Workweek – The County's regular workweek, except for public safety personnel, shall be 40 hours. Work hours shall be scheduled between the period of 12:01 a.m. Monday and ending the following Sunday at 12:00 midnight.

CHAPTER 2

EMPLOYMENT

2.1 EQUAL EMPLOYMENT OPPORTUNITY

- A. Greene County is an equal employment opportunity provider under federal law and shall provide equal opportunity in employment and career development. Employment decisions shall be based on merit, qualifications and competence. The County administers its policies without regard to an applicant's or employee's race, color, sex, national origin, marital status, age, religion, political affiliation, disability which is unrelated to a person's occupational qualifications or any other non-merit factor. The County shall provide qualified applicants and employees with disabilities, as defined in Title I of the Americans with Disabilities Act, with reasonable accommodations that do not impose an undue hardship.
- B. The County shall provide an environment that is free of unlawful harassment of any kind, including that which is sexual, age-related, or ethnic.
- C. The policy of equal opportunity requires that all hiring, interview and personnel recordkeeping procedures comply with the County's approved process.
- D. The policy of equal opportunity governs all aspects of employment including, but not limited to, the following:
 1. Personnel Selection – Advertisement, recruitment, referral, testing, hiring, transfer and promotion in all job classifications shall be without regard to race, color, sex, national origin, marital status, age, religion, political affiliation, or disability, which is unrelated to a person's occupational qualifications or other non-merit factor that is not a bona fide occupational qualification.
 2. Other Personnel Actions – All other aspects of employment with the County such as compensation, benefits, assignment, demotion, dismissal, layoffs, return from layoffs, training, tuition reimbursement and social and recreational programs are administered without discrimination.
- E. The successful achievement of equal opportunity throughout the County can only be achieved with the maximum support and cooperation of all employees. Specific responsibilities are as follows:
 1. The County Administrator is designated as the Equal Employment Opportunity Officer and is primarily responsible for ensuring that the County department directors are aware of this policy and pertinent federal, Commonwealth of Virginia and local laws, guidelines, executive orders and regulations directing equal employment opportunity and other anti-discrimination programs.
 2. Department directors have a responsibility for the observance of this policy. This responsibility includes supporting programs and practices designed to develop understanding, acceptance, commitment and compliance within the intents and purposes of this policy.

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

2.2 **EMPLOYMENT**

- A. Authorization from the County Administrator, or his/her designee, is required prior to initiating any recruitment or appointment.
- B. Procedures may be modified by the County Administrator when deemed necessary to best serve the interests of the County.
- C. All records relating to employment, recruitment or appointment will be maintained in one central file location as designated by the Board of Supervisors and maintained in conformance with the Code of Virginia and regulations of the Virginia State Library.
- D. Employment Notice
1. The County Administrator shall determine the advertising requirements necessary to attract qualified applicants to fill each vacancy. The County Administrator shall maintain an advertising distribution list, which shall be used to maximize the application pool.
 2. All County position vacancies shall be advertised on the County website and in a local newspaper for a minimum of ten (10) days – Amended September 12, 2017.
- E. Employment Applications
1. Persons seeking to apply for employment with the County shall be referred to the County Administrator, except for those groups specified in Section 1.4.
 2. The County relies upon the completeness and accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the selection process and during County employment. Therefore, applicants and employees are hereby notified:
 - a. All employment information shall be current, accurate and complete.
 - b. Any misrepresentations, falsifications or material omissions on the County application may result in the County's exclusion of the individual from further consideration for employment.
- F. Recruitment and Selection
1. The County Administrator has the primary responsibility for recruitment. All selection methods shall be approved in advance by the County Administrator.
 2. In determining qualified applicants, the County may use, but shall not be limited to, any one or a combination of the following selection methods in the pre- and post-employment processes: evaluation of training and experience; written and skills

tests; performance tests; psychological tests; driving record, reference and background checks, post-offer medical examinations and the applicant's ability to meet the physical standards for the position.

3. An applicant who refuses to participate in any phase of the selection process shall be considered withdrawn from the recruitment and shall not be eligible for further consideration.
4. After department representatives have completed final interviews and given full consideration to the group of qualified candidates, the department director shall submit a written recommendation for a selection to the County Administrator.
5. In all cases, the offer of employment and discussion of beginning salary, benefits and starting date shall be approved by the County Administrator.
6. Upon completion of the hiring process, all applications, resumes and any related test materials shall be returned to and maintained by the County Administrator's office.

2.3 HIRING OF RELATIVES

- A. The Virginia State and Local Government Conflict of Interests 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.
- B. Based on the above criteria, the County shall not hire an employee's immediate family member, as defined in Section C of the policy, in a supervisor-subordinate relationship.
- C. 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, -mother, -father, -son, -daughter, -brother and step-sister, or half-brother and half-sister.
- D. If the relative relationship that violates this policy is established after employment, the two employees involved shall decide who will seek a position change, if a position is available for which that individual qualifies or who is to terminate County employment. If a decision is not made within 30 calendar days, the County Administrator shall make the decision.

- E. Department directors shall ensure that this policy is enforced when making recommendations for employment, promotions, transfers or demotions. Any concerns or questions regarding an applicant's or an employee's eligibility under this policy shall be directed to the County Administrator.

2.4 IMMIGRATION LAW COMPLIANCE

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

2.5 CONFLICTS OF INTEREST

Greene County employees have an obligation to conduct business within the guidelines that prohibit actual or potential conflicts of interest. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of this County's business dealings. For the purposes of this policy, a relative is any person who is related by blood, marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if an employee has any influence on transactions involving purchases, contracts or leases, it is imperative that he or she discloses to the County Administrator as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the County does business but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the County.

2.6 EMPLOYMENT REFERENCE and BACKGROUND INVESTIGATIONS

To ensure that individuals who are employed by the County are well qualified and have a strong potential to be productive and successful, reference checks and background investigations may be conducted for those applicants being seriously considered for employment.

2.7 EMPLOYEE ORIENTATION

- A. Completion of Required Personnel Forms
 - 1. Employees who are eligible for fringe benefits must complete enrollment forms relating to certain mandatory and elective benefit programs.

2. Employees shall be provided a copy of the County's personnel policies and acknowledge receipt by completing an acknowledgement form.
3. Each department shall be responsible for conducting an on-the-job training program for each new employee, which shall cover the employee's work environment, position responsibilities and duties, work schedule, safety requirements and application of the County's personnel policies and departmental policies to the position involved.

2.8 PROBATIONARY PERIOD

The probationary period is intended to give employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. This period is considered a trial period or extension of the selection process, which is used to evaluate employee capabilities, work habits and overall performance.

A. Initial Probationary Period

1. A probationary period of 180 days is established for all new or re-employed employees appointed to full and part-time permanent positions.
2. Personnel action may be taken against any employee whose performance does not meet the required standards. During the initial probationary period, all employees are subject to personnel action without prior notice or access to the Grievance Procedure.
3. Either the employee or the County may end the employment relationship at any time during or after the probationary period.

B. Secondary Probationary Period

1. An employee who is appointed to another County position (through promotion, transfer or demotion) must complete a secondary probationary period of 180 days.
2. Each probationary employee who is transferred from one position to a similar position of an equal salary range shall retain the months successfully served in the former position towards earning regular status, as well as for the annual merit salary review.
3. Should an employee serve an unsatisfactory probationary period in the newly assigned position, the employee may, with the approval of the County Administrator, be allowed to return to his/her former position or to a comparable position for which the employee is qualified, prior to the end of the probationary period, without prejudice. Such an action is dependent upon the availability of such position and the County's needs. Where no appropriate vacancy exists, the employee's position with the County shall be severed.
4. The employee's status as a regular employee is not changed during the secondary probationary period that results from a change in position (promotion, transfer or demotion) within the County.

- C. Extension of Probationary Period
 - 1. When it is deemed to be in the best interest of the County Administrator, the initial probationary period may be extended up to a maximum of 180 days.
- D. Separation During Probationary Period
 - 1. The department director shall provide a probationary employee the opportunity to discuss problems involving his/her position at any time during a probationary period, or extension thereof, if it is determined that a probationary employee's work performance, work attitude or other related work activities are not at an acceptable level of competence expected for the position.
 - 2. Should the employee's performance fail to improve, the County Administrator may elect to terminate employment.
 - 3. If the employee decides that the particular job is not what s/he desires, the employee may resign without harm to his/her employment record.

2.9 SECONDARY (OUTSIDE) EMPLOYMENT

- A. County employees shall not engage in secondary (outside) employment during regularly scheduled work hours, while at the County's facilities or when using the County's supplies, equipment, materials or personnel. This employment must not in any manner interfere with the performance of one's job or one's conduct or responsibilities to the County.
- B. County employees shall not engage in any employment, activity or enterprise, which has been or may be determined to be inconsistent, incompatible, in conflict of interest with or have the appearance of conflict of interest with the duties, functions or responsibilities of County employment.
- C. County employees shall notify the County Administrator in writing prior to accepting employment outside of their regular County employment. The request shall be sent to the County Administrator for written approval.
- D. Employees found in violation of this policy may be subject to disciplinary action up to and including dismissal.

2.10 ACCESS and CHANGES TO PERSONNEL FILES

- A. The County Administrator's Office shall maintain the official County personnel files for all employees.
- B. The official personnel file shall be defined as the employment file containing personal and job-related information relevant to the individual's employment with the County.
- C. Personnel files are the property of the County, and the information they contain shall not be disclosed or disseminated except as required by law.
- D. Only officials and representatives of the County who have a legitimate reason to review information in a file are allowed to do so.

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- E. Employees are required to provide adequate notice to their department directors of their desire to be released from work to review their personnel file (the employee does not have to disclose the reason for the request). The employee shall make an appointment with the County Administrator's Office to review his/her personnel file.
 - F. With reasonable advance notice, employees may review material in their personnel file but only in the presence of the individual appointed by the County Administrator to maintain the file.
 - G. Employees are responsible to notify the County Administrator of any changes in personnel data. Personal mailing addresses, telephone numbers, numbers and names of dependent, individuals to be contacted in event of an emergency, education, accomplishments and other such status reports should be accurate and current at all times.

CHAPTER 3

POSITION CLASSIFICATION PLAN

3.1 PREPARATION AND PLAN ADMINISTRATION

The Position Classification Plan for the authorized positions in the service of the County provides for the grouping of similar positions in classes based upon the respective duties, typical tasks and qualifications. The Plan class descriptions are used to assist with recruitment, training, career planning, assignment to a salary range and communication of job requirements to employees.

- A. Amendments to the Classification Plan
Periodic amendments shall be made to maintain plan accuracy.
- B. Official Copy of the Classification Plan
The County Administrator's Office shall maintain and publish a set of descriptions for all classes.

3.2 CLASSIFICATION OF POSITIONS

- A. Each position classification shall be classified by the County Administrator and allocated within the Plan according to the appropriate class title, general definition of work, the required knowledge, skills and abilities, desirable training and experience, special licensing or other unique requirements and additional requirements deemed necessary by the County Administrator. Positions shall be allocated to the same class when their duties are sufficiently similar that:
 - 1. The same descriptive title may be used to designate each position in the class;
 - 2. The same level of education, experience, knowledge, skill, ability and other qualifications may be required of incumbents;
 - 3. Similar tests of fitness may be used to select incumbents; and,
 - 4. The same pay range shall apply.
- B. All classes involving the same character of work, but different as to level of difficulty and responsibility, shall be assembled into the same series. All series of classes within the same broad occupational field shall be assembled together.

3.3 INTERPRETATION OF CLASS DESCRIPTIONS

- A. Class Title
The term "class title" or "title" shall refer to the official title of the class as stated in the class descriptions, and shall apply to all positions allocated to the class and shall be used in all personnel and administrative processes. Department directors may assign "informal" titles to such positions if they deem this action necessary.

B. Class Descriptions

The class descriptions shall be considered descriptive rather than restrictive. They shall not be construed as declaring what the duties and responsibilities shall be or as limiting the power of any department director to assign duties to and to direct and control the work of employees under his/her supervision. The use of a particular expression or illustration as to duties shall not be held to exclude others not mentioned that are of a similar kind or quality. Job duties and responsibilities may be further defined by the employee's department head or supervisor.

3.4 **MAINTENANCE OF THE CLASSIFICATION PLAN**

- A. The Plan shall be kept current by ongoing investigation and review. Position classification studies of individual positions or groups of positions shall be conducted whenever the County Administrator deems it necessary; whenever the duties or responsibilities of existing positions have undergone significant changes; or, whenever the County Administrator is notified by a department director that new positions need to be created.
- B. It shall be the responsibility of each department director to promptly notify the County Administrator of each change of duties, responsibilities or work requirements and furnish detailed information relative to such changes.
- C. When a new class title is established, a class description shall be written and incorporated into the existing Plan and the class title added to the schematic list of titles.
- D. All class allocations are subject to the approval of the County Administrator.

3.5 **RECLASSIFICATION PROCEDURE**

- A. When significant changes in position content or prevailing economic conditions warrant a review of a class or classes, the department director may submit a written request (outlining all facts supporting the request) to the County Administrator.
- B. If a department director has facts, which indicate that a position or group of positions is improperly classified a request for a review may be made to the County Administrator. All pertinent information relative to the request shall be submitted in writing.

3.6 **SALARY ADJUSTMENTS FOR RECLASSIFICATIONS**

Merit Salary Increase Date

July 1 shall serve as the anniversary date for all employees covered by this policy. Reclassification shall not change the employee's date of merit salary increase.

A. Downward Reclassification/Reallocation

Upon downward reclassification/reallocation of a position, an employee shall be placed in the lower pay grade at a point equal or closest to their current rate of pay. When the employee's rate of pay prior to reclassification exceeds the maximum of the new, lower range, the employee's rate of pay shall be frozen at that existing rate of pay until the pay of

the lower pay grade matches or exceeds the employee's rate of pay at the time of reclassification/reallocation.

B. Upward Reclassification/Reallocation

Upon upward reclassification/reallocation of a position, an employee shall receive the greater amount of either the minimum rate for the new pay grade or the next higher rate of pay in the new pay grade as compared to the rate of pay in the lower pay grade.

C. When, in the opinion of the department director, following this policy results in an inequity, the County Administrator may authorize an adjustment in pay to correct the inequity based on the circumstances involved.

CHAPTER 4

COMPENSATION

4.1 COMPENSATION PLAN

- A. The County's Compensation Plan shall be designed to achieve the following objectives:
 - 1. Establish and maintain a salary structure which attracts and retains qualified employees;
 - 2. Maintain the salary structure in proper relation to competitive pay practices in the local labor market; and,
 - 3. Provide a consistent and effective means of recognizing and rewarding valuable employee contributions made through improved and satisfactory or better work performance.
- B. When, in the opinion of the department director, following this policy results in an inequity or problem, the County Administrator may authorize an adjustment in pay to correct the inequity based on the individual circumstances involved.
- C. Except as provided in this policy, anniversary dates shall not be affected by the adoption of any revisions to the Compensation Plan.
- D. The Board of Supervisors may authorize a periodic cost-of-living adjustment to reflect current market conditions.

4.2 STARTING RATE OF PAY

- A. The normal entry-level salary for appointment shall be the minimum rate of pay for the job classification assigned if the new hire has no relevant experience and meets only minimum qualifications with regard to training and experience. – Amended 9-11-18
- B. Compensation may be established beyond the minimum salary of the salary range, upon the recommendation of the Department Director and the approval of the County Administrator, depending upon the training and experience of the applicant, current market conditions, the level of difficulty in filling the position, funds available in the budget, the relative salaries of current county employees, and other factors which may affect this decision. – Amended 9-11-18

4.3 PERFORMANCE EVALUATION

- A. The County's performance evaluation program is designed to help ensure quality services through improving performance. Assigned duties and responsibilities of an employee shall be evaluated annually by the employee's immediate supervisor. Recordkeeping for employee reviews (including probationary evaluations) will include all written documentation and remain on file at least five years.

B. Uses of the Performance Evaluation Program

The formal performance evaluation program shall be used to:

1. Provide both supervisors and employees with the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths and discuss positive, purposeful approaches for meeting goals;
2. Motivate employees to improve work performance;
3. Increase employee morale through management recognition;
4. Serve as the basis for salary increase recommendations;
5. Improve communications between supervisors and employees; and,
6. Serve as part of the justification for recommendations pertaining to personnel actions (promotion, demotion or dismissal).

C. Confidentiality

The performance evaluation process is strictly confidential. Every effort shall be made by all parties involved to maintain employee confidentiality. Any employee, other than the employee being evaluated, who is found in breach of this confidentiality, shall be subject to disciplinary action.

D. Timing of Performance Evaluations

1. Performance evaluations are conducted at the end of an employee's probationary period in a regular full-time or part-time position where the incumbent regularly works a minimum of 20 hours per week.
2. Performance evaluations for non-probationary employees are scheduled to be completed annually prior to July 1.
3. Additional evaluations shall be authorized as needed by the employee's department director.
4. A non-probationary employee who receives a less than satisfactory performance rating may receive additional time to improve work performance when it is deemed to be in the best interest of the County and the employee. The department director shall submit a written justification and recommendation for extending the review period to the County Administrator for approval. The maximum period for an extension shall be 60 days.

A performance evaluation shall accompany the department's status recommendation to the County Administrator at the conclusion of the extended performance review period.

E. Review Process for Performance Evaluations

1. Performance evaluations will be prepared by an employee's immediate supervisor using the County's standard format.
2. After writing the performance evaluation, the supervisor will give the performance evaluation to the County Administrator for review prior to presenting it to the employee.

3. The supervisor will then meet with the employee to discuss performance. The employee will provide comments as the employee deems appropriate and employee and supervisor will sign the appropriate form. A copy will then be given to the employee and a copy retained for the County's records.
4. If the employee is in disagreement with the supervisor's evaluation of their performance, the employee can request a review of their evaluation with the County Administrator. The County Administrator has final review and approval authority for performance evaluations.
5. If the employee reports directly to the County Administrator and is in disagreement with the County Administrator's evaluation of their performance, she/he can request the review of their evaluation with the appropriate committee of the Board of Supervisors. An employee can initiate such a review by putting the request in writing in the form of a memorandum to the Members of the Board with a copy to the County Administrator. The employee must state the nature of the disagreement and any and all steps taken to resolve the situation. The employee must also state the remedy requested. The designated committee members will then meet with the employee and the County Administrator to resolve the issue. The decision of the Board of Supervisors' committee is final and binding.

4.4 MERIT SALARY INCREASE

Merit based pay adjustments are awarded by the County Administrator in an on-going effort to recognize truly superior employee performance. The decision to award such an adjustment is dependent upon numerous factors including the information documented by the formal performance evaluation process. These salary increases should not be confused with length of service increases and thus awarded sparingly.

- A. It is County policy to provide eligible employees with opportunities for annual merit salary increases based upon receiving a satisfactory or better performance evaluation provided sufficient County funds are available. A merit increase is not entitlement, nor a right of employment, nor an integral part of the pay system to be awarded automatically. Rather, it is an expression of management recognition of the ability, the performance and the potential worth of the employee to the County.
- B. Annual merit salary increases are based upon an eligible employee receiving a satisfactory or better performance evaluation, positive recommendation by the supervisor and approval by the County Administrator.
- C. Each eligible employee may be advanced through the pay grade on the basis of performance until the maximum of the pay grade is reached.
- D. All submissions for merit salary increases shall be accompanied by the completed performance evaluation.
- E. Eligibility
 1. The following employees are eligible to be considered for annual merit salary increases based on satisfactory or better performance in accordance with this policy:

- a. Regular full-time employees; and,
 - b. Regular part-time employees who work a minimum of 20 hours per week.
2. Eligibility for merit salary increases shall not be affected by:
- a. Salary adjustments due to change in hours of work;
 - b. Revisions made to the Compensation Plan;
 - c. Promotion, transfer and demotion; and,
 - d. Satisfactory completion of active military service in accordance with the Military Leave Policy.

4.5 PROMOTION

A promotion is the movement of an employee from one class of position to another of a higher pay grade in which the employee meets the minimum qualification requirements.

- A. When an employee is promoted, the employee's salary shall be increased to the minimum salary of the new, higher pay grade.
- B. A promotion shall change the employee's anniversary date.
- C. All promoted employees are required to serve a probationary period in accordance with Section 2.8.
- D. Exceptions may be granted by the County Administrator.

4.6 DEMOTION

A demotion is the movement of an employee from one class of position to another of a lower pay grade in which the employee meets the minimum qualification requirements.

- A. An employee may be demoted to a position for which s/he qualifies for any of the following reasons, subject to approval of the County Administrator:
 1. When an employee would otherwise be laid off because the position is being abolished, lack of work, lack of funds or other organizational changes;
 2. When an employee is unable to meet the satisfactory performance standards over a period of time or when removed during probation following a promotion;
 3. When an employee voluntarily requests such demotion; or,
 4. For the good of County services.
- B. When an employee is demoted from a class in which s/he was originally appointed, the salary shall be reduced to the place in the new pay grade that is immediately below his/her salary prior to demotion.
- C. A demotion shall change the employee's anniversary date.
- D. All demoted employees are required to serve a probationary period in accordance with Section 2.8.

4.7 TRANSFER

- A. There shall be no change in salary as the result of a lateral transfer.
- B. When an employee is transferred into any position, other than moving within the same classification and pay grade level, the employee shall be paid at a point within the pay grade based on his/her qualifications for the new position and the employee's anniversary date shall change.
- C. All transferred employees are required to serve a probationary period in accordance with Section 2.8.

4.8 RECLASSIFICATION

- A. Upon an upward reclassification/reallocation of a position, an employee shall receive the greater amount of either the minimum rate for the new pay grade or the next higher rate of pay in the new pay grade as compared to the rate of pay in the lower pay grade.
- B. Upon a downward reclassification/reallocation of a position, an employee shall be placed in the new pay grade at a point equal to or closest 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 of the new, lower pay grade, the employee's rate of pay shall be frozen at the existing rate of pay until the pay of the lower pay grade matches or exceeds the employee's rate of pay at the date of reclassification/reallocation.
- C. Reclassifications shall not change the employee's anniversary date.

4.9 ACTING CAPACITY

- A. When an employee is required to work in the capacity of a higher-level supervisory position due to an anticipated absence over a prolonged period of time, such employee may be paid additionally for assuming the higher-level duties.
- B. Requests for "acting pay" shall be made in writing by the department director and submitted to the County Administrator for approval.
- C. The temporary salary adjustment for the period of assignment to the higher-level position shall be determined by the County Administrator and approved by the Board of Supervisors.
- D. Retroactive requests shall not be considered.

4.10 **OVERTIME AND COMPENSATORY TIME**

A. Policy

It is the policy of the County to adopt and implement the provisions of the United States Department of Labor's Fair Labor Standards Act (FLSA), as amended, as the fundamental wage and hour policy of the County. In accordance with the provisions of the Fair Labor Standards Act overtime or compensatory time shall be accrued on the basis of hours physically worked in excess of 40 hours per week. Further, it is the policy of the County that any overtime or compensatory work necessary for the continued effective operation of the County shall be managed in the most efficient and economical manner possible.

B. Categories of Jobs

1. Under the FLSA, there are two (2) basic categories of jobs:
 - a. Exempt (E) – Those employees not covered by the overtime provisions of the FLSA; or,
 - b. Non-exempt (N) – Those employees covered by the overtime provisions of the FLSA.
2. FLSA requirements apply to positions and employees not to classes. The County's class designations serve as a general guide in determining whether individual positions are exempt or non-exempt from the overtime provisions of the FLSA. All County positions, under the direction of the County Administrator, shall be identified as follows:
 - a. E – Exempt; or,
 - b. N – Non-exempt.
3. In determining which positions shall be exempted from the provisions of FLSA, the guidelines established by the FLSA shall be followed.
4. Job classifications managed by the Board of Supervisors are classified as exempt in accordance with their job classification description.

C. Authorization For Overtime and Compensatory Time

1. Overtime for 'non-exempt' and compensatory work for employees defined as 'exempt' under the FLSA shall be authorized to cover emergencies, inclement weather conditions and unusual working requirements and may be authorized only by the employees' Department Head or the County Administrator prior to such work being performed.
2. It is the responsibility of each Department Head to determine that overtime pay is administered in the best interest of the County and in accordance with the provisions of the FLSA. Department directors shall ensure that, whenever possible, overtime assignments are distributed as equitably as practical to all employees qualified to perform the required work. In addition, it is equally important for the department director to eliminate unauthorized overtime. Failure by a department director to eliminate unauthorized overtime will result in disciplinary action, up to and including dismissal.

3. In accordance with the FLSA no employee shall start work before the authorized starting time, work through the meal period or work past the authorized ending time without prior authorization from the County Administrator.
4. Failure by an employee to work scheduled overtime or overtime worked without prior authorization from the County Administrator may result in disciplinary action, up to and including dismissal.
5. Non-exempt employees, who work approved overtime, will receive overtime pay at a rate of one and one-half hours (1 ½) for each hour worked in excess of a 40 hour workweek in accordance with FLSA standards.
6. When extraordinary conditions, as defined by the County Administrator exist, Exempt employees, may receive compensatory time at a rate of one and one-half hours (1 ½) for each hour worked in excess of a 40 hour workweek.
7. Greene County recognizes that Exempt employees defined under this policy occasionally require flexibility in use of compensatory time. At the discretion of the County Administrator, or the employee's Department Head, compensatory time may be granted on an hour-for-hour basis and only in one-hour increments. Portions of hours may not be accumulated. Accumulated compensatory time may not exceed five (5) workdays (40 hours) at the end of any given pay period, must be used for any eligible purpose set forth under these policies within the fiscal year earned. Earned compensatory time for exempt employees will not be paid at termination of employment nor transferred with the employee should the employee move to another Exempt position.
5. In determining which positions shall be exempted from the provisions of FLSA, the guidelines established by the FLSA shall be followed.
6. Job classifications managed by the Board of Supervisors are classified as exempt in accordance with their job classification description.

D. Record Keeping

Each department must keep a daily and weekly attendance record of hours worked, sick leave, annual leave, holidays, leave without pay, and other categories of leave and overtime hours for each work period. Records must be submitted to the County Administrator's Office by the 15th of each month. All employees' time cards, time and attendance records, leave slips, on-call records, overtime records and payroll records shall be kept for a minimum of five years.

E. Questions on Applicability

All questions about the application of this policy or the FLSA should be directed to the County Administrator. Additionally, copies of all policies, practices or procedures issued by a department director, as it relates to any provisions of this policy, must be approved by the County Administrator prior to implementation.

4.11 **PERSONNEL DATA CHANGES AND PAYROLL DEDUCTIONS**

A. Personnel Data Changes

It is the responsibility of each employee to promptly notify the County Administrator's Office of any changes in personnel data. Personal mailing addresses, telephone numbers, dependent information, changes in marital status, individuals to be contacted in the event of emergency, educational accomplishments and other such status reports should be accurate and current at all times.

B. Pay Deductions

The County is required by law to make certain deductions from every employee's compensation. These mandated deductions include Federal and Virginia income taxes and Social Security taxes. The chapter pertaining to employee benefits provides additional information regarding payroll deductions.

C. Garnishment

1. Garnishment is the legal permission of creditors to collect part of an employee's pay from the County. The County cannot refuse to honor such levies, as they represent an order from the Court to withhold and pay to the Court a specific amount of an employee's earnings.
2. Upon receipt of an order of garnishment, a written notification of the garnishment shall be sent to the employee. A copy of the garnishment shall be placed in the employee's personnel file.

D. Administrative Pay Corrections

1. The County takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on scheduled paydays.
2. In the event that an error in pay is detected, the employee shall promptly notify the department director or County Administrator's Office of the discrepancy. Payroll errors shall be corrected by the County as soon as possible.
3. Both underpayments and overpayments shall be corrected as soon as possible. If an overpayment results in the employee owing a substantial amount, a schedule of repayments may be arranged with the employee to minimize the inconvenience.

E. Recording Time

1. Accurately recording time worked is the responsibility of every employee. Time sheets are used to meet federal and Virginia record keeping requirements and serve as the basis for calculating employee pay and benefits.
2. Tampering, altering or falsifying time sheets or recording time on another employee's time sheet may result in disciplinary action, up to and including dismissal.

CHAPTER 5

HOURS OF WORK

5.1 ATTENDANCE AND PUNCTUALITY

- A. To maintain a safe and productive work environment, the County expects employees to be reliable and to be punctual in reporting for scheduled work. Employees are responsible for learning the specific reporting requirements for their department and work unit from their department director or County Administrator.
- B. Poor attendance and excessive tardiness may lead to disciplinary action up to and including dismissal.

5.2 WORK SCHEDULES

- A. The Board of Supervisors shall establish the hours of work for employees. The regular workweek is a seven day period (12:01 a.m. Sunday through 12:00 midnight Saturday). Employees work a 40 hour work week (excluding meal periods). When individual work schedules differ from this, compensation shall be made on a proportionate basis.
- B. The typical work day for County employees is 8:00 a.m. to 4:30 p.m. daily. When a department's normal services necessitate work schedules other than that listed above, work schedules shall be proposed by the department director by submitting such request, in writing, to the County Administrator for approval.
- C. Other workweeks and hours may exist for specific classes of employees as a condition of employment.
- D. With the advance approval of the County Administrator, a department may establish an alternative workweek.
- E. Department directors shall advise employees of their individual work schedules.
- F. During inclement weather, essential-services employees shall report to work.
- G. Daily hours of work for employees covered by this policy may be adjusted by the Department Head, with prior approval of the County Administrator. All departments shall demonstrate that they are adequately staffed during the designated hours of County business prior to approval of adjusted hours by the County Administrator.

CHAPTER 6

WORK ENVIRONMENT

6.1 PROTECTION OF EMPLOYEE LIABILITY

- A. It is the policy of the County to protect its employees against lawsuits arising out of the performance of their duties. All public employees and officers of the County, when acting within the scope of their employment, are protected from financial loss resulting from a lawsuit or action brought against them.
- B. This policy requires that certain “conditions for protection” must be met to provide an effective defense, namely:
 - 1. The employee must deliver to the County Administrator the original or a copy of any summons, complaint, process, notice, demand or pleading as soon as possible after being served with such document;
 - 2. The employee must provide the County full cooperation in the defense of such action or proceeding; and,
 - 3. The acts complained of against the employee must not have been malicious or a result of gross negligence, fraud, other willful acts or where an employee has been found to have violated County policy.

6.2 SEXUAL AND OTHER UNLAWFUL HARASSMENT

- A. Policy
 - 1. It is the County policy that sexual and other unlawful harassment of its employees in any form is prohibited and that all employees shall be treated with respect. Actions, words, jokes or comments based on an individual’s sex, race, ethnicity, age, disability, religion or any other legally protected characteristic shall not be tolerated.
 - 2. Any employee who engages in or who perpetuates or condones sexual and other unlawful harassment shall be subject to disciplinary action, including dismissal.
 - 3. A non-employee who subjects an employee to harassment in the workplace will be informed of the County’s policy and appropriate actions will be taken to protect the employee from future harassing conduct.
- B. Definition
 - 1. Sexual Harassment – Behavior that constitutes sexual harassment, as currently defined in guidelines published by the U.S. Equal Employment Opportunity Commission (EEOC), includes sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - b. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; and,
 - c. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
2. Sexual Discrimination – The EEOC has determined that sexual harassment is a form of sexual discrimination.
 3. Employee – An individual employed by the County on a full-time, part-time, regular, grant, term or temporary basis is considered to be an employee for the purposes of this policy.
- C. Persons Covered
- Employees, as defined in Chapter 6.2.B-3, are covered by the provisions of this policy.
- D. Prohibited Conduct
- The following types of conduct are examples of sexual or other unlawful harassment and are prohibited. These examples do not necessarily represent all the ways in which sexual harassment may occur and are not intended to limit the definition of sexual harassment.
1. *Verbal comments and gestures of a sexual nature.* This includes any type of sexually suggestive remarks, pictures, jokes and catcalls.
 2. *Explicit or implicit promises of career advancement or preferential treatment in return for sexual favors.* Such promises or preferential treatment may include, but are not limited to, hiring, promotion, training opportunities, work scheduling and leave approval, acceptance of a lower standard of performance, providing higher performance evaluations and lax timekeeping.
 3. *Explicit or implicit threats that an employee shall be adversely affected if sexual demands are rejected.* Such threats include, but are not limited to, lower performance evaluations, denial of promotions, punitive transfers, terminations and altered or increased work assignments.
 4. *Unsolicited and repeated touching of any kind.* This includes the touching, patting or pinching of another person and repeated brushing against another person's body.
- E. Investigation of Complaints
1. Employees who experience sexual or other unlawful harassment shall notify the County Administrator, in writing, within two working days of the incident.
 2. Upon receipt of the written complaint, the County Administrator shall order an investigation into the matter.

F. Confidentiality

1. Any complaint shall be handled in a confidential manner. Every effort shall be made, by all parties involved, to protect the confidentiality and privacy of all information and documents pertaining to a claim.
2. Persons designated by the County Administrator to conduct investigations shall not communicate the fact that an investigation is pending; nor, shall they communicate the contents and findings of such investigation except to the appropriate parties.
3. Breach of confidentiality may result in disciplinary action, including dismissal.

G. Frivolous and Groundless Complaints

1. The County's commitment to eliminate sexual harassment and other forms of unlawful harassment from the workplace does not grant license for employees to engage in unfounded, frivolous or vindictive actions in violation of the intent of this policy.
2. Where the results of an investigation reveal that a written complaint of sexual or other unlawful harassment is wholly frivolous or groundless, the employee having made such complaint may be subject to disciplinary action, including dismissal.

H. Policy Against Retaliation

Reprisal or retaliation is strictly prohibited. This includes both direct retaliation or reprisal, or the encouragement of others to engage in retaliation or reprisal against any person whom:

1. Opposes any conduct prohibited by this policy;
2. Complies or encourages others to comply with any provision of this policy;
3. Files a complaint concerning any violation of this policy;
4. Testifies, assists or participates in any investigation or hearing resulting from a complaint under this policy; or;
5. Exercises or attempts to exercise any right conferred under this policy.

I. Discipline

Any employee found to have engaged in sexual or other unlawful harassment, who is found to have knowingly condoned, encouraged or perpetuated an act or acts of sexual or other unlawful harassment; or, who is found to have in some way participated in retaliation or reprisal, shall be subject to disciplinary action, including dismissal.

6.3 ALCOHOL- AND DRUG- FREE WORKPLACE

A. Employee Responsibilities

1. No employee shall unlawfully manufacture, dispense, possess, use or distribute any controlled substance, medication or alcohol.

2. Any employee convicted under a federal or state statute regulating controlled substances shall notify their supervisor and the manager within five days after the conviction.
3. No employee shall consume alcoholic beverages immediately before work, during work hours or while at work during breaks or lunches.
4. No employee shall be impaired by alcoholic beverages immediately before work, during work hours or while at work during breaks or lunches.
5. No employee shall represent the County in an official capacity while impaired by alcohol, illegal drugs or medication.
6. No employee using medication that may impair performance shall operate a motor vehicle or engage in safety-sensitive functions while on duty for the County.
7. If an employee is using prescription or non-prescription medication that may impair performance of duties, the employee shall report that fact to his/her supervisor.
8. An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs and/or medication shall immediately notify the supervisor or manager.

DISCIPLINARY ACTION – Because of the serious nature of illegal use or abuse of alcohol, controlled substances and/or non-prescribed use of medication, appropriate employee disciplinary action will be taken, up to and including termination.

B. Drug & Alcohol Testing

In order to achieve a drug-free workplace, employees in, and applicants for, safety-sensitive positions shall be required to participate in all of the following alcohol and controlled substances testing:

1. When an applicant for a safety-sensitive position has been extended a conditional offer of employment, but before beginning work;
2. When there is a reasonable suspicion to believe that the employee is in an impaired state;
3. When the employee has been involved in an on-duty serious accident or has endangered others in the workplace;
4. On a random basis for safety-sensitive positions;
5. As a condition for return for duty after testing positive for controlled substances or alcohol; or,
6. As part of follow-up procedures for return-to-duty related drug or alcohol violations.

Scope – This policy covers all employees of and applicants of the County.

6.4 EMPLOYEE RELATIONS (OPEN-DOOR POLICY)

Greene County's working conditions, wages and benefits offered to its employees are competitive with those offered by other employers in the region and in local government. If employees have concerns about working conditions, compensation, or other matters related to County policies and operations they are strongly encouraged to voice these concerns openly and directly to their supervisor or the County Administrator.

6.5 PERSONAL APPEARANCE

County employees are expected to present a clean and neat appearance and dress according to the requirements of their positions. Employees who violate this policy will be sent home and directed to return to work with the proper dress. Under these circumstances, employees will not be compensated for the time away.

6.6 NO SMOKING IN PUBLIC FACILITIES

There shall be no smoking allowed by County employees in any public building operated by Greene County. Smoke or Smoking is defined as the carrying or holding of any lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment, or the lighting, inhaling, or exhaling of smoke from a pipe, cigar, or cigarette of any kind.

6.7 NO ANIMALS ALLOWED IN COUNTY FACILITIES

Citizens and employees may not bring animals into any Greene County governmental building operated as an office or as a place of business. Greene County complies with the Americans with Disabilities Act and the Rehabilitation Act of 1973, Section 504, which states, "No otherwise qualified person with a disability in the United States...shall, solely on the basis of a disability, be denied access to, or the benefits of, or be subjected to discrimination under any program or activity provided by any institution receiving federal assistance." Greene County intends to provide the broadest possible access to service animals in all of its public areas.

The Americans with Disabilities Act (ADA) defines a service animal as "any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability."

A service animal is not a pet, but can perform some of the functions and tasks that an individual with a disability cannot perform himself or herself. Animals are considered "service animals" under ADA, if they meet this definition, regardless of whether they have been licensed or certified by a state or local government. Therapy animals are not considered service animals. Below are basic policy guidelines for Greene County:

- A. A service animal is permitted to accompany the individual with a disability to most areas in County buildings where citizens and employees are normally allowed to go. Some areas are not safe for service animals; therefore, these areas may exclude service animals. A laboratory and/or areas that require protective clothing may exclude service animals. A laboratory director, or area with moving equipment or machinery, may grant or deny admission to an area on a case-by-case basis. This denial or granting of admission to an area will be made based on the nature of the machinery and/or on the nature of the facility.

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- B. An employee with a service animal may not be segregated from other employees.
 - C. A service animal may be excluded from a facility if that animal poses a direct threat to the health or safety of others.
 - D. A service animal may be excluded from a facility if that animal's behavior, such as barking, is disruptive to the other participants within the facility.
 - E. If a service animal is excluded from a facility, the individual with a disability will be given the option of alternative service options, with assistance, within the facility.
 - F. The service animal must be clean, in good health, with current rabies vaccination.
 - G. All service animals must be on a leash at all times.
 - H. All citizens and employees must abide by current County ordinances/laws pertaining to licensing and vaccination requirements for service animals. It is the responsibility of the owner and/or user of the animal to know about these ordinances and/or laws.
 - I. All owners and or users of service animals are responsible to clean up after and properly dispose of their animal's feces while on County property.

CHAPTER 7

WORKER SAFETY

7.1 SAFETY PROGRAM

A. Safety Policy

1. It shall be the policy of Greene County that every employee is entitled to work under the safest conditions possible. To this end, every reasonable effort shall be made to promote accident prevention.
2. Safety is a fundamental responsibility of employees and management. To this end, the primary responsibility for safety in all work activities rests equally between employees and management.

B. Managerial and Employee Responsibility

1. Department Directors and County Administrator – Department directors and the County Administrator shall:
 - a. Assume responsibility for safe work areas for their employees;
 - b. Be accountable for preventable injuries, collisions and liabilities caused by their employees. These items shall be taken into consideration during their performance evaluations;
 - c. Ensure that each employee is trained for the job assigned and is familiar with all published work procedures;
 - d. Take the initiative in recommending correction of deficiencies noted in facilities, work procedures, employee job knowledge or attitudes that adversely affect safety efforts;
 - e. Take appropriate disciplinary action against those who fail to follow safety policy and procedures and be prompt to give recognition to those who perform well;
 - f. Ensure advance planning for new work activities to anticipate requirements for needed safeguards and controls;
 - g. Report all accidents and injuries involving County employees, County vehicles or County property in accordance with County reporting procedures; and,
 - h. Provide safety instructions to assigned employees and provide on-the-job supervision to ensure safe working conditions.
2. Employees – Employees shall:
 - a. Comply with the County's safety program's policies and procedures and directions from their supervisors;

- b. Report all accidents and safety hazards to the department director, as soon as practical, after an accident occurs or a hazard is observed;
- c. Keep work areas clean and orderly;
- d. Avoid engaging in horseplay and avoid distracting others;
- e. Learn to lift and handle materials properly;
- f. Be familiar with the Workers' Compensation policy; and,
- g. Operate assigned vehicles, equipment and machinery in a safe and responsible manner.

7.2 **SAFE OPERATION OF COUNTY VEHICLES**

- A. Employees who use a County vehicle, whether occasionally or on a daily basis, are expected to follow County and Virginia safety procedures and traffic laws. In addition, for the protection and safety of County employees and the public, every employee is required to follow these safety steps:
 - 1. Any operator of a County vehicle must possess a valid and appropriate Virginia driver's license appropriate for operation of the vehicle. For employees required to operate a County vehicle the invalidation, revocation or suspension of the driver's license or any restrictions must be reported to the department director within one workday of the occurrence. Employees who do not report these changes as required shall be subject to disciplinary action, including dismissal;
 - 2. Safety belts must be properly used by the vehicle operator and any passengers of County vehicles at all times. The vehicle operator shall be responsible for ensuring that passengers use their safety belts;
 - 3. Employees are responsible at all times for the proper care of County vehicles and to be alert to any apparent defects or mechanical problems. Any operational problems shall be reported to the employee's department director as soon as possible;
 - 4. Employees assigned a County vehicle are responsible at all times for the proper care, periodic inspection and maintenance of their vehicle; and,
 - 5. Employees observed operating a County vehicle in an unsafe manner shall be reported to the appropriate department director and may be subject to disciplinary action.
- B. The personal use of County vehicles by County employees is prohibited. For example, the use of a County vehicle to complete personal errands because the employee's car is in the shop would characterize abuse of the business-use only directive while stopping to have a meal, because it is impractical to return to the office and use a personal vehicle, may be acceptable. Employees should always be sensitive to the public's perception about the appropriate use of County property.
- C. Employees that are subject to *call out* may drive their vehicles home when authorized by the County Administrator, inasmuch as their vehicles contain their tools and equipment.

Time may be a critical factor in their response and having their vehicle at home maybe in the best interest of public health and safety.

- D. The County Administrator may utilize a County vehicle consistent with the direction and hiring arrangement with the Board of Supervisors.
- E. Use of personal vehicles in lieu of County vehicles is permitted when authorized by the County Administrator. When authorization is received, mileage shall be paid at the rate authorized by the Commonwealth of Virginia.

7.3 **UNIFORMS, PROTECTIVE CLOTHING AND SAFETY EQUIPMENT**

Uniforms, protective clothing and safety equipment shall be provided to County employees for their safety. Those positions requiring uniforms and safety equipment shall be identified by department directors. Loss or excessive wear does not relieve the employee of the responsibility to wear uniforms and safety equipment. The loss or destruction of uniforms or safety equipment due to the employee's negligence shall be the responsibility of the employee.

- A. Safety Equipment: *Uniforms and Protective Clothing*
 - 1. Uniforms and protective clothing shall be provided to each employee whose position precludes wearing personal clothing for reasons of safety or prospective damage to normal personal work attire.
 - 2. County uniforms shall never be worn for any jobs other than approved County employment.
 - 3. Uniforms and protective clothing shall be replaced when the employee's department director determines the uniforms or protective clothing to be non-useable.
- B. Safety Equipment: *Shoes*

Safety shoes shall be worn by each County employee whose position requires protective footwear.
- C. Safety Equipment: *Hard Hats*

Hard hats shall be provided to and worn by each County employee whose position requires protective headwear.
- D. Safety Equipment: *Gloves*
 - 1. Protective gloves shall be provided to and worn by each County employee whose position requires protective gloves.
 - 2. Protective gloves shall be replaced, as they become non-useable. An employee's department director shall determine when the gloves need to be replaced.
- E. Safety Equipment: *Safety Eyeglasses*

Protective eye equipment, e.g., safety eyeglasses, goggles, hoods, etc., shall be provided to and worn by each employee whose position requires protective eye equipment.

CHAPTER 8

LEAVE

8.1 LEAVE DEFINED

Leave is any approved absence during regularly scheduled work hours that has been authorized by the proper authority. Leave may be authorized with or without pay. Absence without leave is considered unauthorized leave (AWOL) and is subject to disciplinary action. Leave practices will be consistent with those policies and practices for general County employees, whose department participates in these policies and in accordance with the Human Resources Manual for Local Social Services Departments.

8.2 TYPES OF LEAVE

- A. Holiday Leave
- B. Annual Leave
- C. Sick Leave
- D. Bereavement Leave
- E. Civil Leave
- F. Military Leave
- G. Leave Without Pay
- H. Emergency Closings Policy
- I. Administrative Leave
- J. Unauthorized Absence (AWOL)

8.3 GENERAL LEAVE PROVISIONS

- A. Employees are responsible for obtaining approval from their department director before beginning any absence from work. Leave shall be requested by the employee and approved in advance, in writing, on the appropriate form. When circumstances allow (i.e., scheduling doctor appointments, elective surgery), sick leave shall also be requested and approved in advance. Otherwise, a sick leave request shall be completed and submitted for approval immediately upon the employee's return to work. Forms shall be provided by the County for the employee, the supervisor and the employee's personnel file. Employees are responsible for maintaining records of all leave identified under this policy.
- B. To receive paid annual or sick leave for unscheduled absences, employees must notify their department director within two hours of their regular starting time. In cases where the department director is unavailable, employees should contact the County Administrator's Office. All departments are required to advise employees of their notification procedures.

- C. The calculation of annual and sick leave accrual is based on a standard pay period.
- D. Charges for authorized leave shall be made on an actual usage basis and rounded to the nearest one-half hour.
- E. Department Heads will assure standard leave record maintenance is performed and that current leave records are submitted to the County Administrator's Office by the 15th of each month.
- F. Employees are responsible for providing required leave forms to the appropriate staff in a timely manner.
- G. No employee shall use leave that has not been earned. If an employee is off and does not have sufficient leave to cover the balance for that pay period, leave without pay shall be reflected on the employee's time sheet as approved absence or as unauthorized absence, if the time off was not approved.
- H. All County employees, including temporary employees, are eligible for leave without pay.
- I. Leave shall accrue while an employee is on approved paid leave. Leave shall not accrue if an employee is on unauthorized leave, military leave without pay or leave without pay as specified within this policy.
- J. False or fraudulent use of leave or failure to follow this policy may be cause for disciplinary action, including dismissal.

8.4 HOLIDAY LEAVE

- A. Scheduled Holidays
 - 1. The County currently observes twelve (12) designated holidays. The holidays approved by the Board of Supervisors are:
 - New Year's Day – First day in January
 - Lee-Jackson Day – Friday preceding the Third Monday in January
 - Martin Luther King, Jr. Day – Third Monday in January
 - President's Day – Third Monday in February
 - Memorial Day – Last Monday in May
 - Independence Day – Fourth day in July
 - Labor Day – First Monday in September
 - Columbus Day – Second Monday in October
 - Veteran's Day – Eleventh day of November
 - Thanksgiving Day – Fourth Thursday in November
 - Friday following Thanksgiving
 - Christmas Day – Twenty-fifth (25) day of December

If a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday, or if a holiday falls on a Sunday, the following Monday shall be observed as a holiday. The Board of Supervisors may at its discretion shift observance of a Holiday to suit the operations of the County and/or individual conflicts. In addition any other day so declared by the Board of Supervisors shall be a legal holiday.

2. The President of the United States, the Governor of the Commonwealth of Virginia and the Board of Supervisors may designate additional holidays.
- B. Eligibility
1. Regular full-time employees shall receive paid holiday leave.
 2. Regular part-time employees who are specifically required to work on a holiday by the County shall be paid at a rate of one and a half times their base salary for hours worked.
 3. Temporary full and part-time employees are not entitled to paid holiday leave.
- C. Policy
1. Exclusion from Overtime Computation – Holiday leave shall not be counted as hours worked for determining overtime.
 2. Holiday on a Mandatory Workday – Eligible employees who are required to work on a holiday shall be paid straight-time pay times eight (8) hours.
 3. Holiday During Paid Leave – A holiday falling within a period of paid leave shall not be counted as a workday in computing the amount of leave taken. However, when an employee is absent on a holiday on which s/he is scheduled to work, the time shall be deducted from annual leave or be charged to leave without pay, whichever is appropriate.
 4. Holiday During Unpaid Leave – When a holiday falls within a period of leave without pay or immediately preceding or following such leave, the employee shall receive no pay for the holiday.
 5. Appointment or Separation on a Holiday – The appointment or separation of an employee shall not be effected on a holiday unless the employee worked that day.

8.5 ANNUAL LEAVE

A. Annual Leave Accrual

1. Regular full-time employees shall earn annual leave at a rate based upon completed pay period of service as follows:

Years of Service	Hours Accrued	Maximum Accrual Amount
0 – 5 years	8 hours per pay period	192 hours
5 – 9 years	10 hours per pay period	240 hours
10 – 14 years	12 hours per pay period	288 hours
15 – 19 years	14 hours per pay period	336 hours
20 - 24 years	16 hours per pay period	384 hours
25 years or more	18 hours per pay period	432 hours

2. Regular part-time, temporary full-time and part-time employees do not earn annual leave.
 3. Leave beyond the maximum level of twice the amount earned by an employee hours annually that is not used by the end of the next pay period shall be forfeited. Note: Employees who exceed the maximum annual leave accrual limits at time of adoption of this policy shall enter into an agreement with the County concerning reduction of annual leave to appropriate levels.
- B. Granting of Annual Leave
1. So far as possible, annual leave shall be set at a time mutually agreeable to the employee and the County. Annual leave shall normally be granted each calendar year, unless a department director specifically defers an employee's vacation because of work requirements.
 2. The annual leave credits provided may be used, at the option of the employee, to provide for paid absences due to vacation or other personal purposes (including sickness) or for paid absences exceeding credit available for other kinds of leave.
 3. No annual leave credit shall be provided for service less than a full two week pay period. The credit for a full semi-monthly pay period or more, but less than one calendar month shall be one-half the accrual rate to which the employee is entitled for one calendar month of service. No annual leave credits shall be provided during any period of absence immediately following an absence of sixty calendar days.
- C. Payment of Annual Leave Upon Separation
1. Upon separation, an employee shall receive payment for annual leave up to the maximum accrual rate. Payment shall be calculated using the employee's base hourly rate of pay at the time of separation.
 2. In the case of the death of an employee, the unused annual leave credit shall be paid to the employee's estate.
- D. Effect of Change of Appointment Status
- An employee who transfers from a temporary to permanent position, without a break in service, may receive annual leave credit from the date of temporary appointment. Annual leave credit is conditional upon the following:
1. The permanent position must be identical or nearly identical to the temporary position in duties and level of responsibility; and,
 2. The employee must have worked an average of 30 hours per week in the temporary position.

8.6 **SICK LEAVE**

- A. Sick Leave Accrual
1. Regular full-time employees shall accrue 8.00 hours of sick leave per pay period and may accumulate an unlimited amount of sick leave.

2. All other employees do not accrue sick leave.

B. Granting of Sick Leave

The department director shall grant sick leave to eligible employees in accordance with the following provisions:

1. Leave for sickness shall not exceed the total amount credited to an employee at the time of absence. Sick leave shall not be advanced.
2. Leave without pay may be granted for sickness extending beyond the employee's earned sick leave balance.
3. Employees may use available annual leave and compensatory leave for sick leave when sick leave has been exhausted.
4. When advance approval is not possible, employees are required to submit to their department director a request for leave form immediately upon return to work.

C. Policy

Sick leave shall not be considered a right, which may be used at the employee's discretion, but is a privilege. Sick leave shall be provided to aid employees in time of need and shall only be used when necessary, and as outlined in this policy:

1. Sick Leave – Sick leave shall be granted, in accordance with this policy, to eligible employees for the following:
 - a. Sickness or physical incapacity;
 - b. Medical, dental or optical diagnosis or treatment;
 - c. When an employee is unable to perform regular duties, as certified by a licensed physician, during pregnancy, childbirth or related medical conditions associated with birth;
 - d. Exposure to a contagious disease when the employee's presence at work jeopardizes the health of others; and,
 - e. The necessary care and attendance of an employee's spouse and dependent(s) due to sickness or incapacity up to three (3) days per occurrence.
 - f. Employees who are absent because of pregnancy shall have their leave requests handled in the same manner as any other temporary disability and shall be governed by the provisions of this section.
 - g. Requests for time off associated with pregnancy and childbirth, once the employee has been medically released to return to work by the employee's physician, shall be considered in the same manner as any other request for personal leave.

2. Written Certificate of Sickness or Physical Incapacity

- a. An employee may be required by the department director to submit a certificate by a licensed physician confirming the employee's incapacity and his/her inability to report for work.
- b. An employee who is away from work for medical conditions, which require absence in excess of three (3) consecutive work days, may be required to submit to the County Administrator a certificate from a licensed physician outlining the general nature of the medical condition, stating the earliest approximate date of return to duty and advising on the ability of the employee to perform his/her regular duties.
- c. Sick leave shall not be approved if the employee does not present the necessary physician's certificate(s) when required by the department director or his/her appointed designee.

4. Medical Examination – The County Administrator may require an employee to undergo a medical examination to be performed by a County authorized, licensed physician at County expense under any of the following conditions:

- a. When there is evidence to support that an employee is having problems related to job performance or safety;
- b. To verify fitness for duty of employees assigned to physically demanding jobs;
- c. When in the judgment of the department director, an employee absent on sick leave is falsely or fraudulently using sick leave; or,
- d. Upon an employee's return to work after an absence due to sickness or physical incapacity.

5. Confidentiality of Medical Information

All medical information obtained shall be treated as confidential medical records in accordance with Federal and State Statutes to be maintained by the County Administrator's Office.

6. Modified Work Assignment

When an employee is found (either through certification from a licensed physician or a County medical examination) to be unable to perform all regular duties and the medical condition appears to be of a temporary, short-term nature, a temporary transfer to modified duty (less strenuous or less hazardous jobs) may be granted. Such requests must be endorsed by the department director and forwarded to the County Administrator for approval. Employees shall not be assigned modified duty without review and approval by the County Administrator.

7. Extended Sickness or Physical Incapacity

The County Administrator in determining whether to hold the employee's current position or to place them in another position for which the employee qualifies shall consider medical information and the staffing needs of the department.

D. Investigation and Documentation of Sickness

A department director or the County Administrator may investigate an employee's alleged sickness and sick leave request. Circumstances that may warrant investigation include, but are not limited to, the following:

1. Sick leave requested before or after a holiday or other scheduled day off;
2. Sick leave requested in excess of five consecutive workdays;
3. When an employee's sick leave record reflects questionable leave use, repetitious usage of short amounts of sick leave, a pattern of leave use over an extended period of time and other excessive leave usage; or,
4. False or Fraudulent Use of Sick Leave.

Sick leave shall be denied to an employee who is found guilty of making a false statement of sickness or otherwise abuses the sick leave privilege. False or fraudulent use of sick leave shall be cause for disciplinary action, up to and including dismissal.

E. Reimbursement for Sick Leave

Employees shall be paid for accumulated sick leave upon retirement or upon separation after two consecutive years of service with Greene County at a rate of Fifteen Dollars (\$15.00) per day up to a maximum amount of \$5,000.

8.7 BEREAVEMENT LEAVE

Regular full-time employees may be granted up to three consecutive workdays of bereavement leave in the event of the death of an immediate family member. This leave is granted with pay and is not charged against an employee's other leave accruals.

8.8 CIVIL LEAVE

- A. Any employee who is summoned to serve on jury duty, except a defendant in a criminal case, who is summoned or subpoenaed to appear in any court of when a case is to be heard, or who, having appeared in court, is required in writing by the court to appear at a future hearing, shall be granted civil leave with full pay as a result of his absence from employment due to such jury duty or court appearance, upon giving reasonable notice to his supervisor of such court appearance or summons. The hours of absence must be accounted for by the employee.
- B. No employee who is summoned and appears for jury duty for four or more hours, including travel time, in one day shall be required to start any work shift that begins on or after 5:00

p.m. on the day of his appearance for jury duty or begins before 3:00 a.m. on the day following the day of his appearance for jury duty

- C. Questions about eligibility for civil leave shall be directed to the County Attorney

8.9 MILITARY LEAVE

A. Military Leave Without Pay

1. Any eligible employee who leaves County service as a result of volunteering for active duty or being drafted into the armed services of the United States during time of war or other national emergency, as determined by the Board of Supervisors, or when reservists and National Guard members are voluntarily or involuntarily called to active duty shall be placed on military leave without pay commencing on the first business day following the last day of active employment with the County.
2. Leave shall only be granted for active military service for those dates stated on the employee's military orders.
3. Status of Benefits For Employees on Leave Without Pay for Active Military Service
 - a. *Service Credit* – An employee on extended leave without pay due to active military service shall be treated as though s/he was continuously employed for purposes of determining benefits based on length of service, such as the annual leave accrual.
 - b. *Compensatory Leave* – Any compensatory leave balance shall be paid in accordance with Section 4.10 at the time the employee is placed on military leave without pay.
4. Reinstatement from Active Military Service
 - a. *Conditions* – Upon satisfactory completion of active military service, the employee is entitled to reinstatement to his/her former position or to a position of like status and pay, provided that:
 - 1) The employee makes application to the County Administrator not later than 90 days after the date of honorable discharge or separation under honorable conditions.
 - 2) The employee presents a certificate showing satisfactory completion of military service.
 - 3) The employee is still physically and mentally qualified to perform the duties of his/her position.
 - b. The conditions stated above shall not apply when County circumstances have changed making it impossible or unreasonable to reinstate the employee. Reinstatement may not be possible when:
 - 1) The employee's former position has been abolished at the time of reinstatement: The employee may be placed in a position of comparable status and pay to the one previously held. Employees

selected to fill vacancies created by persons on military leave may be employed on a temporary basis.

- 2) Such a position is not available: The employee shall be considered affected by a reduction in force and the provisions of the County's Layoff Policy shall apply.

B. Employee Notification Requirements

1. Requests for military leave shall be made in writing and submitted with copies of the employee's official military orders to the department head. The employee shall notify his/her department head of the military obligation as far in advance as possible. A minimum of two weeks advance notice is required except for an emergency call-up. In the case of emergency call-up, the employee shall notify the department director as soon as possible.
2. The leave request and supporting military orders shall be forwarded to the County Administrator.

8.10 LEAVE WITHOUT PAY

- A. The County Administrator may grant leave without pay for an excused absence when the employee does not have sufficient leave credit to cover an absence during a given pay period. The County Administrator shall be notified of all occasions when an employee is in a non-pay status in excess of five workdays. The County Administrator may grant leave without pay to employees for periods beyond five consecutive work days, subject to the following conditions:
 1. Leave without pay shall be granted only when it is in the interests of the County to do so.
 2. All annual, sick and compensatory leave balances must be exhausted before leave without pay can be approved.
- B. At the expiration of leave without pay, the employee shall be reinstated in the position vacated or in any other vacant position in the same class, if possible.
- C. Annual and sick leave credit shall not accrue during leave without pay.
- D. An employee who anticipates being on approved leave without pay for five consecutive days or more shall consult the County Administrator, in advance of the absence when possible.
- E. Failure on the part of the employee to report to work at the expiration of leave without pay may be cause for disciplinary action, up to and including dismissal.

8.11 EMERGENCY CLOSINGS POLICY

It is the intent of the County to provide maximum services to the public by maintaining normal business hours at all County facilities. Under normal and safe conditions, employees are expected to arrive at work on time.

Adverse weather conditions (generally the result of snow or icy conditions) and conditions which make it unsafe or unsanitary for employees to remain at work are recognized as conditions which could jeopardize the safety of employees and could therefore warrant the closing of County facilities. The County Administrator shall determine when to announce the closing or delayed opening of County facilities. Employees shall report to their workstation unless otherwise advised by the County Administrator or his/her designee, under this policy.

A. Essential and On-Call Personnel and Essential Operations/Job Sites During Adverse Weather Conditions

- For the purposes of this policy, employees who report to an essential job site or occupy an essential position may be regularly scheduled to work regardless of weather conditions. Additionally, certain County employees are considered on-call for the purpose of responding to emergency situations.
- Essential services employees shall report to work at their regularly scheduled time during adverse weather conditions.
- All other employees shall report to work in accordance with the direction of the County Administrator. Essential services employees shall be paid overtime for hours worked.

B. Employee Responsibility

Employees shall be responsible for checking with the County Administrator to determine, for the purposes of this policy, whether or not they would be considered non-essential.

C. Public Service Announcements

Public service announcements shall be announced over several local radio and television stations when the County Administrator changes the normal business hours of County facilities (delayed openings, closing of facilities partially or all day).

8.12 **ADMINISTRATIVE LEAVE**

A. Administrative leave shall be other paid leave as authorized by the County Administrator. Any paid leave specifically authorized by the Board of Supervisors, not otherwise classified by these rules, shall be classified as administrative leave.

B. Examples of administrative leave include leave authorized by the County Administrator due to severe weather conditions, conditions which make it unsanitary or unsafe for employees to remain at work, suspension of an employee due to investigation of a complaint, breakdown of equipment making it impossible to perform assigned duties, or attendance at meetings.

C. Administrative leave shall not be substituted for any other prior approved leave.

8.13 **UNAUTHORIZED ABSENCE (AWOL)**

A. An employee who is absent from duty without approval shall:

1. Receive no pay for the duration of the absence; and,
2. Be subject to disciplinary action up to and including dismissal.

- B. It is recognized that there may be extenuating circumstances for unauthorized absences and due consideration shall be given each case.
- C. An employee who fails to report to work at the expiration of an authorized leave of absence or who has not requested and received approval for an extension of such leave, shall be considered and charged with unauthorized absence or absent without leave (AWOL).

8.14 FAMILY AND MEDICAL LEAVE ACT OF 1993

A. Family & Medical Leave

Employees are entitled to participate in the benefits of the Family and Medical Leave Act (“FMLA”). FMLA leave is unpaid leave. The County requires an employee to use accrued paid leave on an hour for hour basis in conjunction with FMLA leave.

B. Eligible Employees

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

C. FMLA Leave may be used:

1. To care for an employee’s child after birth or for the placement with an employee of a child for adoption or foster care (provided that the leave is requested and used within twelve (12) months of the birth, placement, adoption or foster care);
2. To care for an employee’s spouse, child or parent (does not include in-laws) who has a serious health condition; or,
3. When the employee is unable to work because of a serious health condition.

A serious health condition is an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility, or an incapacity lasting more than three consecutive days and involving continuing treatment by a health care provider. Continuing treatment involves two or more treatments (or one treatment when the condition is such that continuing follow-up is or will be required) by a healthcare provider, pregnancy, prenatal care or other chronic or long-term serious health conditions.

To qualify for leave due to the serious health condition of a family member, the family member must be incapable of self-care. To qualify for leave due to the serious health condition of the employee, the employee must be unable to work at all or unable to perform any of the essential functions of the employee’s position.

Employees are required to obtain a health care provider certification for all absences for which FMLA leave is being requested. A chronic or long-term health condition or pregnancy does not require a visit to the health care provider for each absence; however, a statement by the health care provider that the absence was due to the chronic condition or pregnancy may be requested by the County at its discretion.

D. FMLA Benefits

An eligible employee is entitled to twelve weeks of unpaid leave during a twelve-month period. The twelve-month period begins on January 1 and is terminated December 31 of each year. Employees will be required to use accumulated paid leave (sick, compensatory, annual, etc.) on an hour for hour basis concurrent with the FMLA leave. If FMLA leave is exhausted before the end of the twelve-month period, the employee will not be entitled to further FMLA leave during this period.

Employees with military family members shall be eligible for leave entitlements for eligible specified family members:

(1) Up to 12 weeks of leave for certain qualifying exigencies arising out of a covered military member's active duty status, or notification of an impending call or order to active duty status, in support of a contingency operation, and

(2) Up to 26 weeks of leave in a single 12-month period to care for a covered service member recovering from a serious injury or illness incurred in the line of duty on active duty. Eligible employees are entitled to a combined total of up to 26 weeks of all types of FMLA leave during the single 12-month period.

An employee is required to request FMLA leave in writing at least thirty days before the leave is to commence if the need for leave is foreseeable. In circumstances when the leave is not foreseeable thirty days in advance, an employee must request the leave as soon as practical. The County may designate leave as FMLA leave without a request from an employee.

FMLA leave taken for a serious health condition of the employee or family member may be taken intermittently or on a reduced-hours basis.

FMLA leave taken for birth, adoption, placement or foster care cannot be taken intermittently unless approved in advance. If both spouses work for the County, the total FMLA leave that may be taken for this event by both employees is twelve weeks, pro-rated between employees as the spouses choose. FMLA leave taken for the birth, adoption, placement or foster care of a child must be taken within twelve months following the event.

Should the County obtain information that the employee was not FMLA eligible or the event did not qualify under FMLA, the designation of FMLA leave, previously given, may be withdrawn.

1. Job Restoration

Upon return from FMLA leave, an employee is entitled to be restored to the same position that was held before the start of the FMLA leave, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. If an employee is unable to return to work after the FMLA leave benefits have been exhausted, the employee will not have a right to return to his/her position even if there are unused accrued leave balances.

Key employees are entitled to FMLA leave but are not entitled to job restoration if re-employment after the conclusion of the leave will cause a substantial and grievous economic injury to the County. A key employee is a salaried employee who is among the

highest paid ten percent of the County's workforce. A key employee will be notified in writing of his/her status in response to the employee's notice of intent to take FMLA leave, unless circumstances do not permit such notice. If a key employee is already on FMLA leave when s/he receives notice that s/he is a key employee, the employee will be given a reasonable time to return to work before losing the right to job restoration.

2. Health Benefits

If paid leave is used for FMLA purposes, an employee will maintain the same benefits as if working. If the employee is on leave with pay, continuation in the health care plan is permitted, provided that the employee continues to pay for his/her share of premiums. If the employee fails to make his/her premium payments, the employee will be provided written notice of this failure and will be given additional fifteen days to make payment in full. If payment is not made after this notice, health benefit coverage will cease.

If an employee does not return to work after the conclusion of the FMLA leave, the employee is responsible for reimbursing the County for the County's share of the health care premiums paid.

8.15 **SICK BANK**

A Sick Bank has been established to provide for the continuation of pay to employees who have exhausted their available accrued sick leave, vacation and compensatory time. Additionally, Sick Bank hours may be granted for an employee to take care of a sick or injured member of their immediate family. For purposes of this policy, immediate family will be defined as is described in the Family and Medical Leave Act.

Regular full-time and regular part-time employees are eligible to participate in the Sick Bank. To participate, regular full-time employees donate eight (8) hours of their own accrued sick leave time and regular part-time employees donate a pro-rated amount based on their regular work schedule. Additional hourly contributions will be requested for the Sick Bank when existing hours have depleted to a set limit. Only employees who contribute to the Sick Bank will have the opportunity to request use of the Bank.

Guidelines

- A. The Sick Bank is funded through a contribution from each employee member, which is deducted from employee's accrued sick leave balance and credited to the Bank. Newly enrolling employees may contribute sick leave as soon as they have accrued hours. Once a member of the Sick Bank, there is a waiting period of thirty (30) days from the last day of the pay period in which the contribution is made before applying for sick hours from the Bank. The County Administrator reserves the right to grant an exception to the 30-day waiting period on a case by case basis where good cause exists and only if the employee's donation to the Bank has already taken place
- B. Available Sick Bank hours are carried over from year to year. Hours donated to the Sick Bank are not refundable. If a further contribution is required, a member has three pay periods from the date of request to donate the additional hours to the Sick Bank. If a member does not donate the necessary hours in this time period, he/she is no longer eligible for Sick Bank but may reapply for membership at any time.

- C. If the Sick Bank falls below 1,500 hours, the County Administrator will request no more than eight (8) additional hours at any one time from each member.
- D. If the program is terminated at any time, any hours remaining in the Bank shall be EQUALLY divided among the members at that time.
- E. Upon separation from the County, a member will no longer be eligible to use the Sick Bank.
- F. The County Administrator assumes full responsibility for control of the Bank and all decisions made by the County Administrator are final.

Procedures:

The following conditions govern the granting of Sick Bank hours:

1. An employee must be on an approved absence from the County in order to request use of the Sick Bank. Sick Bank Request forms are available through the County Administrator's Office and must be completed and returned in order for a request for Sick Bank hours to be considered.
2. If a member is unable to make application for himself/herself, a family member or supervisor may fill out the Request form
3. The member must submit the Request form to his or her Department head or Elected Official for notification and acknowledgement of the request. The Department Head or Elected Official MUST return the Request form to the County Administrator within five (5) working days. If the Department Head or Elected Official has questions regarding the request, they should discuss their concerns with the County Administrator.
4. A Certification of Health Care Provider form must also be completed and returned to the County Administrator in order for a request for Sick Bank hours to be considered
5. Sick Bank hours will not be granted until a member has used all of their accrued compensatory time, sick leave and vacation.
6. Not more than one hundred and eighty-four (184) hours may be granted in a rolling twelve (12) month period. While an employee is receiving payments from the Sick Bank, they are not eligible to accrue sick leave or vacation.
7. Any granted and unused Sick Bank hours shall be returned to the Bank.
8. Employees receiving disability are not eligible to receive concurrent Sick Bank hours.
9. Informal sick leave collections are prohibited.

8.16 PERSONAL LEAVE

Each permanent regular employee of Greene County shall be entitled each calendar year to utilize one (1) paid personal leave day. Personal leave will be approved by the employee's Department Head in accordance with County policy. Social Service employees shall comply with appropriate sections of the State Department of Social Services Personnel Manual.

CHAPTER 9

BENEFITS

The County offers a comprehensive benefits program. Employees are encouraged to contact their department director or the County Administrator's Office with any questions about the benefits program.

It is important that employees advise the County Administrator's Office of any personal status changes (i.e., marriage, divorce and change in dependents or beneficiaries) which could affect their benefits. The following benefits are offered by the County.

9.1 HEALTH INSURANCE

The County offers one primary health care program for employees. The County pays a percentage of the employee's share of the premium, and varying amounts for employee and dependent and family coverage as determined by the Board of Supervisors. Retiree health benefits are offered by the County to retired employees at rates determined by the Board of Supervisors.

9.2 RETIREMENT

- A. The County is a member of the Virginia Supplemental Retirement System. The County pays all of the cost of coverage.
- B. Amount of Benefit
 - 1. VRS offers several alternative methods of receiving retirement benefit payments (these options are outlined in the Handbook for Members).
 - 2. The amount of the retirement benefit is based on three factors: the employee's average final compensation (average of highest 36 consecutive months of salary), years of service credit and age.
- C. Notice of Retirement

Employees planning retirement should contact the County Administrator's Office four months prior to retirement to ensure sufficient time for application of all retirement benefits.
- D. Disability Retirement
 - 1. Employees may apply for disability benefits if they become mentally or physically unable to perform their present duties, and the disability is likely to be permanent.
 - 2. Regular disability retirement (for conditions that are not work-related) may be granted if medical conditions warrant and all other qualifications established under the retirement program are met.
 - 3. A work-related disability results from a cause compensable under the Virginia Workers' Compensation Act. The amount of compensation provided by the retirement program is coordinated with any benefits received under Workers' Compensation and Social Security disability benefits.

9.3 **GROUP LIFE INSURANCE**

The County pays the cost of the premium for group life insurance provided by the Virginia Supplemental Retirement System.

9.4 **DEFERRED COMPENSATION**

The County offers a deferred compensation plan. Employees may participate in the plan at their option. The cost of participation in the deferred compensation plan shall be paid by the employee.

9.5 **WORKERS' COMPENSATION**

A. Coverage

1. The County provides Workers' Compensation insurance coverage at no cost to employees. This insurance program covers an injury (by accident) or illness (occupational disease) which arises out of and in the course of employment that requires medical, surgical or hospital treatment. Workers' Compensation coverage is provided to all regular and temporary employees, both full and part-time.
2. There are several types of benefits provided by the Virginia Workers' Compensation Act, which generally include time-loss benefits after seven (7) calendar days for temporary or permanent partial disability, death benefits, paid medical expenses and rehabilitation services.

B. Program Administration

1. Employees must provide immediate notification to the County Administrator's Office following any injury or illness including those which occur during emergency or other hours outside the regular business day. The County Administrator shall be notified immediately (at home if after hours) in the event of a fatality.
2. Each department shall establish procedures for notification of appropriate personnel for emergency and after-hours situations, including notification of injury or illness of employees during such times. Departmental procedures shall be communicated to all employees affected.

3. Employee Responsibility

a. *Immediate Notification Of Injury/Illness*

It is mandatory that every work-related injury or illness regardless of severity be reported immediately by the employee to his/her immediate supervisor. In addition, when circumstances allow, the employee is to complete the written incident report at the time of supervisor notification. Failure to report an injury/illness promptly may result in loss of compensation and payment of medical expenses.

b. *Completion of Required Report(s)*

Within the first 2 hours following injury, the employee shall be responsible for completing a report of the incident using forms provided for this

purpose. Upon completion, the employee shall give the report to his/her supervisor to review the report.

4. Immediate Supervisor Responsibility

a. *County Administrator Notification*

The Department Director shall contact or designate someone within the department to contact the County Administrator's Office to advise of the following:

- 1) An injury/accident immediately upon receipt of employee notification; and,
- 2) An employee's return to work or change in work status.

b. *Completion of Required Report(s)*

- 1) The department director shall review the incident report to ensure that it is complete. The department director shall assist the employee when necessary to complete all required information. In addition, the department director shall complete the report if the seriousness of the injury/ illness precludes the employee from doing so, and shall later, when able, get a written statement from the incapacitated employee.
- 2) The incident report shall be forwarded to the County Administrator's Office within three hours of an incident.

C. Amount of Compensation During Incapacity

An employee receiving Workers' Compensation salary continuation may use accumulated sick leave in order to maintain his/her regular income. Compensatory leave and then annual leave may be used if the employee's sick leave balance is exhausted. However, in no case shall the total wages received be greater than what the employee's base pay would be if s/he were not incapacitated.

D. Use of Leave Pending Claim for Workers' Compensation

If a Workers' Compensation claim is initially denied by the Virginia Worker's Compensation Commission (VWCC) and later, after a VWCC hearing, the claim is subsequently determined to be compensable under the Act, a leave adjustment shall be made to credit the employee's leave balance(s) for the portion of Workers' Compensation awarded.

E. Modified Work Assignment

1. The County actively supports a selective return-to-work program. For claims deemed compensable by the Workers' Compensation insurance carrier, every effort shall be made within the employee's department to find a suitable modified work assignment for an employee unable to perform his/her regular duties. Any return to work action taken by the County shall be in accordance with Virginia compensation laws.
2. The modified work assignment shall be based upon the treating physician's medical evaluation (including information on required medical treatments, recovery

prognosis, work restrictions, and time frames). The department director and County Administrator shall carefully consider the medical report(s) and the availability of suitable modified duty prior to initiating a modified work assignment.

3. An injured employee, who refuses any suitable employment, shall not be entitled to any compensation at any time during the continuance of such refusal, unless in the opinion of the VWCC the refusal was justified.

9.6 SOCIAL SECURITY

- A. All County employees are covered under the Federal Old-Age, Survivors, and Disability Insurance Program, commonly referred to as Social Security. Federal Insurance Contribution Act (FICA) taxes are paid by both the County and employee in required amounts to fund Social Security.

9.7 UNEMPLOYMENT COMPENSATION

All employees are covered under the Virginia Unemployment Compensation Act. County employees who are laid off, dismissed, or otherwise terminated by the County for reasons other than gross misconduct or improper acts shall be entitled to apply for unemployment compensation under the rules and regulations of the Virginia Employment Commission (VEC). Application eligibility is determined by the VEC on an individual case-by-case basis.

9.8 EFFECT OF EMPLOYMENT STATUS CHANGE OF BENEFITS

- A. Termination of Employment
 1. Health Insurance
 - a. The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the County's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are: termination of employment (i.e., resignation, retirement); death of an employee; a reduction in an employee's hours from full-time to part-time; an employee's divorce or legal separation; or, when a dependent child no longer meets eligibility requirements.
 - b. Under COBRA, the employee or beneficiary pays the full cost of coverage at the County's group rates. The County reserves the right to impose an administration fee.
 - c. Employees shall notify the County Administrator's Office of any qualifying events.

9.9 AMENDMENTS TO BENEFITS

Current benefits may be amended, modified, added or eliminated by the Board of Supervisors at any time.

9.10 QUESTIONS CONCERNING BENEFITS

All questions concerning eligibility for various benefits or the proper procedures to be followed to qualify for any benefits discussed in this section should be referred to the County Administrator's Office.

CHAPTER 10

EMPLOYEE TRAINING

10.1 TRAINING POLICY

A. Policy

1. It is County policy to encourage employees to increase their technical and professional skills in order that they may perform their duties to the best of their abilities.
2. Training opportunities shall be made equitably without regard to race, sex, age, marital status, religion, disability, or national origin. In addition, efforts shall be made to distribute training assignments to provide maximum benefits to all eligible employees.
3. Approval of any training activity outlined in this policy is dependent upon appropriate budgeted funds being available.
4. A record of training offered and completed shall be maintained in each employee's personnel file.

B. Eligibility

Regular full and part-time employees (including probationary employees unless otherwise specified) shall be eligible to participate in any training activity outlined in this policy.

- ##### C.
- Employees may be required to successfully complete special training courses as a condition of employment.

D. Criteria

Approval of any training activity shall meet the following criteria:

1. Be of necessary and direct value to the County and relevant to the employee's general field of work;
2. Be limited to knowledge and skills which cannot be acquired through available in-service training; and,
3. Cover subject matter not sufficiently or recently encompassed in the employee's previous education and experience, or which the employee normally would not be expected to know prior to appointment to his/her present position.

E. Procedures

1. Participation in training activities outlined in this policy shall meet the following conditions and requirements.
 - a. A department director may assign an employee, and consider for approval an employee's request for training, in accordance with this policy and the administrative regulations of the County;

- b. All assignments, provisions for reimbursement, and direct payment of registrations and related expenses shall be subject to budget constraints. All approved training-related expenditures shall be charged to the appropriate account within the departmental budget;
- c. Training assignments shall be subject to authorization by the County Administrator prior to enrollment; and,
- d. Each employee on approved training assignment, as outlined in this policy, shall maintain continuous satisfactory performance in the prescribed course of study.

CHAPTER 11

CONDUCT

11.1 CONDUCT STANDARDS

- A. To ensure orderly operation and provide the best possible work environment, the County expects employees to follow the conduct standards, which are designed to protect the interests and safety of all employees and the County. County employees shall observe the highest standards of professional behavior at all times both within the County government and with the general public in all matters.
- B. It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. Examples of infractions of the conduct standards, which may result in disciplinary action, up to and including suspension or dismissal, are listed under Causes for Disciplinary Action in Section 13.7.G.
- C. Employment with the County is by the mutual consent of the County and the employee, and either party may terminate this relationship at any time.

11.2 GIFTS AND GRATUITIES TO COUNTY EMPLOYEES

- A. Employees shall not solicit or accept any money, loan, gift or gratuity, favor or service from a contractor, firm, consultant, individual or others which may relate to County business or services provided, or that reasonably tends to influence the officer or employee in the performance of official duties.
- B. No one seeking employment or promotion to a County position or appointed office shall directly or indirectly give any money, service or other item to any person in connection with his/her appointment or proposed appointment.
- C. Employees are not prohibited from accepting occasional social courtesies which promote good public relations for the County, or gifts of food which can be shared by all employees or those within a given work area. Employees shall not accept gifts or gratuities totaling more than twenty-five dollars per calendar year.

11.3 SOLICITATION ON COUNTY PROPERTY

Persons not employed by the County shall not solicit or distribute literature in the workplace at any time for any purpose, unless specifically authorized by the County Administrator.

11.4 CONFLICT OF INTERESTS

Employees shall comply with the Virginia State and Local Government Conflict of Interests Act. An employee with questions concerning interpretation or the application of the Act shall contact the

Office of the Commonwealth's Attorney or the employee may request, through his/her department director, an opinion from the County Administrator.

It is the County's expectation that employees have an obligation to conduct business within the guidelines that prohibit actual or potential conflict of interests. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of the County's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

Note that no "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if an employee has any influence on transactions involving purchases, contracts, or leases, it is imperative that he or she discloses to the County Administrator and/or Board of Supervisors as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the County of Greene does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving Greene County. Employees are cautioned to be aware of any perceived conflict that the General Public may observe - - whether or not such conflict exists.

11.5 POLITICAL ACTIVITY

All County employees are encouraged to exercise their right to vote and to express private opinions on candidates and issues. To ensure and maintain employee's individual rights free from interference or solicitation by fellow employees, supervisors or officials, political activities during working hours or when officially representing the County are prohibited.

11.6 PERSONAL USE OF COUNTY TIME AND EQUIPMENT

- A. Telephone Usage and Use of the Internet
 - 1. Telephones and computers are provided for employees who need them to conduct County business.
 - 2. Personal use of telephones for long-distance and toll calls is prohibited.
 - 3. Personal calls shall not be made or received that interrupt or interfere with the employee's work, or either prevent or hinder the use of the telephone for County business.
 - B. The use of County-paid postage for personal correspondence is prohibited.
 - C. Unauthorized removal of County equipment or property from the premises or the use of County equipment or property for personal reasons is prohibited.
3. The County may provide electronic, digital and wire communications equipment for business purposes. The use of this equipment should not be for personal use. Messages sent, received, and stored on this equipment will be subject to monitoring from time to time and in the course of this

monitoring, may be read for content. Employees should be aware that there are stored records of all communications. There should be no expectation of privacy in any communications received, sent or stored on equipment or service provided by the County.

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

Employees may be provided with passwords and e-mail addresses to enable them to use the account; these addresses and passwords are not provided to make employees' usage confidential or private. E-mail records are business records of the County. The usage of the Internet is subject to the same code of conduct, which applies to all other actions in the workplace, and using the County's Internet account in a manner that violates any rules or regulations constitutes grounds for disciplinary action, up to and including dismissal. The electronic use, transmission and storage of messages, files, images and sounds are subject to monitoring by the County.

Employees must not share their passwords with any other individuals, including other employees or outsiders. Nor is it appropriate to attempt to subvert network security either by accessing the Internet without using the employee's password or by seeking to discover other passwords to gain access. Employees are representatives of the County when using the County's Internet account. Accordingly, they are expected to act and to communicate professionally on the Internet, not to engage in any commercial or illegal activities, or to use the account for personal business.

The County will have access to a log of all usage, including a list of employees who have used the Internet and the sites they have visited. The County will monitor this usage from time to time, and employees found to be abusing usage or using the Internet inappropriately will be subject to disciplinary action.

4. Employees will be required to consent to the monitoring of communications sent, received and stored on equipment provided by the County or an electronic wire or digital services provided by the County as a requirement for employment by the County.

11.7 CONFIDENTIALITY OF RECORDS

- A. Many County employees work in capacities where confidential data is handled. Employees shall not discuss such information with persons not authorized to have access to it.
- B. An employee who has worked with confidential information during County employment shall honor such confidentiality even after separation from County service.
- C. If there is a question as to whether or not the information should be released, the inquirer shall be referred to the appropriate department director or County Administrator.

11.8 **ADMINISTRATIVE INVESTIGATIONS**

Employees are required to cooperate with and participate in administrative investigations involving themselves and others. Failure to do so may result in disciplinary action, including dismissal.

CHAPTER 12

TRAVEL POLICY

12.1 TRAVEL POLICIES

- A. It is the policy of the County to adequately compensate employees who may be required to travel outside of the corporate limits of the County. This shall include all expenses relating to travel, lodging, eating and other necessary expenses.
- B. Travel Advances
 - 1. In instances where significant costs may be incurred by the employee, the County may provide a cash advance in an amount to be spent. This advance must be requested no less than (7) days prior to the Council meeting which precedes the date payment is expected. All such payments must be approved by the Board of Supervisors upon written request by the employee and signed by the Department Head.
- C. Mileage Reimbursement
 - 1. In the event that a County vehicle is not available for use, the employee may use his private vehicle on approval by the County Administrator. The County will reimburse the employee an amount equal to the current mileage rate established by the Internal Revenue Service (IRS).

CHAPTER 13

SEPARATIONS AND DISCIPLINE

13.1 SEPARATIONS

- A. An employee may be separated from County service by any one of the following methods:
1. Resignation – Voluntary separation initiated by an employee who chooses to leave County service
 2. Layoff – A temporary or indefinite reduction in the workforce due to economic conditions, lack of work or funds, County or department reorganization, or other appropriate reasons, initiated by the County.
 3. Dismissal – Involuntary separation initiated by the County as a result of an employee's unsatisfactory work performance or misconduct.
- B. Regular full-time employees may be eligible to apply for:
1. Retirement – The provisions of the Virginia Supplemental Retirement System shall apply.
 2. Disability Retirement – Separation initiated by the employee or by the County when an employee is unable, for health reasons, to continue to work. Depending on the circumstances, the employee may be eligible for disability retirement in accordance with the provisions of the Virginia Retirement System.

13.2 RESIGNATION

- A. An 'at will' employee desiring to resign in good standing shall submit a signed written notice, to include the reason for resignation and the effective date, to the employee's supervisor at least 14 calendar days prior to the effective date of resignation. Certain employees may be required to give a 30 day notice. The department director and the employee resigning, by mutual consent, may waive or modify the advance notice requirements.
- B. An employee who has submitted his/her resignation may be continued in his/her position as though the resignation had not be filed, on his/her written request for authorization to withdraw the resignation, filed before the effective date thereof, with the approval of the County Administrator, unless the position has been filled in the meantime.
- C. Failure to comply with Section 13.2.A of this policy may be entered on the employee's personnel records and may be grounds for refusal to re-employ the employee.

13.3 **RETIREMENT**

Eligible employees who are planning to retire from County service shall submit written notification to their department director at least four months prior to the retirement effective date. The written notice shall be forwarded to the County Administrator's Office.

Retirement benefits are stipulated in the County's retirement plan and outlines in Section 9.2 of this policy.

13.4 **LAYOFF**

The County Administrator has the right and obligation to manage the workforce to best serve the interests of the County. This may require implementation of the reduction in workforce procedure. Unless specific instruction is received from the County Administrator, the following shall serve as the general procedure for a reduction in workforce for positions under the control of the County Administrator.

- A. When a reduction in the workforce necessitates the actual removal of personnel because of reduced appropriations, lack of sufficient work or funds, or County-wide or departmental reorganization, layoffs may be ordered by the County Administrator in the following order:
 - 1. The order of the layoffs shall be inverse to the relative value of the employees to the County as determined by the County Administrator.
 - 2. No regular full-time employee shall be laid off from any position while any temporary employee's employment is continued in the same position classification.
 - 3. No regular part-time employee shall be laid off from any position while any temporary part-time employee's employment is continued in the same position classification.
- B. The County Administrator's Office is responsible for executing the necessary written notices and notifying employees of layoff decisions. Department directors shall immediately advise the County Administrator's Office of any personnel problems arising from a layoff.
- C. Notice of Layoff
 - 1. Insofar as practical, all employees to be laid off shall be provided a minimum written notice of 14 calendar days.
 - 2. Department directors shall personally meet with each affected employee to inform the employee of the layoff decision.
- D. Recall Lists
 - 1. All employees who are laid off as a result of this policy shall be placed on a Recall List for their position classification and for their department until a job offer is made or for one year from the date of separation, whichever comes first. Once a job offer is made, whether accepted or refused, the laid off employee shall be removed from the Recall List.

2. Individuals recalled to fill the same position from which they were originally removed shall be restored to regular employment status and not serve a probationary period.

E. Employee Responsibility

Any employee laid off and placed on a Recall List is responsible for notifying the County Administrator of any change in address or telephone number. Employees shall be notified to return to work by registered mail. Any individual who fails to report to work as directed within five workdays following receipt of notification to return to work shall be removed from the Recall List and no additional efforts shall be made to contact the individual.

F. Aid to Employees

Employees who are laid off under a reduction in force directive are eligible to apply to the Virginia Employment Commission for unemployment compensation. Laid off employees shall be paid for accrued annual and compensatory leave.

13.5 **SEPARATION DATE**

- A. When an employee separates from County service, the effective date must be the last day that such employee is physically on the job. The County will not be liable for matters affecting the employee following his/her physical absence from the job. It is not permissible to delay the effective date of separation by any amount of accumulated annual or compensatory leave due the separated employee. Pay for any annual and compensatory leave balances due to eligible employees shall be paid in a lump sum basis.
- B. If an employee is on approved sick leave, Workers' Compensation leave or leave without pay when separated, the effective date of separation shall be the actual date of separation as given by the employee and approved by the County Administrator.
- C. When the effective separation date immediately precedes a holiday, the employee shall not be paid for the holiday

13.6 **RETURN OF COUNTY PROPERTY**

- A. Employees are responsible for all property, materials, and written information issued to them or in their possession or control. Employees must return all County property that is in their possession or control in the event of separation from County employment, or immediately upon request, to the department director or other County authorized designee.
- B. The County may withhold from the employee's final paycheck the cost of any items that are not returned in proper condition. The County may also take all action deemed appropriate to recover or protect its property.

13.7 **DISCIPLINE**

- A. Disciplinary action may take the form of an informal counseling session, formal written notice, or other disciplinary action as set forth herein depending upon the severity of the

situation. Counseling is not mandatory prior to taking formal disciplinary action, depending on the circumstances.

- B. The department director shall consult with the County Administrator when considering disciplinary action beyond verbal reprimand.
- C. All disciplinary actions beyond verbal reprimand are initiated by the County Administrator based upon the justification(s) and recommendation(s) of the department director.
- D. The Greene County Board of Supervisors is to be notified by the County Administrator when disciplinary action beyond verbal reprimand is required for any employee covered by this policy.
- E. All disciplinary actions beyond verbal reprimand shall be documented in writing to the employee with a copy to the employee's personnel file.
- F. Disciplinary action includes:
 - 1. Verbal Reprimand – A discussion between the department director and the employee where the employee is advised and cautioned with reference to unsatisfactory work performance or misconduct.

The department director shall maintain departmental records to document that such discussion took place, when it took place, what was discussed and who was present; depending on the severity of the offense, such documentation may be placed in the employee's personnel file.
 - 2. Written Reprimand – A reprimand reduced to writing, which documents the unsatisfactory work performance or misconduct and recommends specific guidance for corrective action.
 - 3. Suspension – A temporary removal from duty of an employee for cause where the situation is not sufficiently grave to merit dismissal. The length of time shall depend on the seriousness of the offense.
 - a. An employee may be suspended without pay; or,
 - b. An employee may be suspended with pay for the purpose of completing investigatory and administrative processes concerning allegations against the employee.
 - c. For any suspension without pay in excess of seven calendar days, the department director shall provide the employee with an explanation of the reason for the County's action and an opportunity to present a response.
 - d. Where an employee is charged with a criminal act, the outcome of the criminal case shall not necessarily affect the outcome of the administrative investigation. The fact that a person is acquitted of the charge does not necessarily mean the suspension or other disciplinary action will be revoked.
 - 4. Withholding of Merit Salary Increase – The denial or postponement of a merit increase, which is normally awarded upon the employee's completion of a prescribed period of successful job performance.

5. Administrative Decrease – A reduction in pay as a disciplinary action resulting from unsatisfactory job performance or misconduct.
6. Disciplinary Demotion – Demotion of an employee, for disciplinary reasons, may occur when it is determined that the employee’s work has not been satisfactory after providing the opportunity and guidance for improvement and the County wishes to retain the employee. The employee shall meet the qualification requirements of the new, lower pay grade position prior to appointment. If the demotion is specified as temporary, the length of the demotion shall be so stated.
7. Dismissal – An employee may be dismissed from County service upon the recommendation of the department director, subject to the review and approval of the County Administrator.

Before any employee may be dismissed, the department director shall provide the employee with an explanation of the reason for the County’s action and an opportunity to present his/her side of the story. If the employee is dismissed, such dismissal shall take effect immediately.

G. Causes for Disciplinary Action

The following are examples of unsatisfactory work performance and misconduct, which may result in disciplinary action up to and including suspension or dismissal.

1. Excessive absenteeism or excessive tardiness;
2. Abuse of leave;
3. Absent without approved leave;
4. Insubordination;
5. Possession, distribution, sale, transfer or use of alcohol or illegal drugs in the workplace, during working hours, or while operating County-owned vehicles or equipment;
6. Deliberate or grossly negligent or improper conduct endangering the safety of self or others, or which leads to damage of County-owned or public property;
7. Theft, unauthorized use, unauthorized removal, possession of or vandalism of County records or property or employees’ property;
8. Falsification of or damage to County records (i.e., employment application and supporting documents, timekeeping records, safety records and reports, expense reports);
9. Unauthorized disclosure of County records and information;
10. Participating in a work slowdown, sit down or strike;
11. Unlawful conduct, on or off duty, when the conduct impairs the efficiency of the County service or brings it into public disrepute;
12. Willfully violating safety or health rules where there is a threat to life or health;
13. Boisterous or disruptive activity, fighting or threatening violence in the workplace;

14. Smoking in prohibited areas;
15. Sexual or other unlawful harassment;
16. Possession or use of dangerous or unauthorized materials, such as firearms, weapons or explosives in the workplace;
17. Unauthorized use of telephones, the Internet, mail system or other County-owned property;
18. Violation of County rules, policies, ordinances, procedures or applicable federal/state regulations;
19. Conviction of a felony;
20. Improper use of authority or position; and,
21. Use of abusive or threatening language toward employees, supervisor(s) or the public.

Dismissals may be warranted in other circumstances where the employee does not meet the conditions of employment for the position, such as unsatisfactory job performance as evidenced by receiving two consecutive unsatisfactory performance evaluations; failure to maintain valid licenses or other qualifications necessary to perform the job; or, inability to perform the work required, with or without reasonable accommodation.

CHAPTER 14

GRIEVANCE PROCEDURE

14.1 GRIEVANCE PROCEDURE

A. Purpose

The purpose of the Greene County Grievance Procedure is to afford an immediate and impartial method for the resolution of disputes which may arise between the County government and County employees.

B. Coverage

Except as noted below, all non-probationary full-time and part-time employees are eligible to file grievances under this procedure. The following are the exceptions:

1. Key officials of the County. For purposes of this procedure, a key official is defined as the head of any separate County department.
2. Members of boards and commissions.
3. Employees whose terms of employment are limited by law.
4. Officials and employees who serve at the will or pleasure of an appointing authority.
5. Appointees of elected individuals or elected groups.
6. Probationary employees in matters concerning their dismissal. Probationary employees may, however, use this procedure for complaints or disputes other than dismissals that are determined to be grievable.
7. Temporary, limited term and seasonal employees.
8. Law enforcement officers as defined in Chapter 5 (§9.1-500, et seq.) of Title 9 of the Code of Virginia whose grievance is subject to the provisions of Chapter 5.1 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 procedure in the resolution of his grievance.

The County Administrator shall determine the officers and employees (by position) excluded from this grievance procedure and shall maintain a list of such excluded positions.

C. Definition of Grievance

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

1. Disciplinary actions, including disciplinary demotions, suspensions, and dismissals provided that such dismissals result from formal discipline or unsatisfactory job performance.

2. The application of personnel policies, procedures, rules, and regulations, and the application of ordinances and statutes.
3. Acts of retaliation as the result of the use of or the participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth of Virginia, has reported any violation of such law to a governmental authority, has sought any change in law before the United States Congress or the General Assembly of Virginia, or has reported an incident of fraud, abuse, or gross mismanagement.
4. Discrimination on the basis of race, color, creed, religion, political affiliation, age, disability, national origin, or sex.

D. Management Responsibilities

The County reserves to itself the exclusive right to manage the affairs and operations of County government. Accordingly, complaints involving the following management rights and prerogatives are not grievable:

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. 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 tasks.
 - b. The scheduling and distribution of manpower/personnel resources.
 - c. Training and career development.
5. The hiring, promotion, transfer, assignment, and retention of employees in positions within the County's service.
6. Failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly.
7. The relief of employees from duties, or taking action as may be necessary to carry out the duties, of the County in emergencies.
8. Direction and evaluation of the work of County employees.
9. Termination, layoff, demotion, or suspension from duties because of lack of work, reduction in force, or job abolition, except where such action affects an employee who has been reinstated within the previous six months as the result of the final determination of a grievance. In any grievance brought under the exception to this paragraph, the action shall be upheld upon a showing by the County that:
 - 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.

E. Standing to Pursue a Grievance

A grievant must be personally and directly affected by an occurrence or condition before s/he shall be permitted to pursue a grievance. No employee may grieve another employee's job performance unless such job performance directly or adversely affects the grievant's own employment. Disputes as to an employee's standing to file a grievance shall be determined as shall any other disputes as to grievability as set forth in Section F.

F. Grievability

1. Grievability and access are determined by the County Administrator generally after the grievance reaches Step 3. Only after the County Administrator has determined that a complaint is grievable and/or the grievant has access to the procedure may a grievance be advanced through Steps 3 and 4. Should the question of grievability or access arise at Step 2, the grievant or the department head may request a ruling on grievability and/or on access by the County Administrator. The County Administrator shall render a decision within ten calendar days of receipt of the ruling request and shall send a copy of the decision to the grievant and the department head.
2. The County Administrator's decision on grievability and/or access may be appealed to the Circuit Court of the County. Such appeals shall be instituted by the grievant by filing a notice of appeal with the County Administrator within ten calendar days from the date the grievant received the decision. Within ten calendar days after the filing of the notice of appeal, the County Administrator or his designee shall transmit to the Clerk of the Circuit Court a copy of the County Administrator's decision on grievability or access to the procedure, a copy of the notice of appeal, a copy of the grievance record, and copies of all exhibits. A list of the evidence furnished to the Court shall also be furnished to the grievant. The appeal will be heard by the Court as provided by law. The decision of the Court is final and is not appealable.

G. General Policy

Except as otherwise noted, the following rules apply to all levels of grievance hearings.

5. Time intervals specified in Steps 1 through 4 may be extended by mutual consent of the parties.
6. When a deadline falls on a Saturday, Sunday, or County holiday, the next calendar day that is not a Saturday, Sunday, or County holiday shall be considered the last calendar day.
7. All grievance meetings and hearings shall be held during normal County working hours unless both the grievant and the County Administrator should mutually agree otherwise.
8. County employees who are necessary participants at grievance hearings shall not lose pay for time necessarily lost from their jobs and will not be charged leave because of their attendance at the grievance proceedings.

9. At the Step 3 meeting, the grievant, at his option, may have present a representative of his choice. If the grievant is represented by legal counsel, the County likewise has the option of being represented by counsel.
10. The use of recording devices or a court reporter is not permitted at Step 1, 2, and 3 meetings. Only Step 4 hearings may be recorded.
11. Hearings are not intended to be conducted like proceedings in court and the rules of evidence do not necessarily apply.
12. At Step 4, the grievance panel shall have the discretion to limit the attendance at the hearing of persons not having a direct interest in the hearing.
13. At the request of either party, Step 4 hearings shall be private.
14. Except in grievances involving discipline or in cases where the grievance panel determines otherwise, the grievant shall present his evidence first.
15. The grievance panel shall determine the propriety of and the weight to be given the evidence submitted.
16. Both the grievant and the County may call appropriate witnesses. All witnesses, including the grievant, shall be subject to examination and cross-examination.
17. Witnesses shall be present only while actually giving testimony and shall otherwise be excluded from the room.
18. The grievant shall not be entitled to financially recover more than that which he has lost; the grievant's costs are not to be assessed against the County.
19. Where a grievant has obtained partial relief at one level of this grievance procedure but decides to appeal to the next higher level, the filing of a request form to the next higher level shall constitute rejection of, and relinquishment of any claim to, any and all relief granted at the previous level.
20. Each party shall bear the costs and expenses, if any, of his legal counsel or representative.

H. Consolidation of Grievances

In the event that an employee files more than one grievance, the County Administrator may, at any time prior to a panel hearing, consolidate those grievances for joint processing. If the grievances are consolidated, the processing of the first grievance shall be suspended until such time as the last filed grievance proceeds to the same point in this procedure. Once consolidated, the grievances shall be processed at the same time.

I. First Step – Immediate Supervisor Level

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 calendar days of the occurrence of the incident giving rise to the grievance or within twenty calendar days following the time when the employee reasonably should have gained knowledge of its occurrence. A response to the grievance shall be communicated, either orally or in writing, to the grievant within ten calendar days.

Note: If the complaint is alleging discrimination or retaliation by the immediate supervisor, the grievance may be presented at Step 1 to the department head or, if there is no department head above the immediate supervisor to the County Administrator. If Step 1 is with the County Administrator, Step 2 is omitted and the written grievance is presented to the County Administrator. The grievance proceeds immediately to Step 3.

J. Second Step – Department Director Level

If the grievant is not satisfied with and does not accept the Step 1 response, or if a response is not provided within the required time frame, the grievant may proceed by putting the grievance in writing on the Grievance Form. The Grievance Form shall be delivered, by mail or in person, to the department head within ten calendar days of receipt of the supervisor's response or the deadline for that response, whichever occurs first. If the immediate supervisor is the department head, the written grievance should be presented to the County Administrator and it will proceed as if it were at Step 3.

The grievant shall specify the relief that he expects to gain through the use of this procedure. The department head shall promptly meet with the grievant. Normally, the only persons who may be present at the meeting or hearing shall be the agency head, the grievant, and the appropriate witnesses. The department head shall render a written response to the grievance within ten calendar days following receipt of the completed request form with a copy of the response being sent to the manager. By mutual consent of the grievant and the department head, the grievant may skip Step 2 and proceed directly to Step 3.

K. Third Step – County Administrator Level

If the grievant does not accept the response at Step 2, or if the department head fails to respond within the required time frame, the grievant shall indicate his desire to advance the grievance to Step 3 on the Grievance Form. The Grievance Form shall be delivered by mail or in person, directly to the County Administrator within ten calendar days following receipt of the Step 2 response or immediately after the deadline for that response, whichever occurs first. If the County Administrator determines (or has previously determined) that the complaint is grievable, a meeting with the grievant, the grievant's representative if there is one, a representative of the affected department and the County Administrator will be held within five days. Appropriate witnesses for each side and such other persons as the County Administrator or the grievant may want to call, may be present to offer testimony only. The County Administrator shall render a written response to the grievance within ten calendar days following receipt of the completed request form.

In the event that the County Administrator determines that the complaint, or a portion of the complaint, is not grievable, the grievant may appeal that decision to the Circuit Court as set out in Section F.2 of this procedure.

L. Fourth Step – The Grievance Panel

If the grievant does not accept the Step 3 written response, or if the County Administrator fails to respond within the required time frame, and the grievant wishes to advance to a grievance panel hearing, the grievant shall complete step 4 of the Grievance Form.

The Grievance Form shall be delivered, by mail or in person, directly to the County Administrator within ten calendar days following receipt of the Step 3 response or the

deadline for that response, whichever occurs first. The Grievance Form shall contain the name of the person whom the grievant desires to serve on the grievance panel. The grievant shall not name a person to serve on the grievance panel unless and until the grievant has received that person's consent to do so. The grievance shall be heard by an impartial grievance panel as set out in Section N of this procedure.

M. Composition of Grievance Panel

1. Within five calendar days of receipt of the Step 4 request form, the County Administrator shall appoint a member to serve on a grievance panel. The member selected by the grievant and the member selected by the County Administrator shall then select a third member.
2. If the panel member appointed by the grievant and the panel member appointed by the County Administrator or his designee cannot agree upon a third panel member within 20 calendar days of the County's receipt of the selection of the first two panel members, then the judge of the Circuit Court shall choose an impartial, third panel member. The third panel member shall act as chair of the panel.
3. The panel shall not be composed of any persons having direct involvement with the grievance being heard by the panel, or with the complaint or dispute, giving rise to the grievance. Managers who are in a direct line of supervision of a grievant, persons residing in the same household as the grievant, and the following relatives of a participant in the grievance process or a participant's spouse are prohibited from serving as panel members: spouse, parent, child, descendants of a child, sibling, niece, nephew, and first cousin. No attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee, or co-employee of the attorney shall serve as a panel member.

N. Rules for Grievance Panel Hearings

The following rules apply to Step 4 grievance panels and the conduct of Step 4 grievance panel hearings:

1. The grievant shall bear the reasonable costs and expenses, if any, of his panel member.
2. The County shall bear the reasonable costs and expenses, if any, of its panel member and those of the third panel member unless the grievant objects. Upon objection, the reasonable costs and expenses of the third panel member shall be shared equally between the County and the grievant.
3. No person shall receive any compensation, whether monetary or otherwise, for his time in serving as a member of a grievance panel. Notwithstanding this prohibition, a County employee serving as a member of a grievance panel may receive his usual County salary for the period he serves on such a panel.
4. The panel shall promptly set the date, time, and location for hearing the grievance and shall notify the parties.

5. The County shall provide the panel with copies of the grievance record prior to the hearing, and shall provide the grievant with a list of the documents furnished to the panel.
6. Each party shall furnish to the other copies of all documents, exhibits, and a list of witnesses it intends to use at the panel hearing seven calendar days in advance of the hearing.
7. Both the grievant and the County may be represented by legal counsel or other representative at the panel hearing. Such representatives may examine, cross-examine, question, and present evidence on behalf of the grievant or the County before the panel without being in violation of the provisions of Virginia Code §54.1-3904.
8. The panel shall have the authority to determine the admissibility of evidence without regard to the burden of proof so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence. The County shall present its evidence first in grievances challenging a disciplinary action and shall have the burden of persuasion on such issue.
10. All evidence shall be presented in the presence of the panel and the parties except by mutual consent of the parties.
11. The decision of the panel should be rendered as soon as possible, but, in any case, not later than five calendar days following the conclusion of the hearing.
12. The panel shall have the authority, if it finds (based on the greater weight of the evidence) that the grievant has been denied a benefit or wrongly disciplined without just cause (where such cause is required), to reverse, reduce, or otherwise modify such action and, where appropriate, to order the reinstatement of such employee to his former position with back pay.
 - a. Back pay shall not exceed pay for time actually lost or paid leave required to be taken due to such suspension or discharge, in an amount the panel believes equitable up to the amount of actual loss.
 - b. Any award of back pay shall be offset by interim earnings the grievant earned during the period of separation.
 - c. The panel also has the power to sustain, modify or reverse the County's action.
13. The panel shall not have authority to do any of the following:
 - a. Formulate policies or procedures.
 - b. Alter existing policies or procedures.
 - c. Circumscribe or modify the rights afforded the parties in this procedure.
 - d. Grant relief greater than that which the grievant has requested in the request form.
14. The majority decision of the panel, acting within the scope of its authority, shall be final and binding, subject to existing policies, procedures, and law.

15. The question of whether the relief granted by a panel is consistent with written policy shall be determined by the County Administrator or his designee, unless the County Administrator or his designee 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 Attorney for the Commonwealth for the County.
16. Either party may petition the Circuit Court for an order requiring implementation of the panel decision.

O. Compliance

1. Except as noted in paragraph 2 below, after the initial submission of the grievance to the immediate supervisor, the failure of either party to comply with all substantial procedural requirements of this procedure without just cause shall result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the noncompliance within five work days of receipt of written notification by the other party of the noncompliance. Such written notification by the grievant shall be made directly to the County Administrator.
2. If one of the management respondents in Steps 1, 2, or 3 does not respond to the grievance, the grievant at his option may move the grievance to the next level by submitting it without the response to the next Step or the grievant can provide the County Administrator notice of the non-compliance as set forth in paragraph 1 above.
3. The County Administrator shall determine compliance issues. Compliance determinations made by the County Administrator or his designee shall be subject to judicial review, which shall be initiated by the grievant filing a petition with the Circuit Court of the County within thirty calendar days of the compliance determination.

CHAPTER 15

ELECTRONIC COMMUNICATIONS AND CELL PHONE USE

The County may provide electronic, digital and wire communications equipment for business purposes. The use of this equipment should not be for personal or commercial use. Messages received, sent, and stored on this equipment will be subject to monitoring by designated County officials from time to time and in the course of this monitoring may be read for content. Employees should be aware that there are stored records of all communications. There should be no expectation of privacy in any communications received, sent, or stored on equipment or service provided by the County.

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

Employees may be provided with passwords and e-mail addresses to enable them to use the account; these addressees and passwords are not provided to make employees' usage confidential or private. E-mail records are business records of the County. The usage of the Internet is subject to the same code of conduct which applies to all other actions in the workplace and using the County's Internet account in a manner that violates any rules or regulations constitutes grounds for disciplinary action, up to and including discharge. The electronic use, transmission and storage of messages, files, images and sounds are subject to monitoring by the County.

Employees must not share their passwords with any other individuals, including other employees or outsiders. Nor is it appropriate to attempt to subvert network security either by accessing the Internet without using your password or by seeking to discover other passwords to gain access. Employees are representatives of the County when using the County's Internet account. Accordingly, they are expected to act and to communicate professionally on the Internet, not to engage in any commercial or illegal activities, or to use the account for personal business.

The County will have access to a log of all usage, including a list of employees who have used the Internet and the sites they visited. The County will monitor this usage from time to time, and employees found to be abusing usage or using the Internet inappropriately will be subject to disciplinary action.

Electronic records, documents and communications created in the transaction of County business are public records subject to the provisions of the Virginia Freedom of Information Act (Code of VA Section 2.2-3700, et.seq.). All such records shall be maintained in accordance with the Records Retention and Disposition Schedule established by the Librarian of Virginia pursuant to the provisions of the Code of Virginia, Section 42.1-76, et.seq.

15.1 CELLULAR PHONES IN THE WORKPLACE

A. Purpose

This policy outlines the use of personal cell phones at work, the personal use of business cell phones, and the safe use of cell phones by employees while driving.

B. Policy

The County requires that use of personal cellular phones (including text messaging) shall be limited during the workday and County cellular phones shall be utilized for business purposes only and in a safe manner.

C. Procedures

1. Personal Cellular Phones: During paid work time, employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of any County phones. Excessive personal calls (including text messaging) during the workday, regardless of phone used, can interfere with employee productivity and be distracting to others. A reasonable standard the County encourages is to limit personal calls during work time to an average of no more than two or three short-duration calls per day as needed. Employees are expected to make personal calls on non-work time when possible and to ensure that friends and family members are aware of the County's policy. Flexibility will be provided in circumstances demanding immediate personal phone use, but this immediate need should be communicated to an employee's supervisor.

D. Personal Use of County–Provided Cellular Phones

Where job or business needs demand immediate access to an employee, the County may issue a County-owned and serviced cell phone to an employee for work-related communications. County owned cellular telephones are for official business only. If an employee experiences a personal need to use the County's cellular phone, he/she must reimburse the County for personal calls in accordance with the procedures established by the employee's Department. The value of an employee's personal use of a County cellular telephone (including per-minute charges, long distance and/or roaming charges, and a pro rata share of the monthly service charge), will be considered taxable income, per IRS regulations. Employees who do not use the County cellular phone for personal use will not incur a tax liability.

Cellular phones shall remain the sole property of the County and shall be subject to inspection or monitoring (including related records) at any time. Employees in possession of County equipment such as cellular phones are expected to protect the equipment from loss, damage, or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the phone for return or inspection. Employees unable to present the phone in good working condition within the time period

requested (for example, 24 hours) may be expected to bear the cost of a replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

E. Safety Issues for Cellular Phone Use

Employees whose job responsibilities include regular or occasional driving are encouraged to refrain from using a cellular phone while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to a reasonably safe location and safely stop the vehicle before placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not an option, employees are required to use hands-free options and are expected to keep the call short, refrain from discussion of complicated or emotional issues, and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather or the employee is driving in an unfamiliar area.

Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cell phone for business use, are also expected to abide by the provisions above. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs. Text messaging, reading emails, and writing emails while driving is not allowable under any circumstance. Employees who are charged with traffic violations resulting from the use of a cellular phone while driving on duty may be subject to disciplinary action and personal liability resulting from such traffic violations. Violations of this policy will be subject to discipline, up to and including dismissal.

F. Special Responsibilities for Managerial Staff

As with any policy, management staff is expected to serve as role models for proper compliance with the provisions above and are encouraged to regularly remind employees of their responsibilities in complying with this policy.

G. Reimbursement Procedures

Cell phones are an important communications tool in today's work place. To foster adequate communication that is work related the County will:

1. Pay \$15.00 monthly to the individual staff member should they choose to use their personal phone; or
2. Provide an approved cellular phone under their existing Departmental or Countywide plan. If this option is chosen by the employee the County allows no personal use of County minutes covered under the plan and reimbursement for personal use by employees will only be recognized in extraordinary circumstances as defined by the County Administrator.

CHAPTER 16

IMPLEMENTATION OF POLICIES

16.1 **CONFLICTING POLICIES REPEALED**

All policies, ordinances or resolutions that conflict with the provisions of this policy are hereby repealed.

16.2 **SEPARABILITY**

If any provision of this policy or any rule, regulation or order there under or the application of such provision to any person or circumstances is held invalid, the remainder of this policy and the application of the remaining provisions of this policy to persons or circumstances other than those held invalid will not be affected.

16.3 **VIOLATIONS OF POLICY PROVISIONS**

An employee violating any of the provisions of this policy shall be subject to suspension and/or dismissal, in addition to any civil or criminal penalty.

16.4 **AMENDMENT OF POLICIES**

These policies may be amended in time based upon changes in federal and state law and County need. The policies shall only be amended by an affirmative vote of the Board of Supervisors of Greene County. Upon amendment, it is the responsibility of the County Administrator to provide copies of approved changes to all employees covered by the policy.

16.5 **EFFECTIVE DATE**

This policy and subsequent amendments shall become effective upon adoption.