

**VIRGINIA’S REGION 2000 LOCAL GOVERNMENT COUNCIL**  
**PERSONNEL RULES AND REGULATIONS**  
**EMPLOYEE HANDBOOK**

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**Approved by the Virginia's Region 2000 Local Government  
Council 10/23/08**

Virginia's Region 2000 Local Government Council

PERSONNEL RULES AND REGULATIONS

General Information

Purpose of Policies and Guidelines

PREAMBLE

The Virginia's Region 2000 Local Government Council was established by the political jurisdictions in Region 2000 under the Regional Cooperation Act of the Code of Virginia (15.2-4200) as a mechanism to encourage regional cooperation and better coordinate our resources and services in Region 2000. The Local Government Council is pleased to provide staffing and human resources services to the regional organizations which make up the Region 2000 Partnership. All of the Partner Organizations are committed to improving the quality of life of the region by pursuing their individual missions and coordinating their activities through a regional strategic plan.

SECTION 1. AUTHORITY FOR HANDBOOK.

The rules and regulations of this handbook have been adopted by the Local Government Council under the authority of Section 15.2-4200 Code of Virginia, 1950, as amended.

SECTION 2. PURPOSE OF POLICIES AND GUIDELINES.

It is the purpose of these rules to set forth the personnel policies of the Local Government Council by establishing clear, consistent personnel standards and procedures for the understanding and benefit of both the employee and employer.

This handbook should not be read as including the fine detail of each policy, but as a general overview of all of Council's policies. Any reference to the male gender should be understood as including the female gender as well.

SECTION 3. AMENDMENT/REVISION OF RULES AND REGULATIONS.

The LGC Executive Director is the principal Personnel Officer and shall recommend such amendments/revisions to these rules and regulations as may be deemed desirable and/or necessary. Such amendments shall be reported to the Local Government Council for action.

SECTION 4. RESPONSIBILITIES OF LGC EXECUTIVE DIRECTOR.

The Executive Director along with designated LGC staff is responsible for answering questions concerning the contents of this handbook, and any requests for

interpretation or clarification of the material. The Executive Director shall also be responsible for making available to the public for viewing copies of this handbook, maintaining a current copy, bringing copies of this handbook to the attention of employees, and suggesting amendments/revisions to the Local Government Council when deemed appropriate. The LGC Executive Director is responsible for reviewing the handbook annually to ensure its provisions are in conformance with current policy, and shall actively seek outside comment and guidance from employees during any revision process.

The LGC Executive Director will work carefully with Partner Organization Directors and Department Directors in making personnel decisions and not be arbitrary and capricious in decision making. The LGC Executive Director will seek the favorable recommendation of the Partner Organizations before taking personnel actions related to their operations.

#### SECTION 5. RESPONSIBILITIES OF LGC EMPLOYEES

All Local Government Council employees are responsible for signing the “Employee Receipt of Handbook” form, familiarizing themselves with the contents of this handbook, abiding by its policies, and bringing to the attention of the Executive Director any discrepancies present. Local Government Council employees are also responsible for directing questions/requests for clarification concerning the contents of this handbook to the LGC Executive Director. Employees are expected to actively involve themselves in any revision process, and are encouraged to offer comments, suggestions, or concerns during this period. The handbook will be made available to all employees either electronically or by a printed copy.

#### SECTION 6. APPLICABILITY OF HANDBOOK.

The rules and regulations contained in this handbook are applicable to employees under the Local Government Council’s Position Classification and Pay Plan. Any special provisions or exemptions for specific employees will be mentioned throughout the handbook where appropriate.

#### SECTION 7. LOCAL GOVERNMENT COUNCIL COMPLIANCE OF LEGAL MANDATES AND GUIDELINES.

It is the Local Government Council’s policy to make every effort, at the present time and into the future, to understand and comply with all applicable Federal and State statutes, legal guidelines, etc., for the benefit of the citizens of Region 2000, our employees and the community as a whole.

## CHAPTER 01

### RESPONSIBILITY FOR ADMINISTRATION

#### SECTION 1. LOCAL GOVERNMENT COUNCIL.

The Local Government Council shall be responsible for establishing personnel policies for its employees and, where applicable, shall hereinafter be referred to as the Council. The Local Government Council will serve as the professional employment office for the Partnership organizations. The LGC staff will be responsible for coordinating the recruitment process, maintenance of personnel records, employee orientation, maintenance of the Partnership's classification plan and development recommendations on position classifications and payroll administration.

When personnel policies are amended by the Local Government Council, Partner Organizations may seek to amend their contract regarding the applicability of the revised policies. The revised policies will be effective for all LGC employees until contract amendments with Partner Organizations are approved by both parties.

If a Partner Organization wishes to create a position then the Council will not withhold the creation of that position arbitrarily.

#### SECTION 2. LGC EXECUTIVE DIRECTOR.

Under the direction of the Council, the LGC Executive Director shall have responsibility for the administration of the Position Classification and Pay Plan and the policies outlined within this Personnel Rules and Regulations Handbook.

## CHAPTER 02

### DEFINITIONS

#### SECTION 1. DEFINITIONS.

A. Allocation. The assignment of an individual position to an appropriate class or grade on the basis of kind, difficulty, and responsibility of the work actually performed in the position.

B. Appointing Authority. The LGC Executive Director is authorized to make appointments to positions as authorized by the Local Government Council.

C. Grade. A group of positions (or one position) in the Classification and Pay Plan which are sufficiently alike in duties, authority, and responsibility and therefore are to be treated in the same manner. A class of positions will require similar qualifications, and can be equitably compensated at the same salary range.

D. Job Description. The written description of a job or group of jobs, containing a group title, a statement of the duties, authority and responsibilities of the positions within the group, and the qualifications which are necessary or desirable for the satisfactory performance of each position's duties. The class specification may also include, where appropriate, the usual lines of promotion to and from the class.

E. Demotion. The change of an employee from a position in one class to a position in another class having a lower maximum salary rate.

F. Position. A group of currently assigned duties and responsibilities requiring the full or part-time employment of one person. Positions may be occupied or vacant, and shall be created and abolished by the Council.

G. Probationary Period. The working test period in which an employee is required to demonstrate his fitness by actual performance of the duties of the position to which he has been appointed. This initial period is no less than six months duration and may be extended at the discretion of the LGC's Executive Director.

H. Promotion. The change of an employee from a position in one class to a position in another class having a higher maximum salary.

I. Regular Full-Time Employee. A person employed on a permanent basis who works on a regular schedule of at least 32 hours per week in a classified position.

J. Regular Part-Time Employee. A person employed on a permanent basis, working less than 32 hours on a regular basis per week. This includes part-time employees who work recurring periods from year to year.

K. Temporary/Seasonal Employee. A person employed in a position having a fixed time period (usually less than four months) to complete a specific project(s). A temporary employee may (or may not) be considered a seasonal employee, and vice-versa.

L. Contracted Service Provider. An individual or agency paid a contracted amount to complete a specific project(s). Payment is based on the completion of the project(s), not the number of hours worked.

M. Coaching Appraisals. An appraisal process that rates employees on several identified areas.

N. Work Plans. Forms that identify specific goals and tasks as they relate to the organization and/or department.

O. Exempt (E). Section 13(a)(1) of the Fair Labor Standards Act (FLSA) provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional, outside sales and certain computer employees. To qualify for exemption, employees generally must meet certain tests regarding their job duties and be paid on a salary basis at not less than \$455 per week. Job titles do not determine exempt status. In order for an exemption to apply, an employee's specific job duties and salary must meet all the requirements of the Department's regulations.

P. Non-Exempt (NE). A non-exempt employee is an employee who, because of the type of duties performed, the usual level of decision making authority, and the method of compensation, is subject to all FLSA provisions. Non-exempt employees are normally required to account for hours and fractional hours worked. Non-exempt employees must be compensated for all hours worked including overtime hours at the premium (time-and-one-half) rate of pay.

Q. Immediate Family. Includes parents (step and foster), spouse, children (step and foster), brother (in-law), sister (in-law), grandchildren, grandparents (in-law), daughters-in-law, sons-in-law, spouse's parents, or any person living in the employee's home.



## CHAPTER 03

### POSITION CLASSIFICATION PLAN

#### SECTION 1. ALLOCATION OF NEW POSITIONS.

The LGC's human resources staff, in conjunction with the Department Head or Partner Organization Executive Director, shall complete a position description covering the duties and responsibilities of each proposed position. The position shall be assigned to one of the grades in the Position Classification Plan. The establishment of a new position and classification shall be submitted to the LGC Executive Director for presentation to the Board for their approval or disapproval.

#### SECTION 2. ALLOCATION APPEALS.

If an employee has facts that indicate to him that his position is improperly allocated, he may request the LGC Executive Director review the classification of his position.

#### SECTION 3. MAINTENANCE OF PLAN.

A. Each time a vacancy occurs, a position description shall be updated and submitted to the LGC's Human Resources representative for a review of the allocation of the position. This requirement may be waived by the LGC Executive Director in cases where there have been no substantive changes in the duties and responsibilities of a position.

B. Each time a department or division is reorganized, position descriptions for all affected employees shall be submitted to the LGC Executive Director for his review.

C. The LGC's Executive Director or a Partner Organization Executive Director may request employees submit position descriptions on a periodic basis, or any time there is reason to believe that there has been a change in the duties and responsibilities of one or more positions.

D. Each time a new position is established by the Council, a job description shall be written and incorporated in the existing Position Classification Plan by the LGC's Executive Director, after recommendation by the Human Resources representative and the Partner Organization Executive Director or Department Director. The position shall then be added to the schematic list of titles. Likewise an abolished position shall be deleted from the Position Classification Plan.

E. The Position Classification Plan shall be reviewed annually. The LGC's Executive Director shall confer with the Partner Executive Directors and Department Directors during these reviews and forward any revisions to the Council for action.

#### SECTION 4. INTERPRETATION OF CLASS SPECIFICATIONS.

The job descriptions are descriptive and not restrictive. They are intended to indicate the kinds of positions which shall be allocated to the classes established.

#### SECTION 5. OFFICIAL COPY OF THE POSITION CLASSIFICATION PLAN.

The human resources representative in the Local Government Council Office shall be responsible for maintaining an official copy of the Position Classification Plan. The official copy shall contain job descriptions, which list a position's title, grade, duties/responsibilities, minimum qualifications, etc. A copy of the official Position Classification Plan shall be available for inspection by the public under reasonable conditions during business hours.

### CHAPTER 04

#### PAY PLAN

#### SECTION 1. NEW APPOINTEES.

A new employee shall be paid within the grade established for the position with consideration given for prior experience. The pay plan is structured so that generally speaking an employee with above average annual evaluations will reach the top of the grade with 20 years of service.

#### SECTION 2. PROMOTIONS.

When an employee is promoted to a position in a higher class, his salary shall be increased to the minimum rate for the higher class. If the employee's current salary is greater than the minimum rate of the new classification, the promoted employee shall be increased above his present salary to a step that is appropriate based on the circumstances of the promotion, and education and experience of the employee. Promoted employees shall be subject to a ninety (90) day probationary period with the understanding that they may be returned to their prior position of service during the probationary period with or without cause.

### SECTION 3. DEMOTIONS.

When an employee is demoted to a lower class position, he shall be paid at a rate which is within the approved range for the lower class position. The rate of pay shall be set by the LGC Executive Director.

### SECTION 4. REALLOCATION DOWNWARD.

When an employee's position is reallocated to a lower class position the employee shall be permitted to continue at his present rate of pay during a period of incumbency (except in event of general service-wide reductions), but shall not be entitled to a salary increase.

### SECTION 5. PART-TIME EMPLOYMENT.

Regular part-time employees shall normally be paid on the basis of experience in the job being filled if it has been classified, and any increase provided to part-time positions shall be at the Cost of Living (COLA) plus merit rate provided by the Organization for each budget year for full-time employees. Performance evaluations will be used to determine the merit rate in any given year, within the available funding.

Part-time temporary employees filling positions will begin at a mutually agreed upon rate, but any increases will only be based on the cost-of-living increase set for that year (if any). (For example, if the Council provides a 3% increase to the scale as a "cost-of-living" increment, the part-time temporary employee will receive an increase of 3% only and is not eligible for merit or step increases.)

### SECTION 6. OVERTIME.

Executive Directors and Department Directors shall make arrangements to compensate overtime work with compensatory time with prior approval of the appropriate Executive Director. It is recommended that such compensatory time for non-exempt people be worked out within a ninety-day period at the same amount of compensatory time as overtime, which is at the rate of time and one half. Exempt employees under the Executive Classification are not entitled to compensatory time; exempt employees under the Administrative or Professional Classification earn discretionary time as determined by the appropriate Executive Director. Where it is not considered possible to make reimbursement by compensatory time, the Department Head or Partner Executive Director may only commit for paid overtime with the prior budgetary approval of the appropriate Board. (Note: Any "compensatory time" allowed must be in conformance with current regulations of the Federal Wage & Hour Laws—Fair Labor Standards Act.)

An employee who accumulates overtime shall mark the amount accumulated on the proper time form provided by the LGC's Finance Department.

A. Categories of Jobs. Under the Fair Labor Standards Act there are two basic categories of jobs:

- \* Exempt(E)– those employees not covered by the Act
- \* Non-Exempt(NE)– those employees covered by the Act

The exempt category consists of three subordinate categories applicable to the Partnership's classified service as listed below. All other positions are non-exempt.

**Executive Classification Positions:**

Executive Director  
Deputy Director  
Department Director

**Administrative Classification Positions:**

Administrative Assistants I, II, III  
Business Manager  
Executive Assistant  
Operations Manager

**Professional Classification Positions:**

Environmental Compliance Manager and Safety Officer  
Economic Development Program Manager/Communications Officer  
Regional Development Specialist I, II, III  
Senior Planner

SECTION 7. SALARY ADJUSTMENTS FOR COUNCIL EMPLOYEES.

Salary adjustments for Council employees (step increases, cost of living adjustments, etc.) are intended to be administered on a uniform basis across the Partnership and are subject to funding by appropriate boards or contracts. Salary adjustments shall go into effect on July 1, unless otherwise designated. Cost of Living Adjustments shall be provided to all employees along with a corresponding adjustment in the salary scale. Merit/Step increases shall only be provided where a satisfactory performance appraisal is achieved and shall vary based upon the score recorded on such appraisal. Salary studies may be conducted from time to time as authorized by the Council which may affect salaries either upward or downward depending upon market conditions and employees.

## SECTION 8. INTERPRETATION.

The LGC's Executive Director shall be responsible for interpreting the application of the Plan to pay problems which are not specifically covered by this regulation using the principles expressed herein as a policy guide.

## SECTION 9. REVIEW AND AMENDMENT OF PAY PLAN.

Prior to the annual submission of each Organization budget to their respective Board, the LGC human resources staff shall review the pay plan and submit his findings together with recommended amendments to each Executive Director and respective Boards.

## SECTION 10. PAY DAY FOR PARTNERSHIP EMPLOYEES.

All Council employees are paid on the last working day (falling between Monday and Friday) of each month.

## CHAPTER 05

### EMPLOYMENT POLICIES

#### SECTION 1. GENERAL EMPLOYMENT POLICY

It shall be Council's policy to fill each position in the Council's service with the best available qualified applicant, in the process complying with all legal guidelines and statutes.

#### SECTION 2. PUBLICITY.

The LGC Executive Director, working with input other Executive Directors and Department Directors and from the LGC's human services staff, shall determine the publicity required to obtain a reasonable number of qualified applicants for each vacancy. Publicity may include advertisements in newspapers and trade journals, radio broadcasts, referral by the Virginia Employment Commission, correspondence and other contact with local governments, secondary schools and colleges and the encouragement of Partnership employees to informally advise others of employment opportunities.

### SECTION 3. APPLICATION FORMS.

Application for employment shall be made on Local Government Council forms approved by the LGC Executive Director. Only completed applications shall be considered, and may require certain forms of identification, certificates of educational experience, etc. Prospective employees will be required to meet certain minimum qualifications for employment; these qualifications shall be contained in written job descriptions, approved by each Organization's Executive Director and the Council in compliance with any legal guidelines and statutes.

### SECTION 4. EXAMINATIONS.

As determined by the LGC Executive Director in consultation with Partner Executive Directors and Department Directors, the selection process may include one or more and/or all of the following: oral interviews, evaluation of experience and training, reference checks, written examinations, performance tests, criminal history checks, drug/alcohol tests, physical examinations, or unassembled examinations.

Any prospective employee who would be using a Partner organization-owned vehicle in the performance of his duties may also be subject to an examination of his driver's license and record during the selection process. An employee may also be subject to an examination of his driver's license and record if the member organization is contemplating allowing him access to a Partnership organization-owned vehicle.

Results of any and all examinations shall be kept strictly confidential unless such information is required to be disclosed by law.

### SECTION 5. APPLICATION/HIRING PROCEDURES.

The Council's application and hiring procedures shall conform to guidelines set by the Council. The LGC's Executive Director shall be responsible for ensuring these procedures comply with all relevant legal guidelines and statutes.

#### Hiring and Promotional Review Process

A. All openings for vacant positions will be advertised twice in the News and Daily Advance including on at least one Sunday. Additional ad time may be required depending upon applications received. Positions will be posted for a minimum of two weeks prior to interviewing. In the event an internal promotion is deemed to be within the best interest of the Council this provision may be waived.

B. All positions filled to work with Partner Organizations will be filled by the Local Government Council upon the favorable recommendation of the Partner Organization.

C. When a position vacancy occurs or a new position is made available, the LGC Executive Director, in coordination with Department Directors and Partner Organization Executive Directors, shall determine whether the position may be filled by promotion or hiring from inside Council Service. If the LGC Executive Director deems the position may be filled from inside Council Service, the position will be advertised among the various Council departments and Partner Organizations. If qualified employees apply, the Executive Director has the authority to appoint a current employee to the position to be filled from the applications submitted, in accordance with Council policy. The LGC Executive Director has the authority to advertise the position outside Council Service in order to attract more qualified applicants. If the position is advertised outside Council Service, it shall also be advertised inside Council Service. All openings for vacant positions will be posted at the various Partnership facilities and work sites so that individuals within the system have ample opportunity to apply for vacant positions.

D. Job descriptions and salary ranges will be approved by the LGC's Executive Director prior to any advertisement or acceptance of applications for any vacancy. Vacant positions will be filled only as approved by the LGC's Executive Director.

E. All applicants for a vacancy will be directed to the LGC human resources office to obtain necessary applications and job descriptions. The administrative office will retain all completed applications. All completed applications and related information will be picked up by the department with the vacancy on the advertised closing date.

F. Applications will be reviewed by the LGC's Human Resource representative and sorted. Applications will be prioritized based upon the information contained in the application as it relates to the job description of the position advertised. Once prioritized, qualified applicants will continue with the review process. Once a successful candidate is identified and accepts the position, applicants offered an interview will be notified of the decision. Other applicants will be notified if requested.

G. The applicant review process shall be conducted in a manner and reported on such forms as deemed appropriate by the LGC'S Executive Director. The recruitment process shall be implemented and recorded by the LGC's human resources staff and will remain on file for inspection in the Local Government Council Office. All processes used in employ recruitment and selection shall be in accordance with applicable state, federal and local laws. Partner Organizations and Department Directors will conduct appropriate employment interviews with the advice and counsel of the LGC Executive Director as appropriate.

H. The Partner Organization's Executive Director or LGC Department Director will develop a final list based upon the applicant's education and experience, suitability for the job, ability to work within the existing structure, and ability to mesh with the philosophical elements of the Council or Partner organization. This recommendation will include the top three candidates in order of priority so that the #1 ranked candidate is the individual being recommended. The LGC Executive Director is responsible for taking final action on employment in accordance with the Council's policies and may deviate from this handbook when it is deemed to be in the best interest of the Council

#### SECTION 6. EQUAL EMPLOYMENT OPPORTUNITY PLAN

The plan is available for review in the Local Government Council Office. It is Council's policy to provide equal opportunity and diversity to its employees and applicants for employment. The Council will not discriminate on the basis of race, color, religion, sex, national origin, age, physical or mental disability unrelated to perform the essential functions of the position.

It is also the policy of the Council and the policy of the Partner Organizations not to tolerate any form of sexual or racial harassment of its employees. Such allegations will be thoroughly investigated and disciplinary or corrective action taken as warranted. The investigation procedure is outlined in Chapter 7 Section 6.

#### SECTION 7. PROBATIONARY PERIOD.

New appointments shall be on a probationary basis for a minimum of 180 days (or longer) as determined by the LGC's Executive Director and stated in the letter of hire. At the end of the probationary period, a preliminary evaluation of the employee will be conducted, the purpose being to determine the employee's suitability for continued employment with the Organization. If the performance of the employee is not deemed satisfactory after completion of the probationary period, the employee may be released by the Organization. The LGC's or the Partner Organization's Executive Director have the option of extending an employee's probationary period. Staff promoted internally shall have a probationary period of 90 days minimum.

#### SECTION 8. ORIENTATION/TRAINING OPPORTUNITIES.

It is Council's policy to provide orientation programs when it appears appropriate in order to familiarize employees with their duties, responsibilities, working environment, etc. The LGC's human resources staff will conduct a general orientation on personnel and payroll procedures. The Department Supervisors or the LGC's and Partner



Organization's Executive Directors will determine the type or need of more detailed orientation programs and shall be responsible for their implementation.

It is also Council policy to provide maximum training opportunities for employees to improve performance in their assigned jobs. Employees are encouraged to learn jobs other than their own in order to increase knowledge of other activities and provide backup when necessary. The Council also has a tuition assistance program available for qualified employees (see Chapter 9, Section 2).

#### SECTION 9. TRANSFER.

Council employees may be transferred from time to time and place-to-place by the LGC Executive Director, in accordance with Council policy, as may be required to meet the needs of the Council and its contracts.

#### SECTION 10. RECLASSIFICATION.

When an employee's position is redefined to a new classification in accordance with the Council policy, he shall be considered to be reclassified, and shall be afforded the benefits (if any are present) due to the new classification.

#### SECTION 11. DEMOTION.

An employee may be subject to demotion for various reasons determined by his Department Head and the Partner Organization's Executive Director (see Chapter 10).

#### SECTION 12. OUTSIDE EMPLOYMENT POLICY.

While outside employment is not encouraged, the Council recognizes that employees may desire to seek additional employment. However, outside employment is subject to the following stipulations:

- A. Upon obtaining outside employment, an employee shall complete an Outside Employment Form which is available from the Council's Human Resources staff. Once signed by the employee's supervisor, it shall be forwarded to the Human Resources office for inclusion in the employee's personnel file. Recently hired employees who already have another job at the time they begin employment with the Council are expected to notify their supervisor immediately of this fact.
- B. At no time should such employment hinder the employee's performance and ability to fulfill all the responsibilities and requirements of their Council position.

- C. Department Supervisors, Department Heads, and Executive Directors are expected to devote all their time and energy to the execution of their duties and are strongly encouraged not to seek outside employment. Individuals in these positions must also abide by any legal requirements concerning outside employment.
- D. Outside employment shall not be accepted as an excuse for poor performance, absenteeism, tardiness, leaving work early, refusing to travel or work overtime (or different hours), or any other reason deemed appropriate by the Department Head or Executive Director.
- E. If outside employment interferes with an employee's work requirements it shall be discontinued; failure to do so may result in disciplinary action.
- F. At no time shall an employee's outside employment be cause for a conflict of interest as provided in Sections 2.1-639.1-639.24, Code of Virginia, 1950, as amended (The State and Local Government Conflict of Interests Act). If it is proven to be a cause, it shall be terminated immediately.
- G. Employees are not to conduct any business relating to their outside employment during paid working time.

All Council employees are expected to comply with the above guidelines as well as any others deemed reasonable by the Council and the Partnership member organizations.

### SECTION 13. DRESS CODES.

Upon employment, some departments and organizations within the Partnership may require their employees to wear uniforms. A casual mode of dress is acceptable for those employees in certain jobs such as landfill personnel and employees not accessible to the public, as determined by their Department Head. Departures from conventional dress or personal grooming standards are not permitted, regardless of the nature of the job performed.

General office employees accessible to the public shall be expected to dress in a manner that is normally acceptable in business establishments. The wearing of inappropriate or casual attire as determined by the member organization's Executive Director is not allowed. Should an employee report for work inappropriately dressed or groomed, the supervisor shall instruct the employee to return home to change his attire. The employee will not be compensated during such time away from work, and repeated violations of this policy will be cause for disciplinary action.

Landfill Operators wear uniforms issued to them.

#### SECTION 14. TERMINATION.

Employees exit the Council's Service through one of the following means: resignation, death, retirement, layoff or dismissal.

A. Layoff: In the event a Partnership Organization must reduce employment, layoffs may occur consistent with the needs of the Organization. The Organization's Executive Director, following any guidance from the Organization's Board, shall be responsible for developing the layoff program coordinating with the LGC Executive Director to insure the program conforms to any legal requirements.

B. Resignation A full-time regular employee may leave the Council's Service voluntarily by stating his reason(s) in writing to LGC Executive Director and, if applicable, the member organization's Executive Director. Voluntary resignations require a 10 working days notice, although it is suggested that notice be given earlier if at all possible. The right to access the Council's Grievance Procedure will be waived upon the effective date of resignation.

#### SECTION 15. EXIT INTERVIEW.

All full-time regular employees are required to participate in an exit interview with the LGC's human resources staff upon leaving the Council Service (whether voluntary or otherwise). This interview will inform the employee of relevant information concerning his separation, including retirement and insurance benefits, reemployment opportunities, etc.

#### SECTION 16. INELIGIBILITY FOR REHIRE

An employee will not be eligible for rehire when an employee is terminated for cause or when an employee resigns after having a prior formal disciplinary action taken. In circumstances of a final order of a grievance panel or court of competent jurisdiction in favor of the Council, the employee will not be eligible for rehire.

#### SECTION 17. RETURNING PARTNERSHIP-OWNED PROPERTY UPON TERMINATION.

Each department head shall take an annual inventory of all Council, Services Authority and Partner Organization owned property that is in the possession of his employees. The Human Resources Office will obtain this listing and will review it

during the exit interview to ensure that all property has been returned prior to the release of the employee's final paycheck.

#### SECTION 18. CHANGES IN INFORMATION CONCERNING EMPLOYMENT.

Should an employee have any personal changes in information concerning employment, he should contact the LGC's human resources staff and advise as to all changes.

#### SECTION 19. SAFETY POLICY

It is the policy of the Council to provide a work environment as free as feasible from recognized hazards. Employees are expected to comply with all safety and health requirements whether established by management or by federal, state, or local law.

A. The Council is committed to:

1. Monitoring compliance with safety rules and regulations and the applicable safety and health standards established as a result of the Occupational Safety and Health Act of 1970 and any other applicable federal, state, or local employee safety laws or regulations;
2. Investigating, correcting, and eliminating recognized unsafe working conditions or potential hazards;
3. Conducting periodic informal safety inspections of all work areas, machinery, equipment, grounds, and any other recognized potentially hazardous facility;
4. Monitoring compliance with the various requirements established by the State, and the insurance carrier relating to record keeping and the retention of records;
5. Establishing fire prevention and fire fighting programs and conducting fire drills;
6. Developing an Emergency Operations Plan; and
7. Investigating all accidents and fires involving Partnership employees, property, or business of the Partnership Organizations.

B. The Solid Waste Director of the LGC will head the Council's safety program and will communicate pertinent information to all Council employees and

Partner Organizations. He will designate such duties as may be required in the overall operation of the safety program. All supervisors are to:

1. Inspect their work areas periodically;
2. Familiarize themselves with all safety and health procedures relevant to their work;
3. Train their employees in proper reporting and safety matters.
4. Immediately report accidents on the correct form as required by the Workers' Compensation Act.
5. Follow all other Council safety policies and procedures.

C. Employees should report to their Department Head all observed safety and health violations and any accidents resulting in injuries to employees or customers. Any injured employee must complete the Notification of First Report of Accident Data Sheet and submit said form to his immediate supervisor. Forms are available from the LGC's Human Resources Office.

D. All employees are encouraged to submit suggestions to their Department Head concerning safety and health matters.

E. No employee should be discharged or discriminated against in any manner because the employee has raised issues of safety, has testified at a proceeding, or has otherwise exercised any right afforded.

## SECTION 20. Drug and Alcohol Policy

It is each Partnership Organization's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, Council employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner and to provide for worker and co-worker safety. While on the Council, Service Authority and any Partnership organization's premises and while conducting official business-related activities off premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. Appropriate use of alcoholic beverages at social event where alcohol is normally served shall be acceptable.

No employee shall be disciplined for the appropriate use of over-the-counter or prescribed medication in the treatment of illness or injury. However, if the employee knows or should know that use of an over-the-counter or prescribed medication does or could impair his/her ability to operate a Council vehicle or equipment, interfere in any way with his/her ability to perform the essential functions of his or her job safely and effectively or endanger any other individuals in the workplace, the employee shall share

this information with his/her immediate supervisor and shall be prepared to provide a copy of the prescription or an indication of the medication upon request. Violation of this section of the policy may subject the employee to disciplinary action, up to and including possible termination.

Violations of the policy outlined herein may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation program. Such violations may also have other legal consequences. Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify the Local Government Council of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of the conviction.

### **Available Information and Assistance**

Information on the dangers and effects of substance abuse in the workplace, resources available to employees, and consequences for violations of this policy is available in the Human Resources Office.

Employees with questions or concerns about substance dependency or abuse are encouraged to use the resources of the Employee Assistance Program. Contact information for the Employee Assistance Program is available in the Human Resources Office. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action are encouraged to seek assistance and participate in this confidential rehabilitation or treatment program through Local Government Council's health insurance benefit coverage. Employees with questions on this policy or issues related to drug or alcohol use in the workplace may also raise their concerns with the department supervisor or Human Resource representative without fear of reprisal and in strict confidence.

### **Random Drug and Alcohol Testing**

Who May Be Tested: Those employed at the Services Authority's Regional Landfill who operate heavy equipment will be required to participate in random testing upon selection or request of management.

Process for Random Testing: Employees selected for random testing will be notified and told to report immediately to a location for the testing. Any employee selected who is not present on the day of testing will roll over to the next testing occasion. A breath analysis test will be done for alcohol and a urine screen will be conducted for the presence of amphetamines, cannabinoids, cocaine, opiates, and PCP. All testing will be independently conducted according to federal and state guidelines and will include the initial screening test, a confirmation test, and a review by a Medical Review Officer, an opportunity for an employee with a positive result to provide a

legitimate medical explanation and/or a legitimate prescription, and a documented chain of custody.

If the Results Are Positive: Any employee who tests positive and fails to provide a legitimate medical reason may be referred to a substance abuse professional for assessment and recommendations, required to complete any recommended rehabilitative treatment successfully, including continuing care, and be subject to ongoing, unannounced, follow-up testing for a period of five years. Positive results may subject the employee to disciplinary action up to and including termination.

Refusal to Participate in Random Testing: An employee will be subject to the same consequences of a positive test if he or she refuses the screening or the test, leaves work once notified he or she will be tested, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test. An employee who refuses to consent to a drug and/or alcohol test may be subject to disciplinary action, up to and including termination. Prior to termination, the employee will be given the opportunity, by way of a hearing, to explain why he/she has refused to consent.

### **Reasonable Suspicion Testing**

Definition: “Reasonable suspicion” means the presence or occurrence of specific objective facts or events, in light of experience, that the employee is, at the time of suspicion, under the influence of drugs or alcohol. Reasonable suspicion also arises if the impairment affects the employee’s ability to perform his or her job satisfactorily.

Determination of Reasonable Suspicion: Circumstances which constitute a basis for determining reasonable suspicion may include but are not limited to:

- A pattern of abnormal or erratic behavior (i.e. hyperactivity, unexplained mood swings, paranoia, hallucinations)
- Information provided by a reliable and credible source
- A work-related accident causing bodily injury or serious property damage
- Direct observation of drug or alcohol use at or immediately prior to work
- Possession of drugs, drug paraphernalia, or alcohol
- Presence of a combination of physical symptoms of drug or alcohol use (i.e. glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination, etc.)

The following procedural safeguards will be observed to ensure that reasonable suspicion does, in fact, exist:

1. Supervisors must have personal knowledge of objective facts or events that would reasonably lead them to suspect that an employee is under the influence of drugs or alcohol.

2. The determination by a supervisor that reasonable suspicion exists will be supported by at least one additional supervisory-level employee. If another supervisor is unavailable, the observation of one supervisor shall suffice, provided that documentation is submitted verifying the unavailability of an additional supervisory person.

3. The facts or events leading to a determination that reasonable suspicion exists will be documented in writing.

The Council shall periodically train supervisory personnel to help them recognize the conduct and behavior that give rise to a reasonable suspicion of drug or alcohol use.

Process for Reasonable Suspicion Testing: Any employee may be required to submit to a urine or breath test for chemical analysis to determine the presence, if any, of drugs or alcohol in the employee's system when the employee's supervisor has a reasonable suspicion that the employee is under the influence of drugs or alcohol. When a determination has been made that reasonable suspicion exists, the employee will be transported to a designated testing site. There, the employee will be provided a consent form for signature and, after signing the form will be required to provide a urine sample, or a breath sample taken by a certified breathalyzer operator for chemical analysis to determine the presence, if any, of drugs or alcohol in the employee's system. If the test is positive, the employee will be treated as described above.

### **Pre-Employment Drug and Alcohol Testing**

Applicants, both part-time and full-time, including employees seeking transfer or promotion into the following positions, may be required to undergo a drug test upon an offer of employment and prior to their final appointment. Job applicants will be denied employment with the Council if their initial positive test results are confirmed. Applicants shall be informed, in writing, if they are rejected on the basis of a confirmed positive drug test result. A job applicant, who refuses to consent to a drug and/or alcohol test, when requested, will be denied employment with the Council. Any refusal or failure to cooperate fully with the administration of the test, any behavior which makes testing more difficult, or prevents administration or completion of the test or in any manner alters or attempts to alter the test result will be treated as a refusal to consent, regardless of whether a consent form is signed.

### **Confidentiality of All Test Results**

All information from an employee's or applicant's drug and alcohol test will be maintained by Human Resources or by the testing facility on a confidential basis and only those with a need to know are to be informed of test results, such as the Executive Director and Department Head. Information will be released only upon written authorization of the applicant or employee involved, to LGC personnel on a need to know basis, or as otherwise permitted by law. The Council will be informed only of positive



results for the tested-for substances and not for the presence of any prescription drug. The results of a positive drug test shall not be released until the results are confirmed. Upon confirmation, the only information which may be released is whether the test is positive or negative and the amount of drugs and alcohol found in the employee's or applicant's system. The records of unconfirmed positive test results and negative results shall be destroyed.

### **Amendment**

The provisions of this policy may, at the sole discretion of the Council, be amended from time to time when such amendment(s) are deemed to be in the best interest of the Council and its employees.

## CHAPTER 06

### HOURS OF WORK AND LEAVES FOR COUNCIL EMPLOYEES

In the interest of uniform treatment of all Council employees, and in order that the general public may know when Council offices are open for the transaction of business, the establishment of this uniform schedule of "Hours of Work and Leaves" is set forth by the Council as a statement of general policy applicable to all Partnership member organizations. Individual organizations and departments may have alternate operating hours based on the type of service provided.

None of the benefit provisions of this resolution shall apply to employees paid on an hourly basis, part-time salaried employees, contracted employees, or those who may be termed "temporary employees" by virtue of contract employment for a period of less than one year, except for Workers' Compensation unless otherwise specified.

#### SECTION 1. HOURS OF WORK.

A. General Administrative hours are Mondays through Fridays: 8:30 a.m. to 5:00 p.m.

1. Individual departments and offices may be required to establish alternative work hours, which are in the best interest of the public. Schedules for these offices and departments will kept on file in the LGC Executive Director's Office.

2. This schedule includes a period of 1/2 hour lunch, and therefore assumes a basic 8-hour workday and a 40-hour workweek for all employees. Lunch periods shall be so arranged among employees that offices will be open and manned during the full 8 1/2 hours of the work day, wherever possible. In the event an employee finds he is unable to report for work for any reason, the employee or designee, must call the immediate supervisor or other person so designated in the department, to provide notice that he will

not be in that day. This notice should be given as soon as possible, but at the very latest, within the first thirty minutes of the work shift so that staffing arrangements can be made.

3. The normal workweek, for pay purposes, shall be considered Sunday through Saturday, unless otherwise specified by the employee's department.

## SECTION 2. HOLIDAYS.

A. Council holidays (Except for Landfill personnel working ten (10) hour shifts) to be observed are:

- The first day of January (New Year's Day);
- The third Monday in January (Martin Luther King Day);
- The third Monday in February (President's Day);
- The last Monday in May (Memorial Day);
- The fourth day of July (Independence Day);
- The first Monday in September (Labor Day);
- The second Monday in October (Columbus Day);
- The eleventh of November (Veteran's Day);
- The fourth Thursday in November (Thanksgiving Day) and the Friday after Thanksgiving Day;
- The twenty-fourth and twenty-fifth of December (Christmas Eve and Day).

If any holiday listed above falls on a Saturday or a Sunday, the holiday will be observed on the closest Monday or Friday.

B. A holiday schedule will be issued in January of each year by the LGC human resources staff listing the days observed as the holidays.

C. The Landfill will be closed and Landfill personnel working ten (10) hour shifts shall observe the following holidays - New Year's Day, Independence Day, Thanksgiving Day, and Christmas Day. The Landfill will remain open and employees working ten (10) hour shifts will be granted a ten (10) hour holiday during the weeks of Martin Luther King Day, President's Day, Memorial Day, Labor Day, Columbus Day, Veteran's Day.

## SECTION 3. LEAVES.

Leaves of absence from duty fall into the following classes, and every absence shall be charged against the time authorized for the appropriate class of leave. Accurate and permanent records of employee attendance and leaves shall be kept by the Local Government Council staff and necessary information submitted by the Partnership Organizations and Department Heads on forms provided by the Local Government Council. These classes are:

- A. Annual Leave
- B. Sick Leave
- C. Workers' Compensation
- D. Administrative Leave
- E. Bereavement Leave
- F. Military Leave
- G. Volunteer Fire/Rescue Squad Emergency Leave
- H. Community Volunteer Leave
- I. Maternity Leave
- J. Family & Medical Leave Act of 1993
- K. Leave Without Pay

A. Annual Leave. All absences from work during established hours and on regular working days that are not covered by the aforementioned list of leave categories shall be charged against the time authorized for Annual Leave. These absences shall include both occasional absences and vacation.

1. Earning Annual Leave - The number of days of Annual Leave to which an employee is entitled is based on the employee's length of Council service. The amount of Annual Leave earned by an employee on the Pay & Classification Scale is determined by the following schedule:

- 1st Year of Service - Earned at the rate of 8 hrs per month
- 2nd Year of Service - Earned at the rate of 8 3/4 hrs/month
- 3rd Year of Service - Earned at the rate of 9 1/4 hrs/month
- 4th Year of Service - Earned at the rate of 10 hrs/month
- 5th Year of Service - Earned at the rate of 10 3/4 hrs/month
- 6th Year of Service - Earned at the rate of 11 1/4 hrs/month
- Every Year Thereafter - Earned at the rate of 12 hrs/month

The maximum amount of hours per month of Annual Leave that an employee may earn is 12 hours. To receive each month's Annual Leave allowance, an employee must work or be on paid leave for at least 1/2 of the month. An employee who works less than 1/2 of the month, or is on Leave Without Pay status for more than 1/2 of the month, shall not be entitled to the Annual Leave allowance for that month. An employee may only use Annual Leave that has been earned and may not borrow against future, anticipated earnings of Annual Leave.

2. For Continuous Service - Annual Leave is based on continuous service with the Council, regardless of whether such service is in two or more different departments, as long as the departments are covered by the Pay & Classification Scale. An employee who has left the Council's Service, and is subsequently re-employed, however, is not entitled to use previous Council Service in calculating Annual Leave.

3. Accumulating Annual Leave - Employees are encouraged to utilize their Annual Leave for vacation purposes, in recognition of the value of periodic vacations to their personal well-being and resultant values to the public service from improved employee efficiency and motivation. Annual Leave may not, however, accrue above 240 hours at calendar year end. Any Annual Leave time earned that brings the accumulated balance above 240 hours shall be written off each December 31st.

4. Scheduling Annual Leave - Annual Leave shall be taken only as approved by the Department Head or designated supervisor on the basis of a schedule worked out with due concern for the conduct of the public business. Annual leave shall be scheduled well in advance at the discretion of the Department Head. However, any requests submitted less than seven (7) days in advance may not be considered. Requests for annual leave shall be made in a form prescribed by the Department Head, which may include forms provided by the LGC payroll and human resources divisions. A response to the request(s) will be provided within two (2) working days, subject to availability of the supervisor.

5. Separation Payments - An employee's Annual Leave record shall be studied at such time as he leaves the Council's service (whether by resignation, retirement, layoff, dismissal, etc.). The final paycheck shall include compensation for earned Annual Leave that he has not taken at the time of separation, not to exceed the maximum allowable amount of 240 hours. In the case of voluntary resignation, written notice of the effective date of resignation must be submitted at least ten (10) working days in advance in order for an employee to receive this Annual Leave separation payment. The employee's separation paycheck shall be reduced by a sum sufficient to cover Annual Leave taken that had not been earned at date of separation.

6. Inclement Weather Policy – All Council offices are open for business unless a severe circumstance exists that necessitates closings for public or employee safety reasons. Individual employees must use personal judgment when deciding whether or not it is safe to drive or come to work when severe weather conditions exist. Employees not able to work during severe weather conditions when the offices are open must take vacation leave or make other arrangements with Department Head as authorized by LGC Executive Director. Under certain circumstances the Council offices may be closed or on a delayed opening. In the event that this occurs employees will be notified using the local media sources as soon as possible after a decision is made.

B. Sick Leave. All absences from work during established hours and on regular working days that are caused by illness shall be charged against the time authorized for Sick Leave. This Sick Leave shall not be considered an additional grant of Annual Leave, but shall be considered a privilege of which an employee can avail himself only when he is unable, because of illness, to perform his duties. In the event an employee finds that he is unable to come to work because of illness, the employee or a member of his family, must call the immediate supervisor, or other person so designated in the department, to provide notice that the employee will not be in that day. This notice should be given as soon as possible, but at the very latest, within the first thirty minutes of the work shift so that

staffing arrangements can be made. Failure to provide notification can be cause for disciplinary action.

1. Earning Sick Leave - Sick Leave for an occasional illness shall be allowed at the rate of one day for each completed calendar month of service, and may accumulate from year to year, not to exceed 1,200 hours or 150 days. To receive each month's Sick Leave allowance, an employee must work, or be on paid leave, for 1/2 of the month. An employee who works less than 1/2 of the month, or who is on Leave Without Pay for more than 1/2 of the month, shall not receive the Sick Leave allowance for that month. An employee may only use Sick Leave that has been earned and may not borrow against future, anticipated earnings of Sick Leave. The only exception to this policy being in the event that the employee wishes to participate in the Employee Sick Bank as described in Part 5 below.

2. For Continuous Service - Sick Leave is based on continuous service in the Council employment, regardless of whether such service is in two or more different departments or organizations, as long as the departments or organizations are covered by the Council's Pay & Classification Scale. An employee who has left the Council Service, and is subsequently re-employed, however, is not entitled to use previous Council Service in calculating Sick Leave.

3. Authorized Absences - The Sick Leave Allowances of any employee may be used to authorize absences necessitated by reason of: Illness or injury (other than those relating to Workers' Compensation) incapacitating the employee to perform his duties; exposure to contagious disease such that his presence on duty would jeopardize the health of fellow workers or the public; appointment for employee or other family members for examination and treatment related to health when such appointment cannot reasonably be scheduled during non-work hours with a limit of 24 hours per calendar year; illness or injury in the immediate family requiring the attendance of the employee. The "immediate family" of an employee shall include parents (step and foster), spouse, children (step and foster), brother (in-law), sister (in-law), grandchildren, grandparents (in-law), daughters-in-law, sons-in-law, spouse's parents, or any person living in the employee's home. The period of absence which may be charged against sick leave for illness in the immediate family may not exceed twenty-four (24) work hours for an illness or injury of one cause, and may not exceed a total of forty-eight (48) work hours in a calendar year because of illness or injury in the immediate family.

An employee may be requested by the department head or LGC Executive Director to produce written evidence from a licensed physician indicating the extent of an illness and expected period of recuperation, whether it is for the employee or an immediate family member. The employee shall be responsible for obtaining any required documentation to verify an illness. In the event an employee, full-time or part-time, is returning to work following an extended sick leave due to a serious illness or major surgery, documentation from the physician must be provided by the employee stating the physician has reviewed the employee's job duties and the employee is eligible to return to work. Documentation shall include any conditions or restrictions related to the job duties

of the employee that may apply. Extended sick leaves may also be covered by the Family and Medical Leave Act of 1993, discussed below.

4. Sick Leave Bank - All full-time employees under the Council's Pay and Classification Plan are eligible to participate in the Partnership's Sick Leave Bank. In order to participate, the employee may enroll by donating one day of his Sick Leave to the Sick Leave Bank. If an employee chooses to participate in the Bank, he may draw a maximum of 45 days of paid leave per year after he has been out of work for 30 working days provided that he provides a doctor's certification to justify the absence (including the doctor's estimation of how much longer the sickness will last).

An employee may not draw leave time from the Sick Leave Bank until he has depleted all other available forms of paid leave that he has available to him (Sick Leave, Annual Leave, Compensatory Time, etc.). Sick Leave Bank time may not be applied to maternity leave unless specifically authorized by the LGC Executive Director for unusual medical complications.

Members that utilize days from the Bank do not have to replace these days.

Days drawn from the Bank for any one period of eligibility must be consecutive. If the member suffers a relapse or recurrence within 30 days due to the original illness or injury, the member need not meet another 30 workday eligibility period. Otherwise, members must return to work and meet the 30 day eligibility requirement before becoming eligible to utilize the Bank leave benefits again.

The funding arrangement for the Sick Leave Bank shall consist of the initial one day contribution by each participating employee. Upon termination of employment or withdrawal of membership, a participant will not be permitted to withdraw his contributed day.

5. Enrollment in the Sick Leave Bank - Enrollment may be accomplished by submitting the Sick Leave Bank Application which is available from the Local Government Council's human resources staff.

6. Employee absences in excess of Sick Leave Balances - Employee absences in excess of Sick Leave allowances, even though caused by illness, shall be first charged against earned Annual Leave, and if that be exhausted, shall then be charged to Leave Without Pay and handled as a payroll deduction.

7. Separation Payments - An employee's Sick Leave record shall be studied at such time as he leaves the Partnership Service (whether by resignation, retirement, layoff, dismissal, etc.). The terminal paycheck shall include compensation for earned Sick Leave that has not been taken at the time of separation at the rate of \$20 a day up to \$3,000 (150 days). In the case of voluntary resignation, written notice of the effective date of resignation must be submitted at least ten (10) working days in advance in order for an employee to receive this Sick Leave separation payment.

C. Workers' Compensation. Workers' Compensation benefits are available, according to the 1975 Virginia Workers' Compensation Act, as amended, to both qualified part-time and full-time Partnership organization employees who are injured on the job. To receive wage benefits, an employee must be unable to attend work for a period of seven consecutive calendar days or longer. Wage benefits are based on two-thirds the average weekly wage of the injured employee, and are distributed over a set period of time determined by law. Medical benefits cover costs beginning with initial treatment; no time requirement is necessary.

Salaried employees' absences compensable under the Workers' Compensation Act shall be qualified for such additional compensation from the Partnership Organization as necessary to achieve a full salary; however, the Council's participation shall be limited to one year from the date of supplementary payment by the Council. Hourly paid employees shall receive no additional compensation from the Council. In no instance would the additional compensation continue beyond the period allowable under the Workers' Compensation Act.

If an employee is injured by accident or disabled by occupational disease, he must notify the Council, through their immediate supervisor, immediately, in writing, explaining exactly how he was injured or what occupational disease is claimed. A notification form for this purpose is available from the LGC human resources staff. The Council is not responsible for the payment of compensation or the cost of medical treatment until it has received this notice. If the Council is not notified within thirty days of the accident, or sixty days from the date the employee was told he has an occupational disease, the employee may be required to forfeit his claim. The employee shall keep a copy of the written notice given to the Council and the name of the supervisor to who notice was given.

All accidents should be reported whether or not a doctor treats the employee. Employee questions concerning Workers' Compensation should be directed to the Local Government Council's human resources staff.

In accordance with Section 65.2-10 et seq. (Virginia Workers Compensation Act), any employee who is injured while on the job will select a physician from the list below. Failure to select a physician from the approved list may result in a denial of a claim and the employee may be required to pay for treatment. In cases of emergency, treatment at the nearest emergency room is permissible. However, following emergency treatment, attending physicians should be selected from the approved panel listed below:

**Region 2000 Partnership**  
**WORKERS' COMPENSATION PANEL OF PHYSICIANS**

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Rev. 12/07

David Engel, M.D.	Physicians Treatment Center	434-
	239-3949	
Matthew W. Tatom, D.O.	2832 Candler's Mountain Road	
Leonard Cohen, M.D.	Lynchburg, VA. 24501	
Glenn Meadows, M.D.		
John D. Johnson, M.D.		
Heidi Kind, M.D.		
Keith Metzler, M.D.	Blue Ridge Immediate Care	434-
	385-4184	
Kyle VanDyke, M.D.	2137 Lakeside Drive Suite 100	
	Lynchburg, VA. 24501	
John Campbell, M.D.	Brookneal Family Medical	434-376-2325
Donald Carwile, M.D.	104 Carolina Avenue	
William Jones, M.D.	Brookneal, VA. 24528	
Sharon Reilly, M.D.		
Stephen L. Thompson, M.D.	Rustburg Family Practice	434-332-7367
Trudy Shahady, M.D.	925 Village Highway	
	Rustburg, VA. 24588	

THE CLOSEST EMERGENCY FACILITY MAY BE USED IN AN EMERGENCY SITUATION. ONCE THE EMERGENCY TREATMENT IS COMPLETED A PANEL PHYSICIAN MUST BE CHOSEN FOR FOLLOW UP CARE

### **SPECIALIST PANEL**

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#### ORTHOPAEDICS

John W. Barnard, Jr., M.D.	Central Virginia Orthopaedics	434-845-
		7035
Harry C. Eschenroeder, M.D.	2019 Tate Springs Road	
Gauthan Gondi, M.D.	Lynchburg, VA. 24501	
Drew Kiernan, M.D.		
Robert W. Sydnor, M.D.		
Jesse Stem, M.D.		
William C. Andrews, Jr., M.D.	Piedmont Orthopaedic Surgery, Inc.	434-
		947-3970
Michael Diminick, M.D.	1914 Thompson Drive	
Michael Brown, M.D.	Lynchburg, VA. 24501	
Paul F. Fitzgerald, M.D.		
Pamela J. Sherman, M.D.		
Peter A. Caprise, Jr., M. D.		



Eric Kenny, M.D.  
Jay Hopkins, M.D.  
Joseph Wombwell, M.D.  
John Prahinski, M.D.

Blue Ridge Orthopaedics 434-845-1228  
1906 Thomson Drive  
Lynchburg, VA. 24501

### **PHYSICAL MEDICINE & REHAB**

Murray E. Joiner, Jr., M.D.

1945 Thomson Drive 434-845-6664  
Lynchburg, VA. 24501

D. Administrative Leave. This general category of leave shall be used to designate any absences from work during established hours and on regular working days that may be specifically authorized by the organization's Executive Director (or the Department Head with prior approval by the organization's Executive Director) as being necessitated by the service. All such absences shall be with full pay, and shall be noted on the records as Administrative Leave with an indication of the reason it was granted, initialed by the Department Head to signify approval.

Administrative Leave would ordinarily be approved by a Department Head (with approval by the Executive Director) for absences occasioned by: Jury duty, serving as a witness in court in cases unrelated to Council employment, or other functions required by an arm of government; compensatory time off for work performed on holidays or other than established work days and hours. Employees called for jury duty should see the Human Resources representative for instructions.

F. Bereavement Leave. Any absence of work of up to twenty-four (24) work hours for any one occurrence, or up to forty-eight (48) work hours a calendar year, due to death in the immediate family requiring the attendance of the employee, shall be charged to Bereavement Leave.

This leave shall not be considered an additional grant of Sick Leave, but shall be considered a privilege of which an employee can avail himself only when he is unable, because of death in the immediate family, to perform his duties.

G. Military Leave. All Council employees who are formal (regular or reserve) members of the United States armed services shall be entitled to leaves of absence from their respective duties, without loss of seniority, accrued leave, or efficiency rating, on all days during which they are engaged in federally funded military duty. There shall be no loss of pay during such leaves of absence (active military tour, reserve training, etc.), except that paid leaves of absence shall not exceed fifteen workdays per federal fiscal year. When relieved from duty, they shall be restored to positions held by them when ordered to duty.

In case of call to active military service because of war or national emergency such leave, with no pay loss for contracted workdays, will be provided for up to 365 days. "No pay loss" is based on the employee's base salary, exclusive of housing and other military benefits. "No pay loss" is illustrated as follows: If the employee's Council monthly pay is \$2,000, and military monthly pay is \$1,500, then no loss would be \$1,500 paid by military and \$500 paid by the Council to remain at \$2,000 total monthly pay. The employee must provide military documentation to determine if their military base pay is less than their Council base pay. Imputed income will be handled on a case-by-case basis. When relieved from duty with a general or honorable discharge, they shall be restored to equivalent positions held by them when ordered to duty.

Further information concerning the Council's Military Leave policy (as mandated by the State) can be obtained from Sections 2.2-2802, 2.2-2803 and 2.2-2805 of the Code of Virginia, 1950, as amended.

I. Volunteer Fire/Rescue Squad Emergency Leave. Council employees who are members of volunteer fire and rescue squads in their communities provide a valuable service to fellow citizens. As volunteers, these employees are often on-call during working hours and may need to respond to calls. This section defines the Council policy concerning the interaction of work requirements and responses to emergency calls.

Any current employee who wishes to serve as a volunteer fire/rescue squad member during working hours must first receive permission from his Department Head, and may appeal his Department Head's decision to the LGC's Executive Director, who shall have final say on the matter. Employees applying for positions within the Council who are members of a volunteer fire/rescue squad shall make this known on the application form. Before permission is granted, an employee and his supervisor shall form a good understanding of how emergency calls shall be handled in regard to the employee's work requirements.

If permission is granted, notice of permission shall be placed in the employee's personnel file, and response to calls shall generally be up to the discretion of the employee. The Council expects that employees responsible enough to handle life-threatening emergencies will use good judgment in deciding what calls to respond to.

Any response to an emergency call shall be treated as a paid leave of absence. Employees shall realize that they are being paid by the Council while responding to a call and shall return to work as soon as enough additional emergency personnel arrive at the scene or the situation is under control. Excessive length of time at an emergency scene while being paid by the Council, especially when enough additional emergency personnel are present, may be cause for a revoking of response privileges. Excessive response to calls may also be cause for a revoking of response privileges, and each organization's Executive Director has the right to set certain policies for specific employees if the need arises. Any questions concerning the interaction of work requirements and emergency calls should be first referred to the direct supervisor who will consult with the organization's Executive Director, and, if necessary, LGC Executive Director.

Any employee who responds to an emergency call shall not be covered under the Council's Workers' Compensation program once he leaves his post. Upon returning, the Council's Workers' Compensation coverage will be reinstated. Employees will be responding at their own risk concerning the Council's Workers' Compensation coverage and are encouraged to seek other forms of wage insurance (if available) through their volunteer organizations.

#### J. Community Service Volunteer Leave Policy

The Council encourages employees to participate in voluntary and community service affairs of a charitable or civic nature for the betterment of themselves and the community. This policy permits employees to take time off with pay for volunteer service within the community. Such service may include volunteering for a community service organization or school.

Community service organizations are defined as organizations that are community based or are providing services to the citizens within the community. The types of services provided may include the following:

- Assistance to physically or mentally challenged persons.
- Relief to victims of disasters,
- Health services, emergency relief, shelter, transportation and preparation or delivery of meals
- Community services which assist residents including child and youth development, senior services and housing improvements and repair

Examples of such organizations include American Red Cross, Big Brothers Big Sisters, Habitat for Humanity, Meals on Wheels, Association for Retarded Citizens, Rebuilding Together, Salvation Army.

Schools for which this leave may be granted include preschool, elementary, middle or high school (public or private). Acceptable types of volunteer service within schools may include the following:

- Assisting with reading or literacy programs
- Tutoring
- Serving as chaperone for class trips
- Assisting teachers with class activities

#### Approval:

Employees must fill out a "Leave Request Form" to receive approval from their supervisor prior to using community service leave. Supervisors may require written verification of hours served from an official of the community service organization or school (see Volunteer Hours Verification Form). Supervisors should attempt to approve leave at the time requested by employees, but have discretion to disapprove leave if it would significantly impact departmental operations. Employees should make requests at

least two weeks in advance unless there is an emergency situation that precludes such notice.

**Hours:**

A maximum of 16 hours of paid leave per calendar year will be made available to current employees on January 1 each year and to new employees upon beginning employment.

**Duration:**

Leave not taken under this policy in a calendar year will not be carried forward to the next year. There will be no payment for unused community service leave upon employees' leaving Council service.

I. Maternity Leave. For employees on Maternity Leave, paid earned Annual Leave up to 240 hours and paid earned Sick Leave possibly up to 1,200 hours are allowed as long as the employee has accumulated the appropriate Sick Leave or Annual Leave allowances prior to taking the time off from work. Post delivery Sick Leave compensation shall only be authorized for a recovery period determined by the employee's physician, and this determination shall be given, in writing, to the Human Resource Office.

J. Family & Medical Leave Act of 1993. In compliance with the Family and Medical Leave Act of 1993, all eligible employees, as defined in the next paragraph, shall be entitled to twelve (12) weeks of job-protected leave (unpaid at the employer's option) during any twelve (12) month period for specified family and medical reasons. These reasons are:

1. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.
2. Because of the placement of a son or daughter with the employee for adoption or foster care.
3. In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition.
4. Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.

In accordance with established practices and procedures and the Sick Leave Policy set forth above, all absences from work during established hours and on regular working days that are caused by illness of the employee shall be charged against the time accumulated by the employee for sick leave and will be paid, up to the amount of that employee's accumulated sick leave time and any time to which the employee may be entitled as a result of participation in the sick bank. Further, the employee will be paid for any annual leave and compensatory time accumulated upon the expiration of all accumulated sick leave time in the case of the employee or permitted in the case of family member while on Family and Medical Leave Act leave for the reasons set forth

above and the employee may not elect to take unpaid leave. In the event that the employee exhausts all accumulated or permitted leave and there remains any time to which the employee will be entitled to leave under the Family and Medical Leave Act the remaining time (a maximum of twelve [12] weeks in most cases) will be unpaid leave.

During the first ten (10) days that an employee is absent from work, the employee may elect not to have that leave counted against leave for the twelve (12) weeks Family and Medical Leave Act leave to which the employee is entitled regardless of whether these days are paid or unpaid. If the employee's absence from work continues for any of the reasons set forth above which qualify for Family and Medical Leave Act leave for more than ten (10) days, then upon notification by the Council, the employee will be considered to be taking Family and Medical Leave Act leave even though that leave may be paid because of accrued sick leave, participation in the sick bank, accrued annual leave, or accrued compensatory time. Employees must understand that Family and Medical Leave Act leave may run concurrently with paid leave to which the employee is otherwise entitled under Council policies.

An employee shall be entitled to FML if he/she has been employed by the Council for a minimum of twelve (12) months and has worked at least 120 hours over the twelve (12) months immediately prior to the beginning of FML. When both spouses are employed by the Council, they are jointly entitled to a combined total of twelve (12) work weeks of FML for the birth or placement of a child for adoption or foster care, and to care for a parent who has a serious health condition. If an employee has accumulated more than twelve (12) weeks of sick and annual leave and is required to be absent from work for more than twelve (12) weeks, the Council may, at its option, return the employee to work in a different job with equivalent pay and benefits.

An employee must request FML when he/she (1) decides to take FML for birth or placement of a child, or (2) determines that FML must be taken for a serious health condition (self or family member). In any circumstance, every effort must be made to obtain preauthorization for FML.

If an employee is absent from work more than ten (10) consecutive days, he/she must request FML; otherwise, leave will not be approved beyond ten (10) consecutive days. (This does not apply if the employee has been approved for annual leave, administrative leave, military leave and/or compensatory leave.) The Council may require an employee to request FML after he/she has used more than 120 hours of sick leave during any 12 month period.

**2. Intermittent Leave and Reduced Work Schedules:** In certain cases, intermittent use of the twelve (12) weeks FML or part of a reduced workweek may be allowed. Employees wishing to use FML in the manner for birth or adoption purposes must have approval from their organization's Executive Director.

Employees may also use FML in this manner whenever it is medically necessary. If the need to use this type of leave is foreseeable and based on pre-planned and pre-

scheduled medical treatment, the employee is responsible to schedule the treatment in a manner that does not unduly disrupt the Partnership organization's operations.

In some cases, the Council may temporarily transfer an employee using intermittent or reduced work week to a different job with equivalent pay and benefits if another position would better accommodate the intermittent or reduced schedule.

**3. Procedure:** When an employee plans to take FML, he/she must provide their supervisor thirty (30) days notice. If it is not possible to give thirty (30) days notice, the employee must give as much notice as possible.

a. Each employee must complete a "Request for Family and Medical Leave" memo available from the LGC Payroll and Human Resource staff.

b. Each employee must provide a "Certification of Health Care Provider" form completed by a qualified health care provider. These include doctors of medicine or osteopathy, podiatrist, dentist, clinic psychologist, optometrist, and chiropractors, nurse practitioners and nurse/midwives authorized to practice under state law (and performing within the scope of their practice) and Christian Science Practitioner (listed with the First Church of Christian Science in Boston, MA). This form is required for FML except for the birth of a child or placement of an adoptive or foster care child with the employee. The employee should ensure that the "Certification of Health Care Provider" form is completed thoroughly and correctly by the health care provider.

c. Upon receipt of the Request for FML, along with the Certification (if required) the LGC Executive Director will respond within 10 working days.

d. If deemed necessary, the Council may ask for a second opinion. The Council will pay for the employee to get a certification from a second health care provider, which the Council will select. If there is a conflict with the original certification and the second opinion, the Partnership Organization may require the opinion of a third health care provider. The Council and the employee will jointly select the third health care provider and the Council will pay for the third certification. The third opinion will be considered final.

e. The Council may require, at its expense, the employee's health care provider to provide periodic recertification of the medical need for leave.

f. While on FML, the employee may be required to report periodically to his/her supervisor regarding the status of the medical condition and his/her intent to return to work.

**4. Maintenance of Benefits:** An employee shall be entitled to maintain group health insurance coverage. If he/she uses paid leave during FML, employee health insurance premiums and payments will be deducted from wages. If FML is unpaid leave, to maintain uninterrupted coverage, the employee must continue to pay his/her share of

premiums and payments. These payments should be made either in person or by mail to the LGC's Finance Office by the 10th day of each month. If the employee's payment is more than 30 days overdue, the coverage will be dropped.

If the employee informs the Council that he/she does not intend to work at the end of the leave period, the Council's obligation to provide health benefit ends. If the employee chooses not to return to work for reasons other than continued serious health conditions, the Council may require him/her to reimburse contributions toward health insurance.

If the employee contributes to supplemental life insurance, Deferred Compensation or other payroll deduction programs, he/she must continue those payments along with health care payments. Certain type of earned benefits, such as seniority, will not be accrued during unpaid FML.

**5. Use of Paid Leave:** If an employee has accrued annual, sick, and/or compensatory leave, or is eligible for participation in the sick bank, the employee must use paid leave during the FML period.

**6. Fitness for Duty:** A fitness-for-duty statement, signed by a qualified health care provider, must be presented prior to the employee's return to work, if FML was based on the employee's serious health condition.

**7. Job Restoration:** An employee who utilizes FML beyond accumulated leave time and requires unpaid leave will be restored the same job or job with equivalent title, pay, benefits and other employment terms. The employee may be assigned an equivalent, but different, job description upon his/her return. An employee returning to work following an extended sick leave of more than 12 weeks, where accumulated leave is used, may be assigned to another position of similar grade and pay. This determination shall be made by the LGC Executive Director and will be based on the best interest of the Council, and shall be in conformance with the Council's Family and Medical Leave Act policy. Any employee requiring more than twelve (12) weeks and who does not have any accrued leave, the Council reserves the option not to restore employment.

**8. Extension:** The LGC's Executive Director, after consultation with the Council, may authorize an extension of the 12-week FML Act for extenuating circumstances.

**K. Leave Without Pay.** All absences from duty in excess of time authorized for the aforementioned list of leave categories shall be handled as Leave without Pay and shall be entered on the attendance records of employees and so reflected on payrolls. Such absences shall not be in order unless approved by the Department Head or Partnership Organization Executive Director.

An employee on Leave without Pay will not be compensated for any paid holidays which are among his Leave without Pay days.

#### SECTION 4. ATTENDANCE AND LEAVE RECORDS.

Accurate and permanent records of employee attendance and leaves shall be kept by the Local Government Council's payroll and human services staff. During each pay period, employees will be responsible for noting their hours of attendance and leaves on the proper forms provided. An employee's form shall be submitted to his immediate supervisor and/or Department Head as determined to be appropriate by the Department Head or Executive Director for approval; the employee and Department Head shall resolve questions (if any) that may arise. The Department Head shall then submit the form to the LGC Payroll staff. Department Heads shall submit their own personal forms directly to the LGC Payroll staff.

All employees are encouraged to review the information on their paycheck stubs (hours worked, leave days, etc.) for correctness purposes. Any discrepancies that arise should be brought to the attention of the employee's supervisor or the LGC's Payroll staff.

### CHAPTER 07

#### EMPLOYEE RELATIONS

#### SECTION 1. GIFTS AND GRATUITIES.

An employee shall not accept gifts, gratuities or loans from organizations, business concerns, or individuals with whom he has official relationships on business of the Council. These limitations are not intended to prohibit the acceptance of articles of negligible value which are distributed generally, nor to prohibit employees from accepting social courtesies which promote good public relations, nor to prohibit employees from obtaining loans from regular lending institutions. It is particularly important that inspectors, contracting officers and enforcement officers guard against relationships which might be construed as evidence of favoritism, coercion, unfair advantage or collusion.

#### SECTION 2. CONFIDENTIAL INFORMATION.

No employee shall disclose information which has been deemed confidential by the Council in accordance with the Virginia Freedom of Information Act, Sections 2.2-3700 to 2.2-3714, Code of Virginia, 1950, as amended.



### SECTION 3. POLITICAL ACTIVITIES.

Placards and other advertising supporting candidates running for office should not be displayed on Council-owned vehicles or in member organization offices. In interacting with the public, Council employees are enjoined to treat all persons equally and to avoid appearance of partisanship.

This policy in no way is intended to infringe upon the rights of employees to display their support on their own automobiles or homes or to curtail any support activities on their own time.

### SECTION 4. OTHER CONFLICTS OF INTEREST.

No employee shall violate any other conflicts of interest as provided in Sections 2.2-3100 – 2.2-3131, Code of Virginia, 1950, as amended (The State and Local Government Conflict of Interests Act). Any breaches of conflict of interest may result in the use of the penalties and remedies outlined under Article 7 of this Act.

### SECTION 5. SMOKING POLICY.

All areas of Council buildings shall be designated no smoking areas unless specifically designated otherwise.

For questions concerning the Council's smoking policy, employees are encouraged to discuss the matter with the department supervisor or the member organization Executive Director. Violations of this policy may result in disciplinary action and/or a fine.

### SECTION 6. HARASSMENT POLICY.

It is the Partnership and its member organizations' policy to provide a working environment free of workplace and sexual harassment and to provide an effective means of eliminating such harassment from the workplace.

#### A. Definitions

1. Workplace Harassment is defined as any activity that would be considered harassment by a reasonable and prudent person, which includes any unwelcome verbal, written or physical conduct that either denigrates or shows hostility or aversion towards a person on the basis of race, sex, color, national origin, religion, pregnancy, age, veteran status, political affiliation, marital status or disability, that: (1) has the purpose or effect

of creating intimidating, hostile or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an employee's work performance; or (3) affects an employee's employment opportunities or compensation.

2. Retaliation is defined as overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or group exercising rights under this policy

3. Sexual Harassment is defined as any unwelcome sexual advance, request for sexual favors, or verbal, written, or physical conduct of a sexual nature by a manager, supervisor, co-workers or non employee (third party).

- Quid pro quo - A form of sexual harassment when a manager/supervisor or a person of authority gives or withholds a work-related benefit in exchange for sexual favors. Typically, the harasser requires sexual favors from the victim, either rewarding or punishing the victim in some way.
- Hostile environment - A form of sexual harassment when a victim is subjected to unwelcome and severe or pervasive repeated sexual comments, innuendoes, touching, or other conduct of a sexual nature which creates an intimidating or offensive place for employees to work.

4. Third Parties are defined as individuals who are not county employees, but who have business interactions with county employees. Such individuals include, but are not limited to:

- Vendors
- Contractors
- Volunteers

## B. Prohibited Conduct

1. Harassment. The Council strictly forbids any harassment of any employee, applicant for employment, vendor, contractor or volunteer, on the basis of an individual's race, sex, color, national origin, religion, pregnancy, age veteran status, political affiliation, marital status or disability. Other forms of harassment will be considered on a case by case basis for disciplinary purposes.

2. Retaliation. The Council will not tolerate any form of retaliation directed against an employee or third party who either complains about harassment or who participates in any investigation concerning harassment.

## C. Harassment Complaint Procedure

Employees and third parties may report incidents of workplace and/or sexual harassment within thirty (30) days after the incident occurs to their supervisor,

Department Head, and/or Human Resources representative. Whoever the incident is reported to should be the main point of contact throughout this process.

Employees and applicants for employment seeking to remedy workplace harassment must file a complaint with the county with their supervisor, Department Head, and/or Human Resources representative. Under no circumstances shall the individual alleging harassment be required to file a complaint with the alleged harasser.

No particular form is required but the complaint must be submitted in writing to their supervisor, Department Head and/or Human Resources representative, signed and dated by the complainant. However, it must contain the full name and address of the complainant, the full name of the respondent, specification of the charge (s) and a brief statement of the relevant facts including any witnesses to the occurrence. If reported to the immediate supervisor, the supervisor must report the claim to the Department Head.

The Council recognizes the importance of, and is, therefore committed to completing investigations and resolving complaints as quickly as possible consistent with the requirements for a thorough investigation. The Human Resources representative will ensure the compliance with the time limits described in this section.

Upon receipt of the allegation, the supervisor, Department Head and/or Human Resources representative will meet with the complainant, within three (3) business days, to hear the full complaint, with all allegations, including locations, dates and times of offending incidents and to collect names and contact information of all witnesses. The complainant will also be given a form stating their rights and the contact information for filing a complaint with the appropriate outside agency.

The supervisor, Department Head and/or Human Resources representative will then meet with the respondent, within five (5) business days, to advise him/her of the complaint made against him/her and its general nature. The respondent will also be advised that an assessment of the accuracy of the allegations has not yet been made but will be investigated and that they will have an opportunity to present their side of the matter. They will also be advised that any conduct that could be viewed as retaliatory against the complainant or any witnesses must be avoided. Depending on the nature of the allegations, the respondent may be put on administrative leave until the completion of the investigation.

The supervisor, Department Head and/or Human Resources representative will then open a full investigation of the allegations including interviewing witnesses named by the complainant, review of all applicable documents and other such activity as deemed appropriate in fact finding. Each witness and other participant shall be advised of the confidentiality and no retaliation. All investigation materials shall be treated as confidential.

The supervisor, Department Head and/or Human Resources representative will then meet with the respondent to obtain their side of the matter regarding the allegations. The

names and contact information of any witnesses shall be collected at that time from the respondent.

The respondent's witnesses will then be notified and interviewed. After all of the documentation has been compiled the supervisor, Department Head and/or Human Resources representative will review their findings, write an investigative report and review the conclusions and recommendations with the LGC's Executive Director within five (5) days. The LGC Executive Director will then make the final administrative determination.

#### D. Appeals Process

Final decisions may be appealed to the Circuit Court having jurisdiction in the City of Lynchburg. Proceedings for a review of the decision shall be instituted by the complainant or respondent by filing a Notice of Appeal with the LGC Executive Director within ten (10) calendar days from the date of receipt of the decision and giving a copy thereof to all other parties. Within ten (10) calendar days thereafter, the LGC Executive Director shall transmit to the Clerk of the Circuit Court: a copy of the decision of the LGC Executive Director, a copy of the Notice of Appeal, and all exhibits. A list of evidence furnished to the Court shall also be furnished to both parties. The failure of LGC Executive Director to transmit the records shall not prejudice the rights of the appealing party. The Court, on motion of either party, may issue a writ of certiorari requiring the LGC Executive Director to transmit the record on or before a certain date.

Within thirty (30) days of receipt of such records by the Clerk, the Court, sitting without a jury, shall hear the appeal on the record transmitted by the LGC Executive Director and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The Court, in its discretion, may receive such other evidence as the ends of justice require. The Court may affirm the decision of the LGC Executive Director or may reverse or modify the decision. The decision of the Court shall be rendered no later than the fifteenth (15th) day from the date of the conclusion of the hearing. The decision of the Court is final and is not appealable.

#### E. Assurance against Retaliation

Employees and third parties, who make complaints of workplace or sexual harassment or provide information related to such complaints, will be protected against retaliation. If retaliation occurs, the employee(s) should report the retaliation through the harassment complaint procedure.

#### F. Policy Violations

1. Engaging In Harassment. Any employee who engages in conduct determined to be harassment or who encourages such conduct by others shall be subject to disciplinary action including the possibility of dismissal after investigation by the Council.

2. Allowing Harassment to Continue. Managers and/or supervisors who allow workplace or sexual harassment to continue or fail to take appropriate corrective action upon becoming aware of the harassment may be considered a party to the offense, even though they may not have engaged in such behavior.

3. Failure to Respond. Managers and/ or supervisors who allow workplace or sexual harassment to continue or who fail to take appropriate action could be subject to disciplinary action including demotion or discharge after investigation by the Council.

#### G. Council Responsibilities

The Council must communicate this policy to its employees and third parties as applicable, including:

- Educating its employees about types of behavior that can be considered workplace or sexual harassment, and
- Explaining procedures established for filing workplace or sexual harassment complaints

Agency managers and supervisors are required to:

- Stop any harassment of which they are aware, whether or not a complaint has been made;
- Express strong disapproval of all forms of harassment;
- Stop any acts that they see that may be considered harassment and take appropriate steps to intervene;
- Take immediate action to prevent retaliation towards the complaining party or any participant in an investigation; and
- Take immediate action to eliminate any hostile work environment where there has been a complaint of workplace or sexual harassment.

#### H. Interpretation

The LGC Executive Director is responsible for official interpretation of this policy. Questions regarding the application of this policy should be directed to the Human Resources representative.

#### I. False Charges

Any employee who knowingly makes false charges of workplace or sexual harassment shall be subject to disciplinary action as well as any civil or criminal legal proceedings.

### SECTION 7. NEPOTISM POLICY.

No employee in a supervisory position shall have under their direct supervision any employee who is a member of his immediate family.

In the event a promotion occurs which brings about the condition described above, the employee of lower rank shall be transferred to another position for which he is qualified.

#### SECTION 8. CASUALTY ASSISTANCE PLAN

Following any serious accident or fatality, the Council may need to notify next of kin. While fatality notifications are typically handled by law enforcement, injury notification is not. Therefore, the LGC Executive Director will develop a plan for how to make next of kin notifications as appropriate, designate and train Casualty Assistance Officers in notification procedures, eliminate delays in settling claims and assisting next of kin in other personnel related matters.

## CHAPTER 08

### RECORDS AND REPORTS

#### SECTION 1. OVERVIEW OF RECORDS AND REPORTS.

The Local Government Council shall maintain personnel records for each employee and past employees. The handling of personnel records and reports will be in compliance with all applicable laws and Council procedures.

#### SECTION 2. PERSONNEL TRANSACTIONS.

All appointments, separations, leave, sick leave, attendance and overtime records, and other personnel transactions must be made on forms developed by the LGC's payroll and human resources staff and in the manner prescribed by the LGC Executive Director.

#### SECTION 3. PUBLIC INSPECTION/CONFIDENTIALITY.

The following information relative to employees and former employees is available for public inspection at reasonable times and in accordance with such procedures as the Local Government Council may prescribe: position, job classification, official salary or rate of pay and amount of allowance/reimbursement received for expenses incurred while on Partnership business. Additional information pertaining to a specific employee may be acquired by members of the public, but only if a release form signed by the employee is present. A copy of the Council's release form is available from the LGC's human resource staff. Forms from the inquirer are also acceptable (ex. banks), so long as signed by the employee.

All personnel files not open to public inspection shall be considered confidential and their use shall be restricted to individuals authorized to access the information. Examination records and performance rating reports are accessible only to the Human Resource staff, the organization Executive Director or Department Head concerned, the files manager and the employee involved. Other personnel information may be available for official purposes at the discretion of the Local Government Council Executive Director. Any other questions regarding confidentiality of records should be directed to the Human Resource staff.

#### SECTION 4. DESTRUCTION OF RECORDS.

Employee service records, either in the original or electronic copies, shall be kept permanently. All other records, including correspondence, employment applications and examinations may be destroyed at the discretion of the Local Government Council

Executive Director, with regard being given to any federal and state retention/disposition statutes.

Records relating to Solid Waste Operations will be disposed of in accordance to DEQ Solid Waste management Regulations.

#### SECTION 5. ATTENDANCE RECORDS.

Regular attendance or work reports shall be prepared and submitted by each department and member organization of the Partnership.

#### SECTION 6. MAINTENANCE OF PERSONNEL FILES AND OTHER FILES/RECORDS.

As a political subdivision, the Council must comply with the Virginia Public Records Act, §42.1-76 of the Code of Virginia. The LGC Executive Director shall be responsible for designating an employee as the organization records manager. The purpose of a records management policy is to ensure that public records are protected throughout their life cycle.

##### I. Designation of a Records Officer

a. §42.1-85 of the Public Records Act states that each agency and locality “shall designate as many as appropriate, but at least one, Records Officer to serve as a liaison to the Library of Virginia for the purposes of implementing and overseeing a records management program, and coordinating legal disposition, including destruction of obsolete records.” The responsibilities of the Records Officer pursuant to §42.1-76 et seq. of the Virginia Public Records Act of the Code of Virginia are incorporated herein and made a part of this policy.

b. Each Department Head may designate a staff member to serve as Records Coordinator or the Department Head may serve in this capacity for records management purposes.

c. The Records Officer will work with the Records Coordinator(s) on a continuing basis, keeping them advised of procedural changes, new retention requirements and answering records management questions.

##### II. Definition

##### II. Definition of a Public Record

a. The Virginia Public Records Act defines a public record as “information that documents a transaction or activity by or with any public officer, agency or employee of state government or its political subdivisions. Regardless of physical



form or characteristic, the recorded information is a public record if it is produced, collected, received or retained in pursuance of law or in connection with the transaction of public business.” Formats can include paper, microfilm, electronic records, magnetic tapes, maps, disks, photographs, film and sound records.

b. Remember that “public record” means that it is a government record; however, it does not mean that these records must always be available to the public. Public records must be available for appropriate access throughout their retention period. (§2.2-3700 et. seq.)

c. All Council employees are required to manage the public records which they create by responsibly controlling content, duplication, and distribution of the records, and by ensuring their authenticity, maintenance, storage, safekeeping and readiness for eventual final disposition in accordance with applicable federal, state and local laws and regulations.

### III. Records Retention and Disposition Schedules

- a. Records shall be maintained in accordance with the Records Retention and Disposition Schedules as approved by the Library of Virginia. Retention schedules may be viewed on the Library of Virginia web site at [www.lva.lib.va.us](http://www.lva.lib.va.us). However, the personal experience, intuition and maturity on the part of Partnership management take priority over published retention schedules in determining how long to keep records beyond the required retention period.
- b. Public records must never be altered, falsified, damaged, removed or rendered unwhole, nor may they be destroyed or discarded without a retention and disposition schedule approved by the Records Officer.
- c. The Council asserts no interest in or ownership rights in any files or documents deemed to be records of its employees, but they must be kept separate from official public records and not stored at the organization’s expense.

### IV. Filing and Storage of Long-Term Records

- a. All permanent or long-term records should be created using alkaline (acid-free) paper.
- b. All archival and permanent records should be stored or housed in acid-free folders and boxes to ensure protection from acidity normally found in regular folders and storage boxes.
- c. Never use adhesive tape to repair archival or permanent records. It deteriorates over time, and the adhesive browns and darkens the paper to which it is attached.
- d. Use only rust proof or plastic paper clips.
- e. Rubber bands and staples should be removed.

- f. Care should be given to storage of long-term or permanent records to prevent destruction by fluctuations in temperature, fire, smoke, water, insects, mold or ultraviolet light.

#### V. Storage of Electronic Records

- a. Information maintained as the master copy in electronic format must be kept so access is assured for the full retention period.
- b. Employees are encouraged to use caution before storing long-term or permanent records in electronic format. If electronic storage is chosen, departments need to develop a schedule for migrating records to new hardware or transferring documents to alternative media forms after a certain period of time to assure access to electronic records. As with all technology, the software and hardware used for electronic document storage face the risk of becoming obsolete.
- c. The software, hardware and documentation required in order to store, maintain, and read any record existing in electronic format must be kept viable within the Local Government Council's payroll and human resources staff, along with the knowledge and processes of how to do so, until such time as the retention period of any such electronic record has been met.
- d. Destruction of electronic files, including backup copies of them, existing on media, devices, or drives which are not feasibly or economically eligible for physical destruction must be thoroughly deleted, erased, overwritten, reformatted, or otherwise thoroughly wiped from the storage medium; mere deletion of index pointers is not deemed to be adequate destruction of electronic records.
- e. Whenever the content of an e-mail is such that the e-mail constitutes a public record, the e-mail and its accompanying metadata must be treated like any other public record, especially where retention is concerned.

#### VI. Vital Records/Disaster Plan

- a. Some records in a department are crucial for day-to-day operations. Offices are encouraged to duplicate such records and store in a secure, off-site location in case the office is damaged by wind, fire, water or other disaster. Duplicated records should be updated on a regular schedule.
- b. Should vital records become destroyed, contact the Records Officer immediately.

The Records manager for the Council shall be responsible for abiding by Sections 2.2-3700 et.seq. (Virginia Freedom of Information Act) and 2.2-3800 et. seq. (Government Data Collection and Dissemination Practices Act) of the Code of Virginia, 1950, as amended, as well as any other statutes concerning personnel files.

The records manager, in cooperation with departmental administrative staff, shall make every effort to ensure the files are stored in a safe and secure place, accessible only to individuals authorized to view the files.

#### SECTION 7. EMPLOYEE INSPECTIONS.

An employee shall have the right, upon written or oral request, to review the contents of his personnel files during normal working hours providing adequate notice of the request is made to the records manager or other designee responsible for maintaining files. No employee shall have the right to inspect the files of any other employee unless authorized. During an employee inspection, no information may be removed, added or altered from the files; the files manager, or other designee responsible for maintaining files, must be present to ensure compliance with this rule.

During an employee inspection, the employee has the right to inspect any and all information within his files. If sealed information is inspected, it shall be resealed before being returned to its file.

#### SECTION 8. REMOVAL OF INFORMATION WITHIN PERSONNEL FILES.

If an employee feels information contained in his files is incorrect or irrelevant to his employment, he may request in writing to the Local Government Council's Human Resources Staff that the information be deleted from the files. If the LGC's human resources staff and, if appropriate, the member organization's Executive Director agree, then the records manager, or other designee responsible for maintaining files, shall remove the information.

The Human Resource staff is responsible for removing any information within an employee's file that has a specific date for removal attached to it.

#### SECTION 9. RESPONSIBILITY OF UPDATING FILES.

It is the responsibility of the employee to ensure current data is maintained in his files, and to contact the Local Government Council's human resources staff if there is a change in information such as name, address, marital status/dependents, telephone number, beneficiary designations and names of persons to be notified in case of emergency.

The LGC Executive Director has the right to request a periodic review of some or all files to ensure relevant and accurate information is present, and to comply with all applicable laws and Partnership and its member organization's procedures. An employee will be notified if any information is revised or deleted during this review process.

## CHAPTER 09

### ALLOWANCES

#### SECTION 1. AUTO ALLOWANCES.

Whenever an employee of the Council uses his private automobile in the conduct of official business, he/she shall be compensated for such use at the rate currently approved by the state, or in some instances, by a lump sum allowance. Such use must be in accordance with established policy of the Council and, if appropriate, the Partnership organization.

Employees of the Council who are authorized to travel on official business shall be entitled to reimbursement of actual expenses upon submission of receipts covering meals, transportation, and lodging, and any other appropriate expenditure.

The Council has adopted the state mileage and per diem reimbursement rates for meals and incidental travel expenses. When the Council has been notified that the State rates have been changed, the Council's rates will automatically change to conform to the State's without the Council's action on the later of the State effective date or the date of notification. The current rates are available from the Human Resource staff or online at [http://www.doa.virginia.gov/Admin\\_Services/CAPP/CAPP\\_Topics/20335.pdf](http://www.doa.virginia.gov/Admin_Services/CAPP/CAPP_Topics/20335.pdf). Even though the Council's policy on reimbursement for actual expenses is still in effect, the state chart indicates, "not to exceed" costs unless prior approval is obtained from the LGC Executive Director or Council for extenuating circumstances.

Requests for reimbursement shall be on forms approved by the Council's Executive Director.

#### SECTION 2. EDUCATIONAL REIMBURSEMENT POLICY.

Sharing of costs by the Council for tuition and/or books for previously approved programs of education may be available to full-time Council employees on the following basis:

- A. The courses must be related to the work responsibilities of the employee's current position or a position to which it is anticipated the employee may be promoted.

B. Any employee requesting educational reimbursement should complete a Request for Educational Reimbursement Form with his/her department supervisor. The completed form will be submitted with the department's annual budget request so the member organization Board may consider the request for the budget year. In this way, budgetary considerations will be a determining factor in the decision concerning such reimbursement. **Courses must be completed within the fiscal year that the funds are budgeted.**

C. Employees eligible for reimbursement are employees under the Council's Position Classification and Pay Plan. Any special provision or exemptions for employees not under the Council's Position Classification and Pay Plan are subject to approval by the Council.

D. The Council will pay 50% of tuition and 50% of books for Non-PD (Non-Professional Development) classes. ALL PD (Professional Development) classes are 100% funded by the Council. Professional Development courses are those required or authorized by the Council in order for the employee to perform his/her day-to-day job functions. However, there is a cap on the number of credit hours for each level of education as well as a dollar amount per credit hour.

1. Satisfactory completion of general course work is required for reimbursement. When a grading scale is used, satisfactory is defined as maintaining a "C" average, or 2.0 on a 4.0 scale. Before receiving reimbursement, an employee must attach a copy of his/her class report to the request for reimbursement to verify completion of the course and attainment of the required average.

2. For those classes approved professional development activities will be paid in advance by the Council. Attainment of a passing grade will be required for employees to achieve before being recognized as completing the course.

E. Any reimbursement or Council funds paid on behalf of the employee for general college classes or professional development classes specifically approved for the employee shall be subject to repayment to the Council if the employee voluntarily leaves the Council's employment within a period of two years after the completion of such Council-sponsored training (from the date of final class which must be provided by employee). This provision shall not apply to funds used to train or educate the general employee population for professional development classes, but rather is intended toward those classes specifically approved for funding for specific individuals as an incentive to obtain additional education and remain as a long-term employee of the Council.

### Section 3. CELL PHONE ALLOWANCE

At the discretion of the Council's Executive Director, an employee may be offered a cell phone reimbursement of \$30 per month for a voice line and \$30 per month for a data line.

## CHAPTER 10

### COUNSELING AND DISCIPLINARY ACTION

#### SECTION 1. OVERVIEW OF COUNSELING AND DISCIPLINARY ACTION.

All employees of the Council are expected to maintain reasonable standards of behavior and conduct. Some examples of reasonable conduct are, but not limited to, dependable and timely attendance, efficient use of paid working time, and satisfactory work performance.

When these standards are not maintained, or unacceptable conduct occurs, counseling and/or disciplinary measures will be taken by the Council to correct the situation and discourage further occurrences.

Although this chapter establishes counseling and disciplinary guidelines, when counseling and/or disciplinary action is warranted, the type and severity of the disciplinary action will be decided on a case-by-case basis with due consideration given to the seriousness of the offense and circumstances under which it occurred.

#### SECTION 2. RESPONSIBILITY FOR COUNSELING AND/OR DISCIPLINARY ACTION.

The responsibility for maintaining discipline among Council employees rests with immediate supervisors, Department Heads and the Executive Directors. These individuals shall be responsible for enforcing the policies and exercising the counseling and/or disciplinary measures listed in this chapter in an equitable and consistent manner.

Employees can minimize the use of counseling and/or disciplinary measures by understanding and adhering to Council policy, rules and regulations. Any questions concerning employee misconduct should be directed to the individuals mentioned above.

#### SECTION 3. DOCUMENTATION OF COUNSELING AND/OR DISCIPLINARY ACTION.

Written documentation is required for all types of counseling and/or disciplinary action.

If oral counseling occurs, the employee's immediate supervisor shall keep a written record as to the date and time of the oral counseling.

For any disciplinary action taken against an employee other than oral counseling, a Disciplinary Action Report form must be completed by the employee's supervisor, who

will acquire the necessary signatures. The employee's signature on the form indicates he has read and understands the charges made against him; signing the form does not indicate agreement with the charges made. The original copy will be placed in the employee's personnel file in Human Resources, with copies forwarded to the employee and the Department Head.

Disciplinary action that affects the pay of an employee (disciplinary probation, demotion in position and salary, suspension from duty without pay and dismissal) shall be approved (with his or her signature on the Disciplinary Action Report) by the Department Head and the LGC Executive Director before becoming effective. Disciplinary action resulting in a formal reprimand shall be approved (with his or her signature on the Disciplinary Action Report) by the Department Head before becoming effective.

Written documentation of employee misconduct should be filed within five (5) working days of knowledge of the misconduct.

#### SECTION 4. TYPES OF COUNSELING AND/OR DISCIPLINARY ACTION.

Counseling and/or disciplinary action shall consist of any corrective measure(s) which is appropriate for an offense, including the following:

- A. Oral Counseling
- B. Letter of Counseling
- C. Formal Reprimand
- D. Disciplinary Probation
- E. Demotion in Position and Salary
- F. Suspension from Duty Without Pay
- G. Dismissal

A. Oral Counseling. The employee's immediate supervisor shall meet with and advise the employee of the nature of a problem and discuss the action necessary to remedy the situation; this shall be considered an informative session.

B. Letter of Counseling. The employee's immediate supervisor shall meet with and advise the employee of the nature of a problem and discuss the action necessary to remedy the situation. Consequences of failure to address the problem should also be discussed.

C. Formal Reprimand. The employee's supervisor and Department Head shall meet with and advise the employee of the nature of a problem and discuss the action necessary to remedy the situation. Serious consequences of failure to address the problem should also be discussed. An employee who receives two (2) formal reprimands within a period of one (1) calendar year may be subject to further disciplinary action, including any of the



following: disciplinary probation, demotion in position and salary, suspension from duty without pay and dismissal.

D. Disciplinary Probation. An employee may be placed on disciplinary probation for a period not to exceed six (6) months. If during this period the employee does not perform work requirements in a satisfactory manner (as determined by the Department Head and organization's Executive Director), the employee will be subject to further disciplinary action, including any of the following: demotion in position and salary, suspension from duty without pay and dismissal. If an employee is placed on disciplinary probation more than once during a calendar year he will be subject to dismissal.

E. Demotion in Position and Salary. An employee may be demoted to a lower position and receive a reduction in pay. If an employee is demoted, he shall also be considered to be on disciplinary probation. An employee cannot be demoted in position and salary more than once.

F. Suspension from Duty Without Pay. In most circumstances, an employee may be placed on suspension from duty without pay for a period not to exceed twenty (20) working days. If an employee is placed on suspension from duty without pay more than once during a calendar year he will be subject to dismissal.

If criminal charges are filed against an employee, the employee may be placed on suspension from duty without pay for a longer period of time pending completion of an investigation, court action, or any other such matter deemed serious enough by the employee's Department Head, Executive Director, if appropriate, the Board of the member organization and the Local Government Council. If the employee is acquitted of the violation(s) he will be reinstated with back pay.

G. Dismissal. If other avenues of disciplinary action have been exhausted, or the infraction is of an extremely serious nature, the LGC's Executive Director may release an employee from the Council's Service with the concurrence of the Chairman of the Council and, if appropriate, the Partner Organization's Executive Director.

## SECTION 5. CAUSES FOR COUNSELING AND/OR DISCIPLINARY ACTION.

Some examples of causes for disciplinary action are, but not limited to, the following offenses:

- A. Disobeying or failing to satisfactorily follow the directions/orders of an immediate supervisor, Department Head or the Executive Director;
- B. Absence from work without permission; improper use of Sick leave;
- C. Being habitually absent or tardy;

- D. Unauthorized use of working time and breaks; sleeping on the job;
- E. Harassing, intimidating, or being rude to a fellow employee or member of the public;
- F. Refusal to pay just debts;
- G. Working under the influence of alcohol or illegal drugs; use of these substances in the workplace;
- H. Conviction of a criminal offense, which occurred in the workplace;
- I. Smoking in unauthorized areas;
- J. Unauthorized possession or use of a weapon;
- K. Disclosing of information which has been deemed confidential by the LGC Council's Executive Director in accordance with the Virginia Freedom of Information Act, Sections 2.2-3700 et.seq., Code of Virginia, 1950, as amended;
- L. Violation of the State and Local Government Conflict of Interest Act, Sections 2.2-3100 et.seq., Code of Virginia, 1950, as amended;
- M. Unauthorized use, carelessness or theft of Council, Services Authority or Partner organization money or property;
- N. Jeopardizing the health, safety or welfare of a fellow employee or member of the public;
- O. Falsifying or lying on or about documents or records.
- P. Violations of provisions of this handbook.

## SECTION 6. COMPLAINTS AND GRIEVANCES

In compliance with VA. CODE ANN. §§15.2-1506 and 1507, the Council agrees to establish the following procedures for the hearing of grievances of employees of the Council.

A. Coverage of Personnel - All non-probationary Council permanent full-time and part-time employees are eligible to file grievances with the following exceptions. For the purposes of this section, non-probationary includes employees who successfully completed the original probationary period, including extensions, that begin at the time of employment or promotion, and who are subsequently placed on a new probationary period due to performance or other reasons:

1. Executive Directors;
2. Deputy Directors and executive assistants of Executive Directors
3. Agency heads, Department Directors and chief executive officers of government operations;
4. Employees whose terms of employment are limited by law;
5. Temporary, limited term and seasonal employees;

The Council, at its sole discretion, may voluntarily include employees in any of the above excepted categories within the coverage of this grievance procedure.

The LGC Executive Director shall determine the officers and employees excluded from the grievance procedure, and shall be responsible for maintaining an up-to-date list of all affected positions.

**B. Definition of Grievance** - A grievance shall be a complaint or dispute by an employee relating to his employment, including but not necessarily limited to the following:

1. Disciplinary actions, including dismissals, disciplinary demotions and suspensions, provided that dismissals shall be grievable whenever resulting from formal discipline or unsatisfactory job performance; and
2. The application of personnel policies, procedures, rules and regulations, including the application of policies involving matters referred to in Subdivision C below; and
3. Discrimination on the basis of race, color, creed, religion, political affiliation, age, disability, national origin or sex; and
4. Acts of retaliation as a result of the use of or participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, has sought any change in law before the Congress of the United States or the General Assembly, or has reported an incidence of fraud, abuse or gross mismanagement.

**C. Exclusive Right to Manage** - The Council shall retain the exclusive right to manage the affairs and operations of the organization. Accordingly, the following complaints are non-grievable:

1. Establishment and revision of wages or salaries, position classification or general benefits; and
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; and

3. The contents of ordinances, statutes or established personnel policies, procedures, rules and regulations;

4. Failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly; and

5. The methods, means and personnel by which work activities are to be carried on; and

6. Except where such action affects an employee who has been reinstated within the previous six (6) months as a result of the final determination of a grievance, termination, layoff, demotion or suspension from duties because of lack of work, reduction in work force, or job abolition; and

7. The hiring, promotion, transfer, assignment and retention of employees within the local government; and

8. The relief of employees from duties of the local government in emergencies.

In any grievance brought under the exception to provision (6) of this subdivision, the action shall be upheld upon a showing by the Council 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.

D. Grievability - Decisions regarding grievability and access to the procedure shall be made by the LGC Executive Director at any time prior to the panel hearing, at the request of the member organization or grievant, within ten (10) calendar days of the request. A copy of the ruling shall be sent to the grievant.

Decisions of the LGC's Executive Director may be appealed to the Circuit Court having jurisdiction in the City of Lynchburg for a hearing on the issue of whether the grievance qualifies for a panel hearing. Proceedings for a review of the decision of the Executive Director shall be instituted by the grievant by filing a Notice of Appeal with the Executive Director within ten (10) calendar days from the date of receipt of the decision and giving a copy thereof to all other parties. Within ten (10) calendar days thereafter, the Executive Director shall transmit to the Clerk of the Circuit Court: a copy of the decision of the Organization's Executive Director, a copy of the Notice of Appeal, and all exhibits. A list of evidence furnished to the Court shall also be furnished to the grievant. The failure of the Organization's Executive Director to transmit the records shall not prejudice the rights of the grievant. The Court, on motion of the grievant, may issue a writ of certiorari requiring the Organization's Executive Director to transmit the record on or before a certain date.

Within thirty (30) days of receipt of such records by the Clerk, the Court, sitting without a jury, shall hear the appeal on the record transmitted by the organization's Executive Director and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The Court, in its discretion, may receive such other evidence as the ends of justice require. The Court may affirm the decision of the Executive Director or may reverse or modify the decision. The decision of the Court shall be rendered no later than the fifteenth (15<sup>th</sup>) day from the date of the conclusion of the hearing. The decision of the Court is final and is not appealable.

E. Policy - It is intended that speedy attention to employee grievances be promoted, consistent with the ability of the parties to prepare for a fair consideration of the issues of concern.

F. Initiation of Grievance - The time for submitting an initial complaint shall be not more than thirty (30) calendar days after the event giving rise to the grievance.

After the initial filing of the written grievance, failure of either party to comply with all substantial procedural requirements of the grievance procedure, including the panel hearing, without just cause shall result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the non-compliance within five (5) work-days of receipt of written notification by the other party of the compliance violation. Such written notification by the grievant shall be made to the LGC's Executive Director.

The LGC's Executive Director, at his option, may require a clear written explanation of the basis for just cause extensions or exceptions. The LGC's Executive Director shall determine compliance issues. Compliance determinations made by the Executive Director shall be subject to judicial review by filing petition with the Circuit Court within thirty (30) days of the compliance determination.

Once an employee reduces his grievance to writing, he must specify on the appropriate form, to be supplied by the LGC's human resources staff, the specific relief he expects to obtain in this procedure.

G. Procedure - An employee filing a grievance will have the right to follow all the steps of the grievance procedure with complete freedom from reprisal. This does not, however, confer the right upon anyone to make slanderous or libelous statements.

1. Step I. An employee who has a grievance will discuss the problem directly with his immediate work supervisor. The grievance need not be reduced to writing at this step. Personal face to face meeting is required at this and all subsequent steps. However, the grievance shall be limited to an incident or series of incidents, the last of which shall have occurred within thirty (30) days of the initiation of this procedure. With the exception of Step III, the only persons who may normally be present in this first management step meeting are the grievant, the appropriate official at the level at which

the grievance is being heard, and the appropriate witnesses for each side. Witnesses shall be present only while actually providing testimony.

2. Step II. If the grievance is not resolved with ten (10) working days after the completion of Step I, the grievant may file a written grievance with his Department Head, with a copy provided to the Organization's Executive Director and the LGC's human resources staff. This statement will be the employee's explanation of what has occurred, and also include what relief is expected.

The employee's Department Head will then meet with the grievant within two (2) working days of receipt of the written statement. If the Department Head is the immediate supervisor as set forth in Step I, the written Step II will still be submitted to that Department Head.

A written reply by the Department Head shall be made to the grievant within three (3) working days following the completion of this step. A copy of the grievant's statement and the Department Head's response shall be given to the LGC's Executive Director.

At this step, the grievant, at his option, may have present a representative of his choice. If the grievant is represented by legal counsel, the Council likewise has the option of being represented by counsel.

3. Step III. If the Department Head response does not resolve the grievance, the grievant may proceed with the grievance by requesting a panel hearing. This request shall be made in writing to the LGC's Executive Director and state the reason for a panel hearing. The request must be received by the Department Head within seven (7) working days of the grievant's receipt of the response from Step II, with a copy provided to the organization's Executive Director.

Qualifying grievances shall advance to this final step as described below:

a. Grievances shall be determined at this step by hearing before an impartial panel, consisting of one member appointed by the grievant; one member appointed by the Agency Head and a third member selected by the first two selected panel members. In the event that an agreement cannot be reached as to the final panel member, the Chief Judge of the Twenty-Fourth (24<sup>th</sup>) Judicial Circuit shall select the third panel member. 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 the grievant, person 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, parents, child, descendant 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.

b. The Council shall not be required to have an administrative hearing officer in any case, but may do so at its option. When the Council elects to use an Administrative Hearing Officer as the third panel member in an employee termination or retaliation case, the Administrative Hearing Officer shall be appointed by the Executive Secretary of the Supreme Court. The appointment shall be made from the list of Administrative Hearing Officers maintained by the Executive Secretary pursuant to VA. CODE ANN. §2.2-4024 and shall be made from the appropriate geographical region on a rotating basis. If the Council elects to use an Administrative Hearing Officer, it shall bear the expense of such Officer's services.

b. In all cases, there shall be a chairperson of the panel, and when panels are composed of three (3) persons (one each selected by the respective parties and the third from an impartial source); the third member shall be the chair person.

c. Both the grievant and the respondent may call upon appropriate witnesses and 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 respondent before the panel without being in violation of the provisions of VA. CODE ANN. §54.1-3904.

e. The decision of the panel shall be final and binding and shall be consistent with provisions of law and written policy.

f. The question of whether the relief granted by a panel is consistent with written policy shall be determined by the LGC's Executive Director unless such person has a direct personal involvement with the event or events giving rise to the grievance, in which case the decision shall be made by the Attorney for the Commonwealth of the jurisdiction in which the grievance is pending.

H. Rules for Panel Hearing - The following rules shall apply to the conduct of panel hearings as a part of this grievance procedure:

1. Panels do not have authority to formulate policies or procedures or to alter existing policies or procedures;

2. Panels have the discretion to determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing, and, at the request of either party, the hearing shall be private;

3. The LGC Executive Director shall provide the panel with copies of the grievance record prior to the hearing, and provide the grievant with a list of the documents furnished to the panel and the grievant and his attorney, at least ten (10) days prior to the scheduled panel hearing, shall be allowed access to and copies of all relevant files intended to be used in the grievance proceeding;

4. The panel shall have the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence;

5. All evidence shall be presented in the presence of the panel and the parties, except by mutual consent of the parties;

6. Documents, exhibits and lists of witnesses shall be exchanged between the parties in advance of the hearing;

7. The majority decision of the panel, acting within the scope of its authority, shall be final subject to existing policies, procedures and law;

8. The panel decision shall be provided within thirty (30) days of the conclusion of the hearing to all parties;

9. Hearings are not intended to be conducted like proceedings in courts, and rules of evidence do not necessarily apply.

I. Implementation of Panel Decisions - Either party may petition the Circuit Court of Lynchburg for an order requiring implementation of the panel decision. The review of the Circuit Court shall be limited to the question of whether the panel's decision was consistent with provisions of law and written policy.

Any petition to the Circuit Court for implementation or review of the panel decision shall be filed within thirty (30) days from the date of receipt of the panel decision and a copy of the petition shall be served upon the adverse party.

Upon receipt of service of a timely petition filed by a grievant, or contemporaneously with filing the petition if filed by the member organization, the Executive Director of that member organization shall forward the entire grievant's file, including a transcript of the panel decision if available, to the Clerk of the Circuit Court.

Thereafter, the Court shall hear and determine the issues raised in the petition in accordance with the procedures hereinabove set forth for determination of qualification for panel hearing.



## CHAPTER 11

### RETIREMENT, INSURANCE AND ADDITIONAL EMPLOYEE BENEFITS

#### SECTION 1. OVERVIEW OF RETIREMENT, INSURANCE AND ADDITIONAL EMPLOYEE BENEFITS.

It is policy of the Council to provide retirement, insurance and additional benefits to eligible employees. Additional information about employee benefits can be obtained from the LGC's Human Resource staff.

Social Security and Workers' Compensation are the only benefits available to employees paid on an hourly basis, part-time salaried employees, contracted employees and those who may be termed "temporary employees" by virtue of contract employment for a period of less than one year, unless otherwise specified.

#### SECTION 2. VIRGINIA RETIREMENT SYSTEM.

- A. Full-time regular employees under age 65 are required by Chapter 1, Title 51.1 of the Code of Virginia, 1950, as amended, to participate in the Virginia Retirement System (VRS). Participation is optional for full-time regular employees over age 65. The Council contributes the entire employee and employer costs of the coverage.
- B. If an employee leaves the Council's service before retirement, he may elect to continue membership in the VRS or receive a refund of the employee's share of accumulated contributions plus interest.
- C. VRS service retirement benefits are available to qualified employees and are based on a percentage of salary at retirement factored by the number of participating years.
- D. VRS disability retirement benefits (regular non-work related or work related) are available to qualified employees. These benefits are based on a formula including length of service and average final compensation, and are influenced by the amount of Social Security and Workers' Compensation benefits available.

#### SECTION 3. VRS LIFE INSURANCE - GROUP INSURANCE.

- A. Full time regular employees under 70 years of age when employed are also required by Title 51.1, Chapter 1 of the Code of Virginia, 1950, as amended, to participate in a State Group Life Insurance Plan which is administered by the VRS. These costs are set bi-annually by the VRS and paid in its entirety by the Partnership organization. This life insurance provides benefits for accidental dismemberment, natural death and accidental death.

B. Upon natural death, the employee's designated beneficiary would receive approximately twice the annual salary of the employee rounded off to the next highest \$1000. Upon accidental death the beneficiary would receive double the normal death benefit. Upon loss of one limb or sight in one eye payment is equal to 1/2 the natural death benefit, while the maximum payment for the loss of two or more limbs or sight of both eyes is equal to the natural death benefit. There are exceptions to these amounts and benefits after retirement.

#### SECTION 4. MAJOR MEDICAL PLAN – GROUP INSURANCE.

A. All Council full-time employees, as defined in the classification schedule of the current Health Insurance Contract, are eligible to participate in a Council's Comprehensive Major Medical Group Plan. Regular part-time employees working a minimum of 25 hours per week will be eligible to participate in the health care program, with the employee paying the full cost of the premium. Specific coverage information is distributed annually to all employees and to all new employees at the time of employment.

B. Participation is not mandatory, but for full time employees who choose to participate the Council will pay an amount to be agreed upon and approved in each annual budget towards the costs. The employee may choose from an employee only option, the employee +1 plan, or a family membership plan (a minimum of three individuals). The amount of Council participation is subject to change.

C. Eligibility and Partnership organization Participation.

1. Employee shall be eligible for participation on the first of the month if hired on the first. Otherwise, they are eligible on the first of the month following the date of hire.

2. When an employee terminates the usual premium will be deducted from the final pay check, providing coverage through the end of the month.

3. Retired employees eligible for VRS retirement benefits who were hired before April 16, 2009 are eligible for a contribution to their health insurance as described below and may continue their insurance with the Council continuing to pay the same monthly employer portion established by the Council towards premiums being paid for active employees until age 65, if they apply at the time of retirement and

- a) were hired prior to July 1, 2006 and retire with at least ten (10) consecutive years of Council service or;
- b) were hired on or after July 1, 2006 and retire with at least twenty (20) consecutive years of Council service.

If at age 65 a retired employee who is eligible for this benefit desires to remain on the Group Health Care Plan, he/she shall be required to fund 100% of the costs of the insurance premium. Retirees and/or covered spouse who wish to remain on the Plan are required to apply for Medicare Part A and B upon reaching age 65. Retirees who elect to leave the Plan are strongly encouraged to also apply for Medicare A, B and D upon reaching age 65.

Employees who retire after July 1, 2006, regardless of age, who are eligible for retiree health insurance coverage and who elect to return to work with another organization where they are eligible for health insurance benefits will forfeit their eligibility to remain on the Council's Group Health Insurance Plan.

Employees who are hired after April 16, 2009 are not eligible to receive a contribution to their health insurance as a benefit upon retirement.

4. If an employee is disabled, he/she is eligible to remain on the Council's Group Insurance Plan at any age. The term "disability" shall be determined by using the applicable Social Security criteria.

5. A dependent or spouse must be covered by the plan for at least twelve (12) months, those not already covered by the plan may not be added after the retirement or permanent disability date starts. Regulations regarding status changes such as additions to the family (a new spouse or child) are the same after retirement as before.

6. Covered dependent children of surviving spouse may continue coverage according to age limitations specified in the group contract. After that time they may elect COBRA. A spouse or dependent shall be required to fund 100% of the cost of the insurance premium.

7. In extenuating circumstances, the Executive Director of a member organization together with the LGC Executive Director are authorized to declare an individual eligible for coverage under the Council's health insurance program, if such declaration is in the best interest of the Council or its member organizations. The Executive Director shall report to the Council any such exceptions granted.

8. The Local Government Council shall administer the Optional Health Credit Program according to VRS guidelines and Code of Virginia regulations.

9. An employee who is on properly approved Leave Without Pay for an entire month may continue coverage in accordance with the Family Medical Leave Act (FMLA) by payment (on a monthly basis) of the cost of the insurance premium.

10. If husband and wife are employed by the Council and either elects family coverage, the Council will pay each person's share of the Health and Life Insurance Family Policy as for a single employee.

11. Under the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) employees, spouses, and dependent children who qualify may elect to continue group health coverage for up to 18, 29 or 36 months upon termination of employment, depending on the reason for eligibility. There shall be no dependent coverage once the employee dies except applicable under COBRA.

#### SECTION 5. SOCIAL SECURITY/UNEMPLOYMENT COMPENSATION.

The Council participates in the Federal Government's Social Security and Unemployment programs, which offer numerous benefits to qualified employees.

#### SECTION 6. OTHER INSURANCE.

The Council may elect from time-to-time to provide for payroll deductions for other optional benefits, with the cost of premiums paid entirely by the employee. Consult the LGC's Human Resources staff for any additional insurance benefits available.

#### SECTION 7. CREDIT UNIONS.

Full-time employees are eligible to participate in a Credit Union account maintained as a payroll deduction by the Council. Employees may request help from the LGC's Human Resource Office in establishing and funding their accounts.

#### SECTION 8. DEFERRED COMPENSATION PLAN.

This optional benefit, provided by the National Association of Counties, is a tax-deferred retirement program (Federal and State taxes, but not Social Security taxes). This plan is funded through employee payroll deductions. The Council does not contribute to the employee's cost of maintaining the plan unless otherwise specified by the Council.

#### SECTION 9. DIRECT DEPOSIT OF PAYROLL EARNINGS.

The Finance Department will directly deposit payroll earnings into account(s) at specified bank(s), credit union(s), etc. Employees are encouraged to sign up for this benefit upon hire or in the Human Resource Office.

#### SECTION 10. FLEXIBLE BENEFITS PLAN.

The Council has an optional "Cafeteria Plan" which allows employees to pick and choose among three benefit accounts: Health Insurance Premium Expense, Health Care

Reimbursement and Dependent Care Assistance. Contributions to the plan are tax-deferred (Federal, State and Social Security taxes); however, the Council does not contribute to the employee's cost of maintaining the plan.

#### SECTION 11. EMPLOYEE ASSISTANCE PROGRAM.

The Council will provide an employee assistance program (EAP) to all employees. EAP is a service designed to help employees and their families resolve personal concerns which may interfere with work or home life. EAP works with the employee to achieve optimum wellness and best work performance.

A. Purpose: The Council will provide confidential assistance and/or referral on a voluntary basis to employees when personal problems or concerns are troubling an employee, or when those problems are contributing to, or may contribute to, deteriorating job performance. The EAP is provided as a service to employees. In itself, use of the EAP, by self-referral or supervisory referral, is not an indication of illness, inadequacy, or disability. All people have problems in their lives; thoughtful, intelligent people seek appropriate assistance with their problems.

B. Policy: The Council recognizes that a wide range of problems, not directly associated with one's job function, may have an adverse effect on an employee's job performance. Further, personal problems of a family member can also affect an employee's job performance. When marital or family discord, financial or emotional crises, alcohol or drug problems, illness, or other difficulties interface with or threaten job performance or conduct, the Council offers assistance through the EAP. There is no desire to intrude on the employee's private life. These problems are recognized as progressive and potentially destructive, but they are also recognized as treatable. The Council stands ready to assist employees and their families who are willing to help themselves.

C. Practice: Early recognition of the troubled employee, through application of job performance standards, is a proper function of management. Employees with identifiable performance problems that are not the result of deficits in knowledge, skills, education, and/or working conditions may have personal problems affecting job performance. The Council actively supports rehabilitation efforts, when applicable and appropriate, through employee group health benefits, sick leave, and disability policies. An employee may be referred to the EAP by member organization supervisory personnel or colleagues, because of a condition that may affect his or her job performance or because the employee is troubled and seeks help. The decision to accept assistance is the responsibility of the employee. Employees are encouraged to self-refer. Immediate family members of full-time employees are also eligible for employee assistance services.

D. Confidentiality: All records and information about referral, assessment, and treatment will be maintained by the EAP and treated as confidential. No information concerning a client's personal problems will become a part of the employee's personnel record. If the Council refers an employee to the EAP because of performance-related

issues, the only information the EAP will disclose to the referring person is whether the employee has followed through on the EAP referral; additional information will only be shared as stated in the following sentence. Except as set forth herein and in situations of dangerousness, or as may otherwise be required by law, no information, oral or written, will be disclosed without the express written permission of the employee.

E. Employee Discipline and Job Security: Employees participating in the EAP will not be given preferential treatment, nor will they be subject to any special regulations by the Partnership organization. EAP participation will not immunize an employee against discipline, including discharge, by reason of an infraction of work rules or the rules of conduct. All employees will be evaluated strictly on job performance criteria, irrespective of their participation in the EAP. An EAP client may be disciplined for his or her continued unsatisfactory job performance. An employee's job security or future career advancement will not be jeopardized as a result of his or her participation in the EAP.

F. Procedure: The immediate supervisor or manager is responsible for monitoring an employee's job performance. In the case of deteriorating performance, the supervisor or manager, following established procedures, should work with the employee in an effort to reestablish accepted levels of performance. Whether or not it appears that the substandard performance is or may be due to problems or impairment, the supervisor should refer the employee to the EAP only as part of a performance improvement plan. Employees referred by the Council will be afforded work time to receive EAP recommended services. In the case of a job-performance-related referral, the supervisor will do all of the following:

1. Document, as part of a performance improvement plan, that the employee was made aware of the EAP as a resource
2. Notify the EAP that a referral has been made
3. Provide relevant documentation of the performance problem to the EAP

G. Employees and, in the case of full-time employees, family members experiencing problems, whether or not they affect the job performance of that employee, are encouraged to voluntarily seek information, referral, and related services on a confidential basis by contacting the EAP. Employees who self-refer for EAP services are expected to use normal Council leave procedures to participate during work hours.

## CHAPTER 12

### EMPLOYEE APPRAISALS

#### SECTION 1. EVALUATION PLAN.

All full and part-time employees shall be evaluated on an annual basis to review their prior fiscal year performance and establish goals and objectives for their future year performance on a date set forth by the LGC Executive Director. The purpose of appraisals is to provide management and employees an opportunity to discuss goals and objectives, a fair and accurate method of rating employees for raises, promotions, improvement of performance and dismissals.

#### SECTION 2. METHOD OF EVALUATION.

Employees shall be appraised by their immediate supervisors, using a "Performance Appraisal Form." Appraisers shall thoughtfully and carefully judge the employee in light of each performance characteristic, making written comments where appropriate.

Upon completion of the evaluation form, the immediate supervisor shall make an appointment with the employee and discuss the appraisal in detail. The appraiser and employee shall each sign the form to indicate that the conference has been held, and one copy given to the employee for his/her records. The appraiser shall retain a copy, and the original shall be forwarded to the Department Head. The Department Head shall review all evaluations of personnel within his/her department. After review the Department Head may meet with the appraiser, ask questions and make corrections/changes where appropriate. Any changes in the evaluations shall be forwarded to the employee and the original appraiser.

The member organization Executive Director shall be the appraiser of employees within his/her area of responsibility. The reviewing official in these instances shall be the LGC Executive Director.

After final review, the "Performance Appraisal Form" signed by the employee, appraiser, and Department Head shall be delivered to the LGC Human Resource Assistant for permanent filing.