



EMPLOYEE HANDBOOK

REVISED JULY 2024

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SECTION 1: GENERAL SCOPE AND APPLICATION

1.1 Purpose and Jurisdiction

These policies and procedures are adopted to establish a personnel system for present and future employees and to provide the means to recruit, select, compensate, develop, and maintain an effective and responsible workforce that will meet the service requirements of the citizens of Purcellville.

This manual is not an employment contract, expressed or implied, nor does it create any contractual obligations. Employment with the Town of Purcellville is at will. No individual or company may enter into an employment contract with the Town unless the contract is in writing and signed by the Town Manager. This manual is designed to incorporate as many as possible practices and procedures that relate to the employees and applicants for employment with the Town of Purcellville. It may be revised as needed with or without notice.

While the Town anticipates some future elaboration, modification, and refinement of this manual, the manual is not expected or intended to cover every policy or procedure the Town has adopted and observes. If there is uncertainty about any provision or intent of a particular policy, the Town Manager, in consultation with the Town Attorney, will be the arbiter of interpretation. Particular ordinances or sections of the Town Charter, Town Code, or Code of Virginia, as amended, govern the provisions in this manual. In the event of a conflict between this manual's contents and any pertinent law's provisions, the current Town, state or federal law shall be controlling.

1.2 Categories of Positions

Positions are defined in the following categories:

A. Elected and Appointed Officials

Mayor and Council

The Town operates under the Council-Manager form of government. The Town Council is the governing body of the Town of Purcellville and is empowered by the charter to make Town policy. The Council is composed of a mayor and six council members elected at large on a non-partisan basis and is comprised of a Mayor elected every two years and six Council members who serve 4-year staggered terms.

Committees, Commissions, and Boards

- Board of Architectural Review
- Board of Zoning Appeals
- Community Policing Advisory Committee
- Economic Development Advisory Committee
- Parks and Recreation Advisory Board
- Planning Commission
- Purcellville Arts Council
- Train Station Advisory Board
- Tree and Environment Sustainability Committee

Council-Appointed Positions

- Town Manager and Town Attorney

B. Town Manager Appointed/Council Confirmed Positions

- Chief of Police and Town Clerk

C. Employees

- Regular Full-Time, Temporary Full-Time, Regular Part-Time and Temporary Part-Time

1.3 General Provisions

The Town Manager is the hiring authority for all positions that are not council-appointed or confirmed positions.

This Employee Handbook applies primarily to employees working for the Town Manager and generally does not apply to the Town Council or Committees, Commissions, and Boards, although exceptions are identified in specific sections in the manual.

These rules shall not limit or prohibit the Town Council from executing agreements with any Town Council-appointed positions. Such agreements shall supersede only those rules that are in conflict with the provisions of the agreement.

1.4 Functions of the Town Council

The Town Council is responsible for the following:

- Adopting Strategic Initiatives.
- Adopting Utility and Tax Rates
- Appointing the Town Manager and Town Attorney
- Confirming the appointment of the Chief of Police and Town Clerk
- Establishing a Compensation Plan for Committees, Commissions, and Boards.
- Approving the Salary Schedule and related changes and amendments as part of the town's annual budget.
- Approving the Classification and Compensation Plan and related changes and amendments as part of the annual budget for the Town.

1.5 Functions of the Town Manager

The Town Manager is responsible for the following:

- Seeing that within the municipality the laws, ordinances, resolutions and bylaws are executed.
- Overseeing the implementation of the town's strategic plan.
- Preparing and submitting to the Council a proposed budget for the next fiscal year.
- Providing to the Town Council, the annual Classification and Compensation Plan and Salary Schedule as part of the annual budget process.

1.6 Functions of the Human Resources Director

The Human Resources Director is responsible for the following:

- Recommending to the Town Manager policy and procedural changes to the Personnel Policies & Procedures.
- Recommending to the Town Manager classification/reclassifications of positions, position specifications, and compensation.
- Establishing qualifications for all employment positions in consultation with Department Directors.
- Developing and administering employee training and developmental programs.
- Developing and administering an orientation program for Town employees.
- Maintaining personnel files as required and in accordance with the law.
- Other Human Resources functions are assigned by the Town Manager.

1.7 Revisions

The Town Manager may amend the Employee Handbook from time to time to reflect current practices.

A comprehensive review of the Employee Handbook will be conducted at least every (3) three years by the Town Manager or their designee in conjunction with the Human Resources Department. Human Resources will track all revisions to the manual.

1.8 Unlawful Acts

False Statements

No employee shall make any false statement, certificate, mark, rating, or report with regard to any test, certification, or appointment made under any provision of this manual or in any manner commit or attempt any fraud preventing the impartial execution of this manual and the rules established hereunder.

Valuable Consideration

No employee shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for any appointment, proposed appointment, promotion, or proposed promotion to, or any advantage in, a position in the classified services.

Unfair Advantage

No employee of the Town or other persons affiliated with the Town shall obstruct or provide unfair advantage to a person in their right to pursue employment with the Town.

Violation of Section 1.8

Any employee violating the provisions of this section shall be guilty of a Class 3 misdemeanor in accordance with Section 1-15 of the Town Code.

SECTION 2: COMPLIANCE AND MERIT PRINCIPLES

Town of Purcellville is an Equal Opportunity Employer and is committed to Creating an inclusive environment for all employees.

2.1 Compliance

A. Equal Employment Opportunity

The Town of Purcellville is committed to equal employment opportunity. We will not discriminate against employees or applicants for employment or any legally-recognized basis (“protected class”) including, but not limited to: veteran status, uniform service member status, race, color, religion, sex, national origin, age, physical or mental disability or any other protected class under applicable federal, state, or local law.

The Town of Purcellville will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Any employee with questions or concerns about any type of discrimination in the workplace is encouraged to bring these issues to the attention of their immediate supervisor or the Human Resources Department. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination or employment.

B. Non-Discrimination Policy Statement

It is the policy of the Town of Purcellville to comply with the regulations of Title VI of the Civil Rights Act of 1964, as amended and other nondiscrimination laws and authorities, that include regulations relative to non-discrimination in federally-assisted programs of the Department of Transportation (DOT) Title 49, Code of Federal Regulations (CFR) and the Federal Highway Administrations Title 23 Code of Federal Regulations 200. The Town of Purcellville does not discriminate against any person on the basis of race, color, national original, sex, age, religion, disability, or low-income.

The Town of Purcellville will not discriminate on the grounds of race, religion, color, sex, national origin, age, or disability in the selection and retention of subconsultants, including procurements of materials and leases of equipment. The Town of Purcellville will not participate either directly or indirectly in the discrimination prohibited by 49 CFR, Part 21.5.

In all solicitations, either by competitive bidding or negotiation made by the Town of Purcellville for work to be performed under a subcontract, including procurements of materials or equipment, each potential subcontractor or supplier shall be notified of their obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age religion, disability, and low income. The Town of Purcellville will include the necessary provision sin every subcontract; including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto.

The Town of Purcellville ensures nondiscrimination and equal employment in all programs and activities in accordance with Title VI of the Civil Rights Act of 1964. If you need more information or special assistance for persons with disabilities or limited English

proficiency, contact the Human Resources Department. Persons with hearing-and speech-impairments can contact the Town of Purcellville by using the Virginia Relay Service, a toll-free telecommunication device for the deaf (TDD). Call 711 for TTY/TDD.

C. Affirmative Action

The Town of Purcellville has been and will continue to be an equal opportunity employer. To assure full implementation of this equal employment policy, we will take the following steps:

Persons are recruited, hired, assigned, and promoted without regard to race, religion, color, national origin, citizenship, sex, veteran status, uniform service member status, age disability or any other legally recognized protected personal characteristics.

Similarly, all other personnel actions, such as compensation, benefits, transfers, layoffs, and recall from layoffs, access to training, education, tuition assistance, and social recreation programs are administered without regard to race, religion, color, veteran status uniform service members status, national origin, citizenship, sex, age, disability or, any other legally recognized protected personal characteristics.

We have appointed the Town of Purcellville's, Human Resources Director, to take on the responsibility of the Town of Purcellville's EEO coordinator. The EEO coordinator will be responsible for the day-to-day implementation and monitoring of our Affirmative Action Plan. As part of that responsibility, the EEO coordinator will periodically analyze the Town's personnel actions and their effects to ensure compliance with our equal employment policy.

If you have any questions about this policy, or would like to review or be considered under our Affirmative Action Plan, please contact Human Resources.

We have reviewed and fully endorse our Affirmative Action and Equal Opportunity program. In closing, we ask for the continued assistance and support of all of the Town of Purcellville's personnel to attain our objective of equal employment opportunity for all.

D. Genetic Information Nondiscrimination Act (GINA)

The Town of Purcellville also adheres to the Genetic Information Nondiscrimination Act of 2008 (P.L. 110233, 122 Stat.181)¹, also referred to as GINA. GINA, together with already existing nondiscrimination provisions of the Health Insurance Portability and Accountability Act, generally prohibits health insurance or health plan administrators from requesting or requiring genetic information of an individual or the individual's family members, or using it for decisions regarding coverage, rates, or preexisting conditions. The law also prohibits most employers from using genetic information for hiring, firing, or promotion decisions, and for any decisions regarding terms of employment.

E. Americans with Disabilities Act

The Town of Purcellville is committed to providing equal opportunities to otherwise qualified individuals with disabilities, which may include providing reasonable accommodation where appropriate. In general, it is your responsibility to notify your supervisor of the need for an accommodation. Upon doing so, your supervisor may ask you for your input or the type of accommodation you believe may be necessary or the functional limitations caused by your disability. Also, when appropriate, we may need your permission to obtain additional information from your physician or other medical or rehabilitation professionals.

The Town of Purcellville will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

This policy is neither exhaustive nor exclusive. The Town of Purcellville is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

F. Non-Harassment

We prohibit harassment of one employee by another employee, supervisor, or third party for any reason including, but not limited to: veteran status, uniform service member status, race, color, religion, sex, national origin, age, physical or mental disability or any other protected class under federal, state or local law. Harassment of third parties by our employees is also prohibited.

The purpose of this policy is not to regulate the personal morality of employees. It is to ensure that in the workplace, no employee harasses another for any reason or in any manner. The conduct prohibited by this policy includes conduct in any form including but not limited to e-mail, voice mail, chat rooms, Internet use or history, text messages, pictures, images, writings, words, or gestures.

While it is not easy to define precisely what harassment is, it includes but is not limited to: slurs, epithets, threats, derogatory comments or visual depictions, unwelcomed jokes, teasing, etc.

Any employee who believes (s)he has been harassed should report the situation immediately to one of the following member of management who has been designated to receive such complaints: LaDonna Snellbaker, Director of Human Resources (540) 751-2343, 221 S. Nursery Ave, Purcellville, VA 20132, or anonymously via a confidential online reporting process, www.ethicaladvocate.com. If an employee makes a report to any members of management and the manager either does not respond or does not respond in a manner the employee deems satisfactory or consistent with this policy, the employee is required to report the situation to one of the other members of management.

The Town of Purcellville will investigate all such reports as confidentially as possible. Adverse action will not be taken against an employee because he or she, in good faith, reports or participates in the investigation of a violation of this policy. Violations of this policy are not permitted and may result in disciplinary action, up to and including termination of employment.

G. Sexual Harassment

Any type of sexual harassment is against the Town of Purcellville's policy and may be unlawful.

We firmly prohibit sexual harassment of any employee by another employee, supervisor, or third party. Harassment of third parties by our employees is also prohibited. The purpose of this policy is not to regulate the morality of employees. It is to ensure that the workplace, no employee is subject to sexual harassment. While it is not easy to define precisely what sexual harassment is, it may include: unwelcome sexual advances, requests for sexual favors, and /or verbal or physical conduct of a sexual nature including,

but not limited to, sexually-related drawings, pictures, jokes, teasing, uninvited touching, or other sexually-related comments. The conduct prohibited by this policy includes conduct in any form including but not limited to email, voice mail, chat rooms, internet use or history, text messages, pictures, images, writings words or gestures.

Sexual harassment of an employee will not be tolerated. Violations of this policy may result in disciplinary action, up to and including termination of employment. There will be no adverse action taken against employees who, report violations of this policy in good faith or participate in the investigation of such violations.

Any employee who feels that (s)he is a victim of sexual harassment should immediately report such actions in accordance with the following procedure. All complaints will be promptly and thoroughly investigated as confidentially as possible.

- a. Any employee who believes that (s)he is a victim of sexual harassment or has been retaliated against for complaining of sexual harassment, should report the situation immediately to the following member of management who has been designated to receive such complaints: LaDonna Snellbaker, Director of Human Resources at (540) 751-2343, or anonymously online via our confidential reporting system www.ethicaladvocate.com. If an employee makes a report to management and the manager either does not respond or respond in a manner the employee deems satisfactory or consistent with this policy, the employee is required to report the situation to one of the other members of management designated in this policy to receive complaints.
- b. The Town of Purcellville will investigate every reported incident promptly. Any employee, supervisor, or agent of the Town of Purcellville who has been found to have violated this policy may be subject to appropriate disciplinary action, up to and including termination of employment.
- c. The Town of Purcellville will conduct all investigations in a discreet manner. The Town of Purcellville recognizes that every investigation requires a determination based on all the facts in the matter. We also recognize the serious impact a false accusation can have. We trust that all employees will continue to act responsibly.
- d. The reporting employee and any employee participating in any investigation under this policy have the Town of Purcellville's assurance that no reprisals will be taken as a result of a sexual harassment complaint. It is our policy to encourage discussion of the matter, to help protect others from being subjected to similar inappropriate behavior.

H. Equal and Fair Treatment

All Town employees and applicants for Town employment will be treated fairly and equitably in all aspects of employment without regard to race, religion, color, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, military service, or other factors not substantially related to the successful performance of the duties of the position. See <https://www.eeoc.gov> for more information.

2.2 Merit Principles

A. Merit-based Recruitment and Selection

All vacancies will be filled with the best-qualified candidate(s). Employment decisions are based on organizational needs, role requirements, and individual qualifications, skills, and experience, which assures equal opportunity for all applicants. Internal recruitment and promotional opportunities will be encouraged where possible and appropriate.

B. Equal Pay for Equal Work

The Town supports the principle of equal opportunities in employment and that equal pay will be provided for work of equal value. Town pay practices will be transparent and based on objective criteria. All pay practices are free from unlawful bias. Appropriate incentives and recognition should be provided for excellence in performance. The Town Manager may adjust employee compensation if, in their judgment, there is a violation of the equal pay for equal work policy.

C. Access to Resources, Education, Training and Development

Employees should be provided appropriate access to education and training opportunities to enhance organizational and individual performance and to encourage promotion from within the organization.

D. Employee Integrity

All employees will maintain high standards of integrity, conduct, and concern for the public interest.

E. Effective Use of Workforce

The Town workforce will be used effectively and efficiently to provide the best possible programs and services.

F. Employee Performance and Retention

Employees should be retained based on the adequacy of their performance. Inadequate performance should be corrected, and employees who cannot or will not improve their performance to meet the required standards, as reflected in the job description, should be separated from Town service.

G. Protection Against Reprisal

Employees will be protected against reprisal for the lawful disclosure of information that the employees reasonably believed evidences a violation of any law, rule or regulation or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

H. Protection from Arbitrary Action

Employees will be protected against intimidation, arbitrary action, and personal favoritism or coercion for any reason.

I. Equitable Policies

All employees should be provided with access to this manual on the Town's intranet and via Employee Self-Service where they will find clear and equitable policies and procedures necessary or required to perform their duties.

J. Employees Serving on Town Advisory Committees, Commissions, and Boards

Generally, employees may not serve on Town Council-appointed committees,

commissions or boards (CCB). However, on a case-by-case basis, employees may be eligible to serve on Town Council-appointed advisory committees, commission or boards. No employee shall be eligible to serve on the Board of Architectural Review, Planning Commission, Board of Zoning Appeals or other Town Council-appointed legislative body that may be created.

The following guidelines shall apply to employees serving on Town Council-appointed advisory committees, commissions or boards:

- The CCB work does not influence or affect the department in which the employee works.
- The employee shall not complete any CCB work during the employee's scheduled working hours.
- If the work of the employee's CCB has an unforeseen effect on the employee's employing department, the employee is expected to recuse themselves from those discussions, decision-making and voting.

Employees seeking an appointment to an advisory CCB shall notify their department director before seeking appointment. The department director shall make a recommendation to the Town Manager for consideration of the request. The Town Manager will determine the employee's eligibility in accordance with the guidelines set forth in this policy.

If a member of a CCB is selected for employment with the Town, the department director shall make a recommendation to the Town Manager for consideration of the request to hire the member. The Town Manager will determine the member's employment eligibility in accordance with the guidelines set forth in this policy.

When the Town Manager determines a conflict with this policy exists, and an individual is excluded from serving as an employee and on a Town Council-appointed CCB, the individual has the option to resign from, or decline, one of the positions.

SECTION 3: CLASSIFICATION SYSTEM

3.1 Policy

The Town classification and compensation plan is intended to be competitive with the local labor market. All policies and related actions shall comply with the Fair Labor Standards Act (FLSA) and all other applicable federal and state regulations.

Classification and Compensation Plan approved by Town Council

All regular positions in the Town government are approved by the Town Council in the Classification and Compensation Plan as submitted with the annual budget.

Classification Authority Delegated to Town Manager

The Town Manager has the authority and complete discretion to classify and reclassify positions provided the action does not exceed the overall budget appropriation or increase of full-time equivalent (FTE). Expansion of the budget or FTE would require Town Council approval of a budget amendment.

3.2 Application

The terms of this section shall not apply to council appointed positions or temporary positions.

3.3 Classification and Compensation Plan

The purpose of the Classification and Compensation Plan is to ensure that all positions within the Town are properly classified with regard to the work being performed. The Classification Plan shall be maintained by the Human Resources Director and includes title, grade, exempt/non-exempt status, the department to which each position is assigned, and other categories as appropriate.

3.4 Fair Labor Standards Act (FLSA) Definitions

A. Exempt Positions

Exempt positions include employees who meet one or more of the FLSA exemptions test who are paid on a fixed salary basis and are not entitled to overtime.

B. Non-Exempt Positions

Non-exempt positions include employees who are not exempt from the FLSA exemptions test and are paid on an hourly basis and covered by wage and hour laws regarding hours worked and overtime.

C. Public Safety Personnel

Per FLSA guidelines, Section 7(k), non-exempt law enforcement personnel are required to receive overtime after 86 hours of work during a 14-day work period. The Town has elected to grant non-exempt law enforcement overtime after 80 hours of work during a 14-day work period.

3.5 Position Descriptions

A. Position Specifications

Each department has position specifications that outline and define the duties required for each position which will be on file with the Human Resources Department and are available to all employees.

B. Position Approval

Department Directors and the Human Resources Director will approve and maintain job descriptions within their respective departments.

3.6 Classification/Reclassification Process

A. Annual Classification and Compensation Plan Review

The Classification and Compensation Plan shall be reviewed on an annual basis by the Town Manager and Human Resources Director. The Town Manager, in collaboration with the Human Resources and Finance Director, shall review the Classification and Compensation Plan prior to annual budget development. The purpose of the review shall be to assure the plan accurately reflects the work being performed and that the positions are properly classified with regard to:

- Knowledge, skills, and abilities (education and experience) required to do the job;
- Job complexity;
- Scope and impact of decisions;
- Level of supervision exercised or received;
- Purpose and nature of work contacts;
- Work environment; and
- Physical and sensory demands and hazards.

B. Reclassifications

From time to time, job responsibilities or duties of certain positions will change. When this occurs, a Department Director may request the Human Resources Director to conduct a reclassification study to determine if the position should be reclassified to a higher (or lower) grade. Once the analysis is complete, the recommendation is submitted to the Department Director. If the Department Director supports the Human Resources Director's recommendation, the Human Resources Director will send the action to the Finance Department for a fiscal impact analysis. Upon completion of the analysis, the file will be forwarded to the Town Manager for review and action.

The Town has created a career development progression program for specific position descriptions in order to be recognized for their accomplishments in reaching the next set of knowledge, skills, and abilities for reclassifications. Any employee who is recognized for their skills may be reclassified to the next grade within the series.

The Town requires that the employee remain within a classification period for one year prior to being eligible for reclassification or a transfer to another department unless otherwise approved by the Town Manager.

C. Periodic Classification & Compensation Survey

Classification and compensation surveys will be conducted periodically at the direction of the Town Manager to assess the Town's compensation levels compared to similar positions in benchmark organizations. The Town Council must approve any changes through the budget process.

SECTION 4: RECRUITMENT AND SELECTION

4.1 Policy

It is the policy of the Town to recruit qualified individuals to establish and maintain a diverse workforce capable of meeting the mission of the Town of Purcellville. Recruitment for Town positions will be conducted to ensure an open, competitive process and equal opportunity for all internal and external applicants. After fair and open competition, selection should be determined solely based on relative knowledge, skills, and ability. Internal transfers and promotional opportunities will be encouraged where possible and appropriate, including but not limited to vacancies created as the result of disciplinary action, a reduction in force, or an immediate need to fill for a critical service. The Town Manager has the ability to promote from within to fill an immediate need for service.

4.2 Equal Employment Opportunity (EEO) Policy

Town employees and applicants for employment are protected by federal laws, Presidential Executive Orders, and state and local laws designed to protect employees and job applicants from discrimination on the basis of race, religion, color, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, military service, or other factors not substantially related to successful performance of the duties of the position. These protections extend to all management practices and decisions, including recruitment and hiring practices, appraisal systems, promotions, and training and career development programs.

In its efforts to provide equal employment opportunities, the Town will continue to do the following:

1. The Town will monitor and refine its recruitment efforts in order to attract the best qualified applicants within the labor force.
2. The Town will review the selection process to ensure that job requirements, hiring standards, and methods of selection and placement meet federal, state and local requirements.
3. The Town will make every effort to ensure that all employees work in an environment which is free from harassment and discrimination, and will promptly investigate any such allegations.
4. The Town will work to ensure that no retaliatory action is taken against any employee for opposing employment practices which are prohibited by federal and state laws or by the Town's own policies and procedures.
5. Through the implementation of this EEO Policy Statement, the Town will undertake to comply fully with all expressed or implied obligations contained in federal and state law relating to equal employment opportunity.

4.3 Americans with Disability Acts (ADA) Policy

The Town of Purcellville is committed to providing equal opportunities to otherwise qualified individuals with disabilities, which may include providing reasonable accommodation where appropriate. In general, it is the employee's responsibility to notify their supervisor of the need for an accommodation. Upon doing so, your supervisor may ask you for your input or

the type of accommodation you believe may be necessary or the functional limitations caused by your disability. Also, when appropriate, we may need your permission to obtain additional information from your physician or other medical or rehabilitation professionals.

The Town of Purcellville will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

This policy is neither exhaustive nor exclusive. The Town of Purcellville is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

4.4 Recruitment

A. Position Vacancy

In order to attract an adequate number of candidates for present and future vacancies, and to successfully compete with other employers, the Human Resources Director will post position vacancies on the Town website and other locations/media sites identified by the Human Resources Director and hiring manager as being appropriate to the role and aligned with the Town's strategy to attract as diverse a qualified candidate pool as possible. The recruitment and selection of Town personnel and all personnel actions shall be made without regard to race, religion, color, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, military service, or other factors not substantially related to successful performance of the duties of the position, and shall be based on the applicant's ability to meet the specified qualifications. All vacancies will be advertised for a minimum of five (5) business days.

B. Recruitment

The hiring Department Director or designee shall submit a recruitment request, along with copy of the approved job description, to the Human Resources Director for approval by the Town Manager prior to initiating a recruitment.

C. Internal Recruitment

In those instances where current employees may possess knowledge, skills, and abilities required for a vacant position, the Department Director may request that recruitment be advertised to Town employees. Lateral transfers and promotions within a specific department should be considered by the Human Resources Director for internal recruitment. The Human Resources Director prepares a job vacancy announcement for each vacancy.

- a. **Promotion and Transfer.** The Town believes in recruiting and promoting employees from within, and has established a position posting program to give all employees an opportunity to apply for positions for which they qualify.
 - i. The Human Resources Director shall prepare a job vacancy announcement for each vacancy. Such announcements shall be posted by the Human Resources Department on the Town's internet, and by email notice or career site system generated notification to all Town employees.
 - ii. The vacancy announcement shall be of sufficient form and content to

adequately inform prospective applicants of the typical duties, required qualifications, examining process or listing of examination parts, and final closing date. Positions are posted for a minimum of five (5) business days. To be eligible to apply for a posted position, employees must meet the minimum hiring specifications for the position, be capable of performing the essential functions of the job with or without a reasonable accommodation, and be in good standing in terms of their overall work record.

- iii. Employees are responsible for monitoring job vacancy announcements and for submitting an online application during the posting period for a specific opening. Dates specified in any vacancy announcement may be extended, postponed, or canceled by the Human Resources Director, at the request of the Department Director, if such action is necessary to meet the needs of the Town.

- b. **Reinstatement.** Any employee who was laid off or who resigns in good standing may be reinstated to a vacant position in the same class or title, provided all department employment requirements and qualifications are met. If reinstatement occurs within six (6) months, sick leave, if any, is restored and reinstated at original hire date for service, unless the employee was compensated for unused sick leave when separated from the Town.

D. External Recruitment

In those instances where recruitment is not restricted within the organization, recruitment for the vacant position shall be conducted externally, and applications from the general public and employees shall be accepted. The Human Resources Department reviews the recruitment request to confirm the information is accurate. The “Closing Date” is at least (10) ten business days following the first day the advertisement is placed on the Town website, unless an “Open Until Filled” option is used.

The Human Resources Department will post all position announcements to the Employee Self Service (ESS) portal and the Town’s Employment section of the website.

- 1. The Human Resource Department advertises on relevant websites. Should additional advertising be requested by Department Directors, advertising costs may be paid from their individual department funds.
- 2. The Human Resources Department is to review all applications for all full-time and part-time positions having either a closing date or are marked open until filled. Employment applications are immediately available for review by Hiring Managers via the Employee Self Service (ESS) portal. Department’s hiring manager should complete interviewing within one month of receiving applications for a position.

E. Temporary Services

As soon as the need for temporary personnel is identified by a department, the Human Resources Department will be contacted. The Human Resources Department shall attempt to place a temporary employee in the position, or advertise the position before using the services of an agency to fill the temporary position requested.

F. Under Filling Positions

Under filling of positions shall be used only in those instances that meet the following conditions:

1. A vacancy exists that the Town has been unable to fill after a good faith recruitment effort and a candidate is available who will meet the minimum standards and be able to perform the basic functions of a position, if they are given additional training. The Human Resources Director makes the final decision as to whether under-filling a position is appropriate.
2. Immediate supervisors must inform an employee under filling a position of the following:
 - a. The expectation of the supervisor on how the employee can advance with the training / education they are given to fully meet the requirements of the posted position.
 - b. An employee who is not advanced must be informed of the reasons why and what they must do in the future to advance to the next level.
 - c. Immediate supervisors are responsible for tracking employee eligibility for promotion, demotion, or termination.

4.5 Application Screening and Distribution

A. Human Resources Application Review and Distribution

1. The Human Resources Department accepts only an electronic application via the Town of Purcellville online career site portal.
2. Applications must be submitted on or before the posted closing date to be considered.
3. All original applications are retained by the Human Resources Department in compliance with the record retention policies as set forth in the Code of Virginia.

B. Department Review

Following the closing date for a position, the department's hiring manager reviews the applications to determine the best qualified candidates. The hiring manager's review will occur on an ongoing basis for positions posted "open until filled".

C. Nepotism

Generally, Virginia law does not prohibit employment of a current employee's immediate family members provided that:

1. The current employee does not exercise any control over the employment, evaluation, or supervision of a member of their immediate family.
2. Employment of an immediate family member of the Town Council, Town Manager, Assistant Town Manager, and Town Attorney is prohibited. It is also recommended that immediate family members of Department Directors or Assistant Directors should not be employed.
3. If two employees become members of the same household, both may retain their positions, provided one is not under the direct or indirect supervision of the other.
4. It is the responsibility of the hiring manager to advise the Department Director if such a relationship is established.
5. If there is a direct supervisory relationship between the two employees, one of the employees should be reassigned within the department, if possible, or transferred to another Town department if a position for which the person is qualified exists. If no position is available, one of the employees must resign.

6. Any questions regarding the interpretation of this policy should be directed to the Town Attorney.

4.6 Interviews

A. Interview Panel

The hiring manager establishes an interview panel in consultation with the Human Resources Department, generally comprised of two to three (2-3) staff members. For internally posted positions, the interview panel will include one staff member from the Human Resources Department.

B. Interview Questions

1. Standard interview questions should be established and the same questions should be used to interview each candidate.
2. Interview questions are reviewed by the hiring manager and the Human Resources Department prior to interviews.

C. Interviews

Initial interviews may be completed via telephone, video chat, in person, or in a similar method.

D. Travel Expenses

Preauthorized Travel Expenses

The Town may reimburse preauthorized travel expenses such as mileage and lodging to out-of-area (defined as a distance of more than 150 miles from the Town) job applicants for costs related to interviews when such reimbursements are considered essential to successful recruitment of a position. Prior approval by the Town Manager or their designee is required.

Any Other Expenses

Any expenses (approved by the Town Manager) concerning reimbursements for bringing in new potential hires from out of the area for an interview shall follow the criteria of Section 9.12 of this handbook, and all expenses shall be covered by the hiring Department's budget.

E. Pre-Employment, Promotion, and Transfer Contingencies / Screening Requirements

The Human Resources Department is responsible for informing the finalist of the following contingencies related to specific positions:

Reference Checks

At least two work-related reference checks are to be conducted by the hiring manager or Human Resources Department prior to an offer of employment for all positions.

Approval by Town Manager

All offers of compensation up to ten percent (10%) above the entry level of the hiring range must be approved through consultation with the Human Resources Director. Those above ten percent (10%) over the entry level of the hiring range must be approved by the Town Manager who may exercise their discretion with respect to the offer and final amount of compensation.

Background Checks

Offers will be conditional on successful completion of applicable background screening. Typical background screenings include criminal background checks and motor vehicle report. Refusal to undertake the required pre-employment screening will result in terminating the applicant's candidacy.

Verification of Credential

Official verification of education, training, licenses and certifications must be provided to the Human Resources Department, where these credentials are a condition of employment for a position.

Credit check (where required)

The Town Manager, Assistant Town Manager, Town Attorney, all Department Directors, Assistant Directors, Finance Department employees and other employees who handle money are required to have a credit check prior to hiring.

Physical examinations (where required)

Physical examinations may be required as a condition of employment for CDL drivers and safety-sensitive positions, which will be listed as a position requirement in the position description.

Human Resources will inform the applicant that they are required to make an appointment for a physical examination and have completed that physical examination at least one week prior to the start date (if possible) with a physician from the list provided by the Town of Purcellville.

Drug Screening (where required)

Pre-employment drug screening is required for employees holding a Commercial Driver's License (CDL) as a condition of their employment for Safety Sensitive positions. It is Human Resource's responsibility to inform the applicant that they are required to make an appointment for a drug screening with a physician from the list provided by the Town.

Financial Disclosure Statement (where required)

The Town Manager, Deputy/Assistant Town Manager and Town Attorney shall file, as a condition upon assuming office or employment, a disclosure statement of personal interest and such other information as specified on the forms set forth in the Code of Virginia. Other employees may be required to file if directed by Ordinance approved by the Town Council. For more information refer to Section 10.2 Financial Disclosure Statement.

Motor Vehicle Licenses (where applicable)

The Human Resources Department shall request the applicant to present a valid driver's license, where said license is considered a required qualification to be able to perform an essential function of the position. This includes new employees requiring a Commercial Driver's License (CDL) license for their employment.

Town Residency

The Town Manager will be required to live within the corporate limits of Purcellville or within fifteen miles of the corporate limits of the Town of Purcellville within ninety (90)

days after appointment to the office and during the term of employment.

F. Special Screening Requirements-Law Enforcement Personnel

Police Department personnel may be required to undergo additional screening procedures. This may include, but is not limited to the following:

- Written Examination
- Listening and Comprehension Examination
- Physical Agility Examination
- Polygraph Examination
- Psychological Examination
- Criminal History Check
- Credit Checks
- Physical

4.7 **Selection of Regular Full-Time Staff and Part-Time Staff**
Selection

Selection procedures and criteria shall be determined by the hiring manager and Human Resources Director based solely on job related requirements. Selection procedures will be relevant to the position, job-related and necessary to appropriately assess the relative appropriateness of candidates to fill the position. Once a successful candidate has been selected through the recruitment screening process the Human Resources Department will initiate the following:

Offer Letter

Upon receiving all necessary approvals, a hiring letter to the successful candidate should be drafted detailing all pertinent information including: salary, grade, start date, work schedule, exempt or non-exempt status, as well as any prerequisite, pre-offer requirements that must be completed. The letter should be approved by the Human Resources Director or designee.

Post Offer

Applicant Accepts - Once the applicant accepts the position, the Human Resources Department shall promptly notify the Information Technology Department so that appropriate computer, phone, etc., access can be established.

Position Filled - Once a position is filled, Departments shall promptly return all applications and recruitment paperwork to the Human Resources Department. Applications should be returned no later than two weeks after the start date of the new employee. All original applications are retained by the Human Resources Department in compliance with the record retention policies as set forth in the Code of Virginia.

Notification to all unsuccessful candidates will be sent out by the Human Resources Department.

Compliance Reporting - Human Resources is responsible for reporting new hires, including re-hired employees, to the Virginia New Hire Reporting Centers. For procedures see the document entitled "Virginia New Hire Reporting."

Training - Within the employee's first week of employment, the employee is required to complete training via Awareity and NeoGov training platforms.

4.8 Employee Referral

A. Overview

The Town of Purcellville has established an Employee Referral Program as part of our comprehensive recruitment strategy to attract and develop a pool of diverse and highly qualified candidates for all regular full-time and regular part-time positions. The intention of the Employee Referral Program is to provide an incentive bonus to current regular full-time and regular part-time employees who help bring new talent to the Town by referring applicants who are selected and successfully employed based on the following requirements:

1. All referred applicants will be evaluated for employment consistent with the Town's recruitment policies and procedures. All information regarding the hiring process will remain strictly confidential, and an employee referral will not be considered in hiring decisions.
2. Eligible regular full-time and regular part-time positions are those external open positions posted on the Town's website. Internal recruitments and promotions are not eligible for the referral.
3. The referring employee must complete a referral form and submit it to the Human Resources Department in order to be considered for the program.
4. Referral forms must be submitted before the prospective employee receives an employment offer.
5. The name of the employee making the referral (referring employee) must be documented on the employment application submitted by the applicant.
6. Employees will not receive a referral bonus for referring themselves or applying for another position within the Town.
7. There is no limit to the number of referrals an employee can make or the number of referral bonuses received.
8. Only one referral award can be given per applicant. If an applicant is referred by more than one employee, the first referral form received will be the one rewarded if the applicant is hired and the referring employee is named on their employment application.
9. To be eligible for the referral bonus, the referring employee and referred employee must be in good standing at the conclusion of the referred employee's first ninety (90) days.
10. The Town Manager has the final authority to interpret the Employee Referral Program.

B. Eligibility

All regular full-time and regular part-time employees are eligible to receive a referral incentive except for:

Town Manager, Assistant Town Manager, Assistant Town Manager, Town Attorney, Deputy Town Attorney, Department Directors, Deputy Department Directors, Assistant Department Directors, and Human Resources staff.

Hiring managers, members of an interview or selection panel, or individuals who would

have a supervisory relationship with the applicant.

1. Applicants must be referred by a current regular full-time or regular part-time Town employee.
2. Applications must complete an employment application through the Town's applicant tracking system and provide the name of the referring employee on the employment application.
3. All eligible applicants must meet the following criteria in order for the current employee to be eligible for the referral award:
4. The applicant cannot be a current or former employee (for example, rehire, retiree, temporary, contract employee, intern, etc.).
5. A current employee cannot receive the incentive for referring an immediate family member as defined in the Town of Purcellville Employee Handbook Section 6.12.A
6. The applicant must be filling a position advertised externally. Internal recruitments and promotions are not eligible.
7. The applicant cannot already be active in the interview process before a referral form is submitted.

4.9 Bonus

A. Employee Referral Bonus - General

1. After a referred employee successfully completes the first ninety (90) days of employment, the referring employee will receive the first installment of the referral bonus, as determined by Town Manager.
2. Human Resources and Payroll will keep track of the referral bonus.
3. To receive the final installment of the referral bonus, the referred employee and the employee responsible for the referral must remain employed and be in good standing at the conclusion of the referred employee's one (1) year probationary period.
4. A referring employee on leave at the time of bonus eligibility will have the bonus deferred until the employee returns from the leave of absence.
5. If either employee is separated from employment at any time during the referred employee's probationary period, the referral bonus will not be granted.
6. Any disputes or interpretations of the referral program will be handled through the Human Resources Department and interpreted by the Town Manager.

B. Employee Referral Bonus – Police Department Academy Completion

1. After a referred Police Officer employee of the Police Department who is required to complete the Police Academy, the referring employee will receive the referral bonus, as determined by the Town Manager, once the new Officer has successfully completed the Police Academy.
2. Human Resources and Payroll will process upon notification from the Police Officer's supervisor the Officer has successfully completed the Police Academy.
3. To receive the referral bonus, the referred employee and the employee responsible for the referral must remain employed and be in good standing at the conclusion of the referred employee's one (1) year probationary period.
4. A referring employee on leave at the time of bonus eligibility will have the bonus deferred until the employee returns from the leave of absence.

5. If either employee is separated from employment at any time during the referred employee's probationary period, the referral bonus will not be granted.
6. Any disputes or interpretations of the referral program will be handled through the Human Resources Department and interpreted by the Town Manager.

SECTION 5: EMPLOYEE COMPENSATION

5.1 Application

The terms of this Article shall not apply to the following positions unless allowed by agreement:

- Town Manager
- Town Attorney

The merit increase provisions of this Section shall not apply to temporary part-time or full-time employees.

5.2 Direct Deposit

Employees are required to receive wages in the form of Direct Deposit. Employees may verify receipt of wages via electronic pay stubs.

5.3 Time Entry

The Employee Self Service (ESS) portal is utilized for bi-weekly time entry and leave accrual requests. All time entry must be approved and submitted to the Payroll Specialist no later than noon on the first business day following the end of the pay period.

IMPORTANT: Effective July 1, 2024, the Town of Purcellville will continue to offer as an employee benefit a one hour paid lunch equivalent to five hours per week at 1.0x the employee's hourly rate. The one hour paid lunch will automatically be processed for all employees except for the Police Department

The employee will receive 1.0x the employee's hourly rate for the first thirty-five (35) hours worked. In addition to the hours worked the employee will receive 1.0x the employees' hourly rate for the five (5) hour employee paid lunch benefit for that week.

The employee paid lunch benefit will not count towards hours worked for overtime pay calculations. An employee must work forty (40) hours, which will be paid at 1.0x the employee's hourly rate. Once an employee has recorded over forty (40) hours of time worked, any time worked over forty (40) will be paid at 1.5x the employees' hourly rate.

Employee 1	Work Schedule	Additional Hours Worked	Paid Lunch Benefit	Overtime Hours Worked
Timesheet entry	35	0	5	0
Employees' Hourly Rate	1.0x	1.0x	1.0x	1.5x
Total Hours	40 hours			0 hours

In the above example the employee will receive forty (40) hours paid at 1x the employee's hourly rate and no overtime will be paid.

Employee 2	Work Schedule	Additional Hours Worked	Paid Lunch Benefit	Overtime Hours Worked
Timesheet entry	35	5	5	4
Employees' Hourly Rate	1.0x	1.0x	1.0x	1.5x
Total Hours	45 hours			4 hours

In the above example the employee will receive forty-five (44) hours paid at 1x the employee's hourly rate and four (4) hours of overtime paid at 1.5x the employee's hourly rate.

5.4 Salary Schedule

The salary schedule is the formal method used to identify and uniformly establish the range of compensation for all positions within the classified service. The salary schedule is based on the grade number assigned to each position and the salary range assigned to that pay grade as adopted annually by the Town Council.

A. Administration of Salary Schedule

Rate of Pay

The rates of pay established in the Compensation Plan reflect the gross annual compensation for full-time employees in the various classifications. The regular hours of work for full-time service are established as thirty-five (35) hours per week. In accordance with FLSA, meal periods are not work time and are not compensable. Employees are not permitted to skip the daily meal period to shorten their work day. Please see Time Entry section for time entry examples.

Hourly Rate

Employees' hourly rates shall be determined from the salary schedule based upon the number of regular work hours per pay period assigned to the position using a 52-week year. The hourly rate of pay for employees appointed on a part-time basis shall reflect, when practicable, the hourly rate determined for the applicable pay grade for the position based on the hours worked.

Salary Schedule Budget Approval

The Town Manager shall include in the proposed fiscal year budget any recommended changes to the salary schedule for consideration and approval by the Town Council.

Deductions

Authorized deductions from an employee's gross pay include: federal and state income taxes, contributions for Social Security, Medicare, Virginia Retirement System (VRS), health insurance premiums, supplemental insurance, court-ordered garnishments, including those court-ordered garnishments of wages for taxes or fees owed by the employee to the Town, and other deductions that may be allowed by local, state, and federal law.

Pay Period

Employee compensation shall be payable in bi-weekly installments. The pay period will be for a two-week period commencing on Thursday and ending on Wednesday, eight days

prior to the pay date the following Thursday.

Cost of Living Adjustment (COLA)

The Compensation Plan shall be adjusted for cost of living allowance (COLA) and other increases as approved by the Town Council. The COLA amount is effective on the first full pay period of the fiscal year, when approved by Town Council. If adjustment causes an employee to fall below the minimum pay rate for grade, the employee must be raised to the minimum pay rate.

Payroll System changes

All pay and deduction changes will be entered into the payroll system by the Human Resources Department.

5.5 Pay Determination

A. Entry Level

The entry-level pay rate for new employees normally shall be at the minimum rates within the pay ranges provided for the position. However, compensation of employees with qualifications and experience beyond the minimum required may be fixed at higher amounts within the respective ranges as recommended by the Human Resources Director and approved by the Town Manager. No employee shall receive an entry-level pay rate below the minimum pay rate prescribed for the class to which they are appointed.

B. Merit Increase

Regular full-time and regular part-time employees are eligible for a merit increase, which may be in the form of a percentage increase to their base. Said increases will generally be available on their evaluation date, dependent upon funding by the Town Council in the annual budget or upon approval of the Town Council. The criteria for eligibility and the administration of the process shall be determined by the Town Manager.

C. Other Pay Rate Adjustments

The following personnel actions shall also affect the pay status of an employee:

Promotion

When an employee is promoted from one position to another having a higher pay grade, they shall receive an increase of not less than five percent (5%) but not more than ten percent (10%), or at least the minimum of the new grade. The evaluation date for an employee changes to the date the promotion becomes effective. If it has been 30 or more days since the employee's most recent performance evaluation, prior to the effective date of the promotion, the promoted employee shall receive a performance evaluation reviewing performance since the last evaluation. If budgeted, a merit increase pro-rated for the time in the position will be given to the employee. The Town Manager, in the exercise of their discretion, may decrease or increase the amount of the adjustment if it is equitable to do so.

Demotion

When an employee is demoted for cause or takes a voluntary demotion from one class to another having a lower pay range, they shall be placed within the pay range for the new position, which generally provides a five (5%) percent reduction in pay. The Town Manager may exercise discretion in whether to make such an adjustment. When an

employee is demoted for administrative purposes through no fault of the employee, their pay shall continue at their current rate of pay. Regardless of the reason for the demotion, the employee's pay may not be above the maximum of the pay range, unless approved by the Town Manager. The evaluation date for the employee changes to the date the demotion becomes effective.

Position Reclassification

When an employee's position is reclassified to a higher grade within the classification plan, they shall be placed within the grade, which equals to or exceeds their previous pay rate. The employee may receive a percentage increase in certain situations when approved by the Town Manager.

- a. **Reclassification:** When an employee's position is reclassified to comply with the Fair Labor Standards Act (FLSA) and moves from non-exempt to exempt if the employee worked overtime the average for overtime earned for the prior three (3) years will be added to their base salary to minimize the financial impact to the employee due to the reclassification. The evaluation date for the employee does not change for reclassification.
- b. **Out of Cycle Increase:** A salary increase to an employee authorized by the Town Manager for reasons outside the scope of the other provisions outlined in this policy. Whenever possible, these increases should be aligned with the annual budget.
- c. **Layoff:** When an employee, following layoff, is re-employed in the same class from which they were laid off, they may be placed in the same pay range they occupied at the time of layoff. When an employee is re-employed in a class having a lower pay range, their rate of pay shall be the same as the pay they received at the time of the layoff, provided that the pay rate is within the range of this lower class; otherwise, their rate of pay should be reduced to the maximum of the pay range in the lower class. Any employee re-employed under the provisions of these rules shall receive credit for previous service for the purposes of pay and benefits subject to prevailing state or federal law.
- d. **Reinstatement:** An employee who resigns in good standing and is reinstated within one year from the date of resignation, may be placed in the same pay within the class from which they resigned, or such other pay in a lower class which equals or exceeds their previous rate of pay. Annual leave accrual rates shall be based on prior years of service.
- e. **Retiree Pay:** When an individual who has retired from the Town comes back to work for the Town on a temporary basis, the work performed is paid at the rate appropriate to the work being performed. Compensation rates will be determined on a case-by-case basis by the Town Manager.
- f. **Serving in an Acting or Interim Capacity:** In the absence of the Department Director of fifteen (15) calendar days or more, an acting or interim director may be appointed by the Town Manager to serve until the director position is filled. An acting or interim director shall be compensated at no less than an additional five percent (5%) of their current salary. Interim Directors may be appointed by the Town Manager, internally or externally, and may not be promoted to Department Director without participating in the recruitment process. If an employee returns to their previous role after serving as Interim

Director, the additional pay increase shall cease.

- g. When an employee below the director level is appointed to work in the capacity of a higher-level supervisory position, in a higher pay grade with supervisor and overall greater responsibilities, for at least a full pay period, such employee shall be paid additional acting or interim pay for assuming the higher-level duties and responsibilities. Acting or interim pay for these purposes will generally be five percent (5%) above the employee's base salary. The Department Director should make requests for acting or interim pay to the Human Resources Director and the Town Manager.

Certification / Licensing

The Town encourages employees to pursue education and professional development opportunities that maintain or improve skills related to the performance of their jobs. In recognition of the completion of such education and professional development, the Town will provide compensation to eligible regular full-time employees upon the receipt of the pre-approved position-related professional licensing or certification. The Town Manager, Department Director, and Human Resources Director will maintain a list of all town-approved licensing or certifications, including compensation payment.

- a. Procedure Including Process for Requesting Pay Increases:
 - i. It shall be the responsibility of the employee's direct supervisor to submit a Certification or Licensing Request Form with all supporting documentation to the Department Director prior to pursuing certification. The Department Director shall determine the approval or disapproval for each request.
 - ii. The Department Director's approval and any applicable documentation shall be made part of the employee's official personnel record and maintained by the Human Resources department.
 - iii. Upon completion of the certification or license all requests for pay increases for certifications and/or licensing will be submitted by an employee with an attached copy of the license or certification, through the Department Director to the Human Resources Department.
 - iv. The Human Resources Department will verify the licensing / certification information and forward it to the Finance Department for a fiscal impact analysis. Upon completion of the analysis, the file will be forwarded to the Town Manager for approval.
 - v. Once approved, the increase in pay becomes effective upon the date on which the license or certification is awarded.
 - vi. Additional compensation for licenses or certification may not raise the employee's pay above the maximum of their pay range. However, a one-time bonus may be made with the approval of the department Director and the Town Manager if the employee is at the top of their grade.
- b. Additional Compensation Conditions:
 - i. Employees will receive compensation as outlined on the approved Town Certification and Licensing List Appendix F: Certifications/Licenses.
 - ii. An employee whose position requires or allows multiple licenses or certifications may receive no more than two tier one (***% of base salary***) and ***no more than a total of \$2,000 for tier two (2) per fiscal year.***

- iii. If employees are unable or unwilling to renew a tier one license or certification, they will forfeit additional compensation in the same percentage as they received for the license or certification, based upon the salary at the time of the increase. The employee shall be responsible for any expenses incurred to reinstate the license or certification including re-examination fees. The employee will be required to request annual leave when reinstating the license or certification or schedule during a work day.
- iv. Costs for job-required licenses and certifications, including renewals, shall be borne by the Town if sufficient funds are appropriated within the employee's respective department. Department Directors will have discretion in determining what costs should be covered or shared by employees in obtaining licenses or certifications that are preferred but not required.
- v. Employees may sit for the initial license or certification exam during regular work hours.
- vi. Employees who benefit from a license or certification program will be required to reimburse the Town for training expenses in the same manner as outlined in the tuition reimbursement program if they leave Town employment (see Section 9.11, subsection I.).
- vii. Senior management staff are expected to maintain their required licenses or certifications with no additional compensation.
- viii. Retroactive requests for received certifications or licensing will not be approved or granted.
- ix. Employees who are covered by the Purcellville Police Department (PPD) career development program or any other Town-approved career progression/ladder programs are not eligible. Employees currently on a Performance Improvement Plan (PIP) are not eligible for additional compensation for achievement of any license or certification.
- x. Employees are eligible for a five percent (5%) base pay increase upon receipt of a bachelor's degree or graduate degree in a job-related field of study. Employees must earn a minimum cumulative grade point average of 2.0 for undergraduate degrees and a minimum cumulative grade point average of 3.0 for graduate degrees to receive the increase.

5.6 Fair Labor Standards Act (FLSA)

A. Overtime and Compensatory Time

As a matter of policy, the Town strives to provide adequate staff to handle normal operations. However, employees may be required to work overtime, at the discretion of the supervisor, to resolve operating emergencies, handle peak workloads to meet temporary conditions where the Town is unable to secure qualified personnel to fill authorized positions, or on other occasions as deemed necessary in the judgment of the responsible supervisor. Overtime starts from the point of arrival at the worksite where the town vehicle is picked up – not at the assigned location, unless the employee drives directly to the assigned work location. An example includes a police officer driving to where the police cruiser is parked and then driving to a special event in that Town vehicle.

The Town has determined that various executive, administrative, computer, and professional employees are exempt from the FLSA's overtime requirements. The Human Resources Department maintains a list of these positions. (See the current Classification

and Compensation Plan in the Town Budget.)

Non-Exempt Employees

All non-exempt employees shall receive overtime pay or compensatory time off for the time worked in excess of forty (40) hours per week during any payroll period. This is calculated in increments of fifteen (15) minutes. Under FLSA, the Town is permitted to round the number of minutes worked to the closest fifteen (15) minutes. For example, if an employee works *under* 8 minutes, the Town will round the number down to the nearest fifteen (15) minutes; if the employee works at least eight (8) full minutes, the Town will round up. So, an employee who works sixty-seven (67) minutes will receive overtime for sixty (60) minutes (one (1) hour). An employee who works sixty-eight (68) minutes will receive overtime for seventy-five (75) minutes (one (1) hour, fifteen (15) minutes). Likewise, an employee who works seven (7) minutes will not receive overtime, but an employee who works eight (8) minutes, will receive fifteen (15) minutes overtime.

a. Overtime and Compensatory Time

Overtime pay and compensatory time shall be at the rate of one and one-half times regular pay.

b. Thirty-five hour workweek

Non-exempt employees on a thirty-five (35) hour workweek schedule shall earn pay at a rate of one hour for each hour worked past thirty-five (35) hours and up to forty (40) hours. Time worked between thirty-five (35) and forty (40) hours must be paid at the regular hourly rate and may not be accrued as compensatory time. Time worked over forty (40) hours must be paid at one and one half (1.5) hours, for purposes of determining overtime, Town-observed holidays and closures shall be computed as time worked.

Exempt

Regular compensation for exempt positions includes overtime for duties performed in excess of the regular workweek, which may include attendance at meetings of the Town's committees, commissions, and boards, emergencies, and other job-related activities.

a. Overtime

Exempt positions are not eligible for overtime, as provided in this article.

b. Compensatory Time

The Town reserves the right to offer exempt employees compensatory time off in lieu of payment for overtime hours worked, consistent with the provisions of the FLSA and Virginia State Code. Use of compensatory time must have the approval of the Department Director or Town Manager. Exempt employees will be permitted to accumulate compensatory time off up to a maximum of forty (40) hours. Once the forty-hour cap is reached, any additional time worked will be unpaid.

Such personnel are permitted, when authorized by their Supervisor, to use compensatory hours earned during regular work hours, when needed, without deducting said time from annual leave. An employee who has accrued compensatory time and requests use of the time must be permitted to use the time off within a reasonable period after making the request. Supervisors may

deny the request if the use of compensatory time will unduly disrupt the department's operations. Supervisors can require employees to take compensatory time off to manage the accrual limitation.

Non-Exempt Law Enforcement

Per FLSA guidelines, Section 7(k), nonexempt law enforcement personnel will receive overtime after eighty-six (86) hours of work during a fourteen (14) day work period. The Town has elected to grant non-exempt law enforcement overtime after 80 hours of work during a fourteen (14) day work period.

a. For non-exempt employees

The total number of hours for any work day where leave (compensatory time, sick leave or annual leave) is used may not exceed the regularly scheduled hours for that work day. In other words, an employee may not be paid overtime or earn compensatory time simply because they worked past the scheduled work time when that employee has used leave during that day. In those instances, the employee should offset the number of leave hours taken by the number of overtime hours worked during the same day.

Examples:

- i. If the employee used three (3) hours of leave during the day and worked three (3) hours of overtime, no leave or overtime would be recorded.
- ii. If the employee used three (3) hours of leave during the day and two (2) hours of overtime, one (1) hour of leave and no overtime should be recorded.
- iii. If the employee used three (3) hours of leave during the day and worked four (4) hours of overtime, no leave and one (1) hour of overtime should be recorded.

B. Travel Time

The principles that apply in determining whether time spent in travel is compensable time depends upon the kind of travel involved.

Paid Travel Time

a. Travel that is All in the Day's Work

Time spent by an employee in travel as part of their principal activity, such as travel from job site to job site or facility to facility during the workday, is work time and must be counted as hours worked.

b. Travel Away from Home Community

Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is clearly work time when it cuts across the employee's workday. The employee is simply substituting travel for other duties. The time is not only hours worked on regular working days during normal working hours, but also during corresponding hours on nonworking days. Thus, if an employee regularly works from 9 a.m. to 5 p.m. from Monday through Friday, the travel time during these hours is worked time on Saturday and Sunday as well as on the other days.

Un-Paid Travel Time

a. Lectures, Meetings, and Training Programs

Attendance at lectures, meetings, training programs, and similar activities is not considered work time if all four of the following criteria are met: (1) it is outside normal hours, (2) it is voluntary, (3) it is not job-related, and (4) no other work is performed at the same time.

b. Home to Work Travel

An employee who travels from home before the regular work day and returns to their home at the end of the workday is engaged in ordinary home-to-work travel, which is not work time.

c. Travel Away from Home Community

The Town will not consider work time as time spent traveling away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile.

5.7 Holiday Pay

A. On duty during a holiday

Employees required to be on duty during a holiday because of the nature of their position, essential personnel for emergencies, or any other reason shall receive holiday pay equal to one and one-half times the regular hourly rate for each hour worked, which shall be in addition to their regular holiday pay. Employees required to report for duty at hours outside their regularly scheduled workday within the 24-hour period of a paid holiday shall be paid at the rate of one and one-half (1.5) times regular pay or given compensatory time.

Examples:

Holiday pay shall be at the regular rate

Employees working on a holiday shall receive holiday pay and pay for the hours worked at one and one-half times the regular hourly rate.

Example: An employee working a 7-hour shift on a holiday would be paid:

Holiday Pay	7 hours at 1x the regular hourly rate
Paid Lunch Benefit	1 hour one at 1x the regular hourly rate
Hours Worked	7 hours at 1.5x the regular hourly rate equivalent of 10.5 hours of overtime or compensatory time
Total Hours	18.5 hours

Called into work on a Holiday

Employees who are called into work on a holiday during their regular shift for essential personnel emergencies will receive full holiday pay and regular pay for the hours worked.

Example: An employee worked a regular 7-hour shift is off on a holiday but called in to work for 4 hours would be paid:

Holiday Pay	7 hours at 1x the regular hourly rate
Paid Lunch Benefit	1 hour one at 1x the regular hourly rate
Hours Worked	4 hours at 1.5x the regular hourly rate equivalent of 6 hours of overtime or compensatory time
Total Hours	14 hours

Required to report for work at hours outside their regular schedule

Employees who are required to report for work at hours outside their regularly scheduled work day within the twenty-four (24) hour period of a holiday shall be paid at a rate of one and one half (1.5) times regular pay or given compensatory time at the rate established for exempt or non-exempt employee.

B. Coordinating Holiday Pay with Other Paid Leave

Employees may not use paid leave (annual, sick, parental, compensatory) on any full-day Town holiday. Employees may use up to a half-day of paid leave on a half-day Town holiday in order to receive their normally scheduled hours.

C. Holidays for Regular Part-time Employees

All regular part-time employees will receive holiday pay equal to the number of hours they work on their normal scheduled work day. If a holiday falls on a day that is not normally scheduled, the part-time employee is not eligible for holiday pay. Regular part-time employees will also receive one (1) and one-half (1.5) times the regular hourly rate of pay for each hour worked on a holiday.

5.8 Emergency Pay

A. Essential Non-Exempt Employees

Essential, non-exempt employees who are called away from their regular work to provide specific kinds of essential emergency services for the public as directed by the Town Manager during a declared town-wide emergency may be entitled to compensation of emergency pay in addition to regular pay. In the event that the non-exempt employee's assigned schedule during the essential personnel emergency differs from the regular work schedule, the emergency assigned schedule shall be used in the calculation of pay. See Section 6.18, Inclement Weather/Telework and Closure Leave, and Section 17, Glossary for definitions of "essential personnel" "assigned schedule" and "Town-wide Emergency".

B. Non-Essential Non-Exempt Employees

Non-essential, non-exempt employees who are called away from their regular work to provide specific kinds of essential emergency services for the public as directed by the Town Manager during a town-wide emergency will be compensated similarly to essential, non-exempt employees.

C. Declared Town-Wide Emergency Essential or Non-Essential Employees

If, as a result of a declared town-wide emergency, an employee (essential or non-essential) is required to work two (2) or more consecutive shifts or significantly beyond their assigned scheduled hours so that reporting to work on the next scheduled workday is not advisable, the supervisor or director shall consider altering the employee's work schedule for that week rather than requiring the employee to take annual or

compensatory leave. See Section 6.16, Administrative Leave.

D. Essential Non-Exempt Employees who earn Emergency and Regular Pay

Essential, non-exempt employees who earn both emergency pay and regular pay will earn double time (2x) for the duration of their work assignment that is “essential” to emergency operations as determined by the Town Manager. No employee may earn more than double time for work completed during a declared town-wide emergency.

5.9 Town Hall Closure

A. Essential Non-Exempt Field Employees assigned to work.

Essential non-exempt field employees who are assigned to work Town Hall Closure providing essential services or in direct support of the event causing the closure are entitled to compensation of Closure Pay in addition to regular pay. In the event the non-exempt essential employee’s assigned schedule during the Closure differs from the regular work schedule, the closure assigned schedule shall be used in the calculation of pay. See Section 6.18, Inclement Weather/Liberal Leave and Closure Pay, and Section 17, Glossary for definitions of “closure”, “Essential non-exempt field employees”, and “assigned scheduled”.

B. Non-Essential, Non-Exempt Employees assigned to work

Non-essential, non-exempt employees who are assigned to work during a closure providing essential services or in direct support of the event causing the closure will be compensated similarly to essential, non-exempt field employees if they are performing work that is considered “essential” to emergency operations.

C. Employees not eligible for closure pay

If Town Hall office is closed, employees will not be eligible for closure pay unless they meet the requirements outlined in A and B above. Employees are expected to telework during a closure and will receive their regular rate of pay for the hours worked. The employee does have the option to use Liberal Leave if unable to Telework during the closure.

D. Employee required to work two (2) or more consecutive shifts

If, as a result of the closure, an employee is required to work two (2) or more consecutive shifts or significantly beyond their assigned scheduled hours so that reporting to work on the next scheduled workday is not advisable, the supervisor or director shall consider altering the employee’s work schedule for that week rather than requiring the employee to take annual or compensatory leave. See Section 6.16, Administrative Leave.

E. Essential Non-Exempt earning both closure and regular pay

Essential non-exempt employees who earn both closure pay and regular pay will earn double time (2x) required for the duration of their work assignment, which is “essential” to emergency operations as determined by the town manager. No employee may earn more than double time (2x) for work completed during a closure. An employee may earn closure pay or emergency pay but may only record one type if regular worked time is also recorded. Essential, Non-Exempt employees may earn no more than forty (40) hours of closure pay per pay period.

1. Employees receiving Closure Pay for hours worked will not receive shift differential for those same hours worked.

5.10 Other Items Affecting Compensation

See Section 7 Employee Benefits for additional items not listed below.

A. Cell Phones

Town cell phones are provided to employees based on position classification. No personal cell phone reimbursements will be approved.

B. Uniform Allowance

Work clothes, uniform allowance, and reimbursements are based on position classification. The following criteria must be met to be non-taxable:

1. Be specifically required as a condition of employment;
2. Not be adaptable to general usage as ordinary clothing; and
3. Not be work for general usage.

Generally, clothing with a readily distinguishable logo or employer's name is not considered suitable for general wear. (Note: if the clothing qualifies as tax-free, the cleaning is also tax-free when paid by the entity.)

Any employee receiving a uniform allowance and reimbursement to purchase clothing that may be worn for general usage will be included in taxable wages and subject to federal income tax withholding and FICA withholding.

C. Safety Shoes (currently nontaxable)

The safety shoe reimbursement to employees is considered a taxable benefit as the reimbursement does not meet the following criteria to be non-taxable:

1. Be specifically required as a condition of employment;
2. Not be adaptable to general usage as ordinary clothing; and
3. Not be worn for general usage.

The current limit per year per person is \$150.00. The employee will need to submit an expense report with supporting documentation to be reimbursed for the purchase.

D. Town Vehicles

For employees who receive a vehicle allowance as a contingency for hiring, this allowance is a taxable benefit. It will be included in taxable wages and subject to federal income tax withholding and FICA withholding.

IRS Treatment of Take-home Vehicles: IRS regulations state that any use of a take-home vehicle, including the daily commute, is considered a taxable fringe benefit.

Each day of vehicle use to and from work shall constitute a benefit, determined by the IRS, for taxation purposes, including temporary take-home vehicle use. The Town's police and some utility vehicles (as defined by the IRS) are exempt from these regulations.

The Director of Finance shall be responsible for providing a process whereby the taxable benefit can be applied only on days where the car is used for commuting purposes.

E. Withholding Wages

In the event that an employee engages in some activity that is prohibited by this Manual, prohibited by state and/or federal law, or other such action the result of which is the loss

of money by the Town, the Town reserves the right to withhold wages from such employee's paycheck, to the extent that the Fair Labor Standards Act ("FLSA") permits. The Town reserves the right to withhold wages, as permitted by FLSA, until the employee's debt to the Town is repaid in full.

Once the employee's debt to the Town is repaid in full, the "Wage Withholding Certification" form must be completed and included in the employee's file, and a copy must be sent to the employee.

F. On Call Pay

On-call time is not considered when calculating total hours worked. Employees are assigned to be on call during non-operating hours, and no on-call hours are permitted during the employee's regular operating hours.

On-call time should be scheduled in weekly increments of seven (7) hours per week, regardless of the number of regularly scheduled days that week. One (1) on-call hour per day will be earned whether or not the employee is called into work.

Hours actually worked while on call will be calculated at the employee's overtime rate of one- and one-half hour (1.5) hours of pay regardless of hours worked.

For the administration, policy, and procedures of on-call pay, see Section 6.3.B.

G. Shift Differential

Due to Town service responsibilities, certain employees are required to work in shifts. Shift workers are those regular full-time and part-time employees who are assigned to work in shifts and who work a qualifying shift.

1. A qualifying shift means an established work period between 6:00 p.m. and 6:00 a.m. The list of eligible positions shall be approved by the Town Manager on an annual basis and maintained on file with the Human Resources Department.
2. Shift differential will not be paid for hours worked during the regular daytime shift. For example, the 8:30 a.m. - 5:00 p.m. employee would not receive shift differential pay if they work past 5:00 p.m. to finish an assignment during normal working hours. In that case, overtime pay/compensatory time may apply.
3. An employee temporarily assigned to a qualifying shift for any period is entitled to shift differential pay.
4. The town manager approves shift differential pay, which may be adjusted from time to time.
5. Shift differential is not paid when an employee receives closure pay for time worked.
6. Employees responding to emergency calls or call-backs are ineligible to receive shift differential for those hours.
7. This policy excludes employees who voluntarily work flex-time schedules.
8. Shift differential pay is paid only for hours worked, not for paid leave hours.
9. Shift differential pay is not considered part of salary for retirement income.

H. Call Back Pay

Non-exempt regular full-time employees who are called back to physically report to the worksite outside of their regular work schedule shall be paid their one and a half times (1.5) their hourly rate of pay for the time worked or a minimum of two (2) hours, whichever is greater.

Non-exempt employees called to perform work remotely, outside their regular work hours, shall receive compensation at their normal hourly rate for their time worked.

SECTION 6: HOLIDAYS, WORK SCHEDULES, AND LEAVE POLICY

6.1 Policy

Leave balance management is the responsibility of the employee.

For all leave, with the exception of official holidays, sick, administrative, or unscheduled leave, an employee is required to submit a Leave Request using the Munis ESS module, indicating the type of leave, duration, and dates of all leave, with the exception of official holidays, sick, administrative, or unscheduled leave, an employee is required to submit a leave Request using the Munis ESS module, indicating the type of leave, duration, and dates of departure and return. The leave request must be approved prior to taking the leave. In the case of sick leave or unscheduled leave, the leave request shall be completed and submitted for approval upon the employee's return to work or at the time of the pay period submission.

A. Unscheduled Leave

Unscheduled leave is used in the context of severe weather situations or other severe unforeseen circumstances that prevent normal Town operations. It refers to a liberal use that does not require supervisory approval. If an employee is scheduled to work on a day that is declared unscheduled leave and does not report to work that day, the employee shall use accrued leave benefits. Employees in essential positions or public safety positions may be required to report to work on unscheduled leave days. Refer to Section 6.18 for more information.

B. Non-Approved Absences

Repeated non-approved absences may result in further disciplinary action, up to and including termination.

C. Extenuating Circumstances

It is recognized that there may be extenuating circumstances beyond the employee's control for unauthorized absence, and the department director will give due consideration on a case-by-case basis.

D. Sick Leave

Leave used shall not exceed the balance at the end of the prior payroll period. If sick leave credits are exhausted, employees may use annual leave or compensatory leave for sick leave.

E. Promotion or Transfer

All leave balances held by a regular full-time or part-time employee at the time of promotion or transfer from one department to another shall be transferred to the new department.

6.2 Application

The terms of this section shall only apply to all regular full-time and part-time employees. Temporary employees may have additional procedures that must be followed as directed by their Department Director.

6.3 Department Work Schedules

A. Scheduling

Department Directors or their appointed designee shall establish work schedules for

employees in accordance with the current Fair Labor Standards Act (FLSA).

All employees are expected to report to work on time and are to be absent only in the event of illness, pre-approved leave, or an emergency situation.

Departments may utilize flexible work schedules to meet operational demands and, to the extent possible, the needs of the employees. Flexible work schedules may include beginning early and working late, provided the Department Director assures that adequate staffing is maintained during the regular operating hours. Department Directors or their designees will determine and approve flexible work schedules for their employees.

B. On-call Status

“On-call” is defined as designated FLSA non-exempt positions that require the employee to be available for work during non-operating hours and arrive at the worksite or other designated area on short notice during an emergency. The Town’s Director of Human Resources in conjunction with Department Directors shall determine who are essential employees required to be on call. On-call requirements shall be designated in the job descriptions. Each department director shall be responsible for maintaining their department’s current list of on-call employees at the emergency site of the town’s intranet. The supervisor must approve any changes to the approved on-call schedule.

Emergency Call-Back

An emergency call-back is defined as an unscheduled request made by an appropriate supervisor for an on-call employee to return to work to perform emergency work. A non-exempt regular full-time employee who is on-call and called back to work outside their normal work schedule shall be paid for the time worked or a minimum of one and a half (1.5) hours, whichever is greater.

Fit for Duty

An on-call employee is not required to remain on Town premises but is required to be fit for duty at all times while on-call. The on-call employee must be able to respond and arrive at the work site within sixty (60) minutes) or as soon as safely practical, considering weather, traffic, and other circumstances. On-call, employees shall refrain from the use of alcohol and/or other substances, which may impair their ability to operate Town vehicles/machinery and perform their duties. They must adhere to all Town personnel policies and procedures. At the discretion of the supervisor and/or department director, an on-call employee may be removed from on-call status at any time if there is any question about whether the on-call employee is able to carry out their on-call responsibilities. Any violation of the personnel policies and procedures may result in disciplinary action, up to and including termination.

Required Response

When contacted, on-call personnel are required to respond in a timely manner while maintaining safe work habits. On-call, employees shall ensure they can be reached when called. The on-call employee must contact their supervisor with an alternate number if outside of the primary coverage area or away from their normal contact number.

Inability to Perform On-Call Duties

Any on-call employee who is or becomes unable to meet their on-call obligation shall immediately notify their supervisor. Failure to respond to a telephone call and/or refusal to report for duty when called shall result in loss of on-call pay for that shift and may also result in disciplinary action, up to and including termination.

On-Call Criteria

To be eligible for on-call status, an employee must have a minimum of three (3) months of employment with the Town in the essential position, satisfactory performance, and demonstrated ability to perform duties without supervision.

On-Call Duty Schedule

Departments shall publish a four-month advance on-call duty roster. Employees wishing to exchange scheduled on-call weeks are responsible for finding a replacement. Exchanges must be approved by the appropriate supervisor and the department director. An employee who is unable to locate a replacement must meet their on-call obligation. Any proposed changes to the duty roster should be brought to the attention of the supervisor before Wednesday of the week prior to the scheduled on-call time.

On-Call and Leave Events

Employees on-call are permitted to take leave during their regularly scheduled work hours when scheduled to be on call.

Call-In Documentation

Employees working in an on-call status shall record the following information:

- a. Name of supervisor/department initiating the emergency call-back
- b. Date and time of arrival
- c. Nature of the problem/location, if applicable
- d. Time of completion
- e. For the compensation of on-call status, see Section 5.10 (F), On-Call Pay

C. Re-Call Status

Personnel Authorized to Schedule Work

Department Directors, or their designees, are authorized to schedule work where employees may be required to be on “re-call status.”

Re-Call Status Designation

Re-call status is when employees are placed on the Town’s Emergency Call List. These employees may be called upon during non-operational hours when an emergency or other situation requiring immediate attention arises. Usually, the first person on the list is contacted first. If that person is not available, the next person on the list would be contacted, until someone is found who is available to respond.

Non-Exempt Employees

Non-exempt employees will be paid overtime when these situations arise. For additional pay-related details, please refer to Section 5, Employee Compensation.

Temporary Modified Duty Policies

It shall be the policy of the Town to provide, when possible, temporary modified duty assignments to employees recovering from an injury or illness when restrictions have been set by the treating physician. This policy is intended to maximize employee productivity time as well as provide a therapeutic work assignment consistent with the employee's physical or mental capabilities during the recuperation period and prior to returning to full activity.

Employee recovering from job-related injury or illness

This program will include employees who are recovering from a job-related injury or illness for which workers' compensation benefits are being provided. It may also include employees who are recovering from non-work-related injury or illness. Written restrictions must be provided from the treating physician to Human Resources who will work with the employee's Department Director, or their designee prior to assignment to temporary modified duties. Employees must have been employed by the Town for at least one year.

Initial Determination or Eligibility

The employee's Department Director, or designee shall make the initial determination of eligibility for participation. In cases of doubt or dispute, the Town Manager shall make the final determination.

Temporary Modified Assignments

Temporary modified assignments shall be in the employee's regular department. If no such assignment is available, the employee may be temporarily assigned to another department. Wages shall be at the rate of the pay the employee receives in their regular position and will be charged to the employee's regular department.

Temporary Modified Duty Assignment obligation

The Town is under no obligation to provide a temporary modified duty assignment. Temporary modified duty assignments will be given at the discretion of the Human Resources Director, the employee's Department Director, or their designees. In cases of doubt or dispute, the Town Manager shall make the final determination. Any action concerning temporary modified assignments shall not be subject to the grievance procedure.

Accommodation of Medical Appointments

Every attempt will be made to accommodate the employee's schedule to ensure that the employee is able to attend medical appointments and maintain consistency in their personal life.

Temporary Modified Assignment Duration

Temporary modified duty assignments initially will be available for a period of up to 120 calendar days. If at the conclusion of 120 calendar days, it is determined by the employee's treating physician that the employee is unable to return to their regular position without limitations, the Department Director shall determine whether a permanent accommodation may be made which would allow the employee to perform the essential functions of their job, continue temporary modified duty, or if a job

reassignment is possible without undue hardship to the Town. Temporary modified duty assignments are not permanent.

Return to Work

Once off temporary modified duty status, an employee must return to work in their regular position for at least 120 calendar days before being eligible for temporary modified duty status again.

Temporary Modified Duty Assignment - None Acceptance of Assignment

Employees offered temporary modified duty assignments who do not accept such an assignment shall receive no salary or disability payments unless the Town or Workers' Compensation Appeals Board decides to the contrary.

Temporary Modified Duty Status - Overtime

Employees on temporary modified duty status shall not be permitted to work overtime.

Temporary Modified Duty Assignment - Workers Compensation Appeal

The employee may continue to work in the temporary modified duty assignment, if approved by the Human Resources Director and the Town Manager, during a workers' compensation appeals process; or may elect to remain off work in a non-pay status by obtaining an approved leave of absence without pay pursuant to the personnel rules of the Town until medically cleared to return to their regular position or a decision is rendered by the workers' compensation board.

Temporary Modified Duty Assignment - Refused

Should the employee refuse temporary modified duty status or if a temporary modified duty assignment is not available, the Town shall hold the position for as long as required by state and federal law.

6.4 Telework

A. Introduction

The Town supports teleworking as an alternative work arrangement when appropriate based on job responsibilities and the employee. Telework is an arrangement between an employee and the Town that allows an employee to work at a designated remote location on a pre-determined basis and in the event of Town Hall closure.

B. Policy

Teleworking, as an alternative work arrangement, may be designed to address a specific circumstance. While many work situations may lend themselves to teleworking, the Town maintains the authority to determine when and if teleworking is appropriate and suitable for a position and an employee. Teleworking is a mutually agreed-upon arrangement—not a benefit or entitlement. It is an effective work option when technology permits work to be performed at a remote location without loss in quality, service, health, safety, and overall performance standards. Teleworking does not change the conditions of employment or required compliance with Town policies.

6.5 Holiday Leave

A. Holiday Observance

The town observes the Commonwealth of Virginia holiday calendar. Other days may be

determined by the Town Council. The actual dates of holidays are published by the Human Resources Department each year and are available in Employee Self Service (ESS).

B. Pay for Employees Required to Work on Holidays. Refer to Section 5. Employee Compensation

C. Holidays for Part-Time Employees

Regular part-time employees will receive holiday pay equal to the number of hours they work on their normal scheduled work day. If a holiday falls on a day that is not normally scheduled, holiday pay is not eligible.

6.6 Annual Leave

A. Annual Leave Accrual

All regular full-time employees in the service of the Town shall be credited with annual leave after it is earned at the following rates:

Years of Service	Days per Year	Hours Accrued per Pay Period
Less than 1 Year	10 Days	3.08
1 Year	11 Days	3.38
2 Years	12 Days	3.69
3 Years	13 Days	4.00
4 Years	14 Days	4.31
5 Years	15 Days	4.62
6 Years	16 Days	4.92
7 Years	17 Days	5.23
8 Years	18 Days	5.54
9 Years	19 Days	5.85
10 Years	20 Days	6.15
11 – 12 Years	21 Days	6.46
13 – 14 Years	22 Days	6.77
15 – 16 Years	23 Days	7.08
17 – 18 Years	24 Days	7.38
19 Years Plus	25 Days	7.69

Regular Part-Time Employees

Regular part-time employees who work an average of twenty- four (24) hours or more per week are eligible to accrue annual leave benefits at sixty percent (60%) of the rate of regular full-time employees, and employees who work less than twenty-four (24) hours per week are eligible to accrue annual leave benefits at forty percent (40%) of the rate of regular full-time employees.

Leave Amounts Proportional to Normal Work Hours

Employees must use annual leave in amounts proportional to their normal work hours. Employees working a regular thirty-five (35) hour week [seventy (70) hour payroll period] shall use annual leave based on a seven (7) hour day. Employees working a twelve (12)

hour shift shall use annual leave based on a twelve (12) hour day. Part-time employees shall use annual leave based on their normally scheduled shifts.

Leave Approval

All annual leave requests will require prior approval from the employee's supervisor.

B. Annual Maximum Leave Balance

Non-Exempt Employees

Non-Exempt employees are able to maintain a maximum balance of three hundred (300) hours.

Exempt Employees

Exempt employees are able to maintain a maximum balance of four hundred (400) hours.

Maximum Leave Balance Reached

Once an employee reaches the maximum balance accruals will cease until the balance falls below the maximum. Upon separation, an employee will be paid for the unused balance of annual leave not to exceed their total leave cap as above. Sick, Personal and Exempt leave will not be paid.

C. Additional Leave

The Town Manager reserves the right to approve additional leave.

6.7 Sick Leave

A. Sick Leave Accrual

Regular full-time employees in the service of the Town shall be credited with sick leave after it is earned at the rate of one day per month, regardless of years of service. Regular part-time employees who work twenty-four (24) hours or more per week shall accrue sick leave at 60% the rate of regular full-time employee and employees who work less than twenty-four (24) hours per week shall accrue:

	Days Accrued per Year	Hours Accrued per Pay Period
Full – Time Employees	12 Days	3.69
Part – Time 24+ Hours / Week	7 Days	2.21
Part – Time <24 Hours / Week	5 Days	1.48

A maximum of 1600 hours of sick leave may be accrued.

Leave Amounts Proportional to Normal Work Hours

Employees must use sick leave in amounts proportional to their normal work hours. Employees working a regular thirty-five (35) hour work week [seventy (70) hour pay period] shall use sick leave based on a seven (7) hour day. Employees who work a twelve (12) hour shift shall use sick leave based on a twelve (12) hour day. Part-time employees shall use sick leave based on their normally scheduled shift.

Employee use of sick leave shall be limited to the following circumstances:

- Personal illness or injury
- Visits to physicians, dentists, optometrists, and other approved medical professional health care

- Family illness or injury
- Quarantine
- Other approved or eligible circumstances (such as temporary measures in response to a pandemic).

B. To Receive Paid Sick Leave

An employee must notify their supervisor prior to their starting time unless some other arrangement has been approved by the Department Director. The employee is also responsible for keeping the supervisor informed regarding expected return to work. A physician's statement is required for a period of sick leave of three (3) days or more and must be given to the employee's supervisor with a copy sent to Human Resources. Employees failing to provide documentation will not be permitted to return to duty until property medical documentation is obtained.

Physician Statement or Examination by Town Designated Physician

A physician's statement or examination by a physician designated by the Town may be required by the Department Director when frequent sick leave occurs. Abuse of sick leave is considered a serious matter by the town and may result in disciplinary action, up to and including termination.

Sick Leave Usage

Sick leave may be used for illness, injury or death of an immediate family member. For the purposes of sick leave, immediate family member includes spouse, parents, grandparents, child, grandchild, stepchild, brother, sister, mother-in-law, father-in-law, or relative living in the same household. The amount of sick leave used for a family member shall be limited to five (5) days, per incident. If an illness/injury is severe or catastrophic, additional use of sick leave may be permitted with the Town Manager's approval.

Sick Leave Retirement Payout

Employees hired prior to July 1, 2024 who retire from the Town under VRS shall be paid twenty-five percent (25%) of their unused sick leave accrued during Town employment.

Sick Leave Exhausted

Employees who have lost time because of illness or injury and have exhausted sick leave may have such time deducted from annual leave.

Sick Leave Sharing

The Town may approve sick leave sharing for any employee who becomes seriously ill or injured, and will be out of work for an extended period of time, and has forty (40) hours or less of combined sick and annual leave.

The Town Manager and the Human Resources Director shall jointly determine the qualifying event. Requests for sick leave sharing will be forwarded to the Human Resources Department by the employee's Department Director, or designee.

- a. Sick leave sharing is not intended to be used for Parental Leave.
- b. Employees may voluntarily participate in sick leave sharing, where they are able to donate hours from their sick leave balance to those employees who qualify to receive leave from sick leave sharing. Donating employees should consider the

amount of sick leave needed for their own use prior to donating their hours.

- c. Employees must maintain a minimum balance of one hundred (100) sick leave hours to be eligible to donate sick leave.
- d. Employees receiving employees receiving donations will be issued the necessary sick leave to maintain their salary at the end of a payroll period and will not receive sick leave in a lump sum of donated hours.
- e. Employees, who separate from Town employment through resignation, dismissal, retirement, etc., are not eligible to donate sick leave and may not be paid for donated sick leave that has not been used.
- f. Sick leave sharing is not intended to be used to care for ill or injured family members. In rare cases such as this, The Town Manager may approve annual or sick leave sharing on a case by case basis.

C. Catastrophic Sick Leave

In the event an employee experiences a catastrophic medical situation, the Town Manager may approve Catastrophic Sick Leave allowing the employee to use their entire Sick Leave balance available prior to using Short Term Disability or Long-Term Disability if applicable.

The Town Manager reserves the right to approve additional leave.

6.8 Personal Leave

Each full-time employee is entitled to two (2) personal days sixteen (16) hours per fiscal year to be used at their discretion. Personal leave must be used by the last payroll of the fiscal year or will be forfeited. Part time employees at or above twenty-four (24) hours per week receive 1.25 personal days (10) hours and below twenty-four (24) hours per week receive one (1) personal day eight (8) hours per fiscal year.

6.9 Compensatory Time

Compensatory time is offered to compensate employees for hours worked over forty (40) hours in one seven (7) day week worked. Overtime may be given in pay or compensatory time depending on the employee's positions. Employees may accumulate not more than forty (40) hours of compensatory time, once forty (40) hours have been accumulated additional compensatory accrual will not be allowed. Employees must adhere to the following rules:

A. Approval

The employee must obtain prior approval from their supervisor to work overtime. If approval is not received, the employee is not eligible to receive overtime pay or compensatory time.

B. Overtime

Overtime hours shall be defined as all hours exceeding the forty (40) hours in one seven (7) day work week. The employee must obtain prior approval from their supervisor to work overtime.

Hours worked over forty (40)

Hours worked in excess of forty (40) hours will be earned at one and one-half times (1.5) the regular time. Compensatory time for employees on a forty (40) hour schedule shall earn one and one-half (1.5) times the regular time for hours worked in excess of forty (40) hours.

a. Non-Exempt

All non-exempt employees shall be compensated for hours worked over their normal work week by compensatory leave if approved by their supervisor or by overtime pay at the rate of one and a half (1.5) times their regular pay rate.

Department Heads and Exempt employees

a. Mandatory Council Meeting Attendance

Department Heads and Exempt Employees will be compensated with compensatory time for the additional hours worked to attend / support Council meetings including Council Committees and Boards. To be eligible to receive compensatory time the hours documented must be required by the Town Manager. The hours worked in excess of forty (40) hours will be compensated with compensatory time only at a rate of one-hour compensatory time for one hour worked.

6.10 Family and Medical Leave Act (FMLA)

The Federal Family and Medical Leave Act (FMLA) of 1993 requires that all eligible employees are provided up to twelve (12) weeks of protected FMLA leave annually for certain family and medical reasons. The object of this policy is to explain to employees and supervisors when FMLA leave may be taken and how FMLA leave is calculated and accounted for, giving consideration to the leave benefits employees already receive. An employee's leave may qualify for FMLA leave, and may be designated by the Town as FMLA leave, even when an employee does not specifically request FMLA leave. Employees are responsible for promptly contacting the Town's Human Resources Director to make FMLA leave requests.

A. Eligibility

To be eligible for leave, employees must have been employed for at least twelve (12) months with the Town, but the twelve (12) months do not need to be consecutive. Employees must also have worked 1,250 hours for the Town during the twelve (12) months prior to the beginning of leave. In determining the number of hours worked, annual, sick or unpaid leave, including leave taken under workers' compensation, are not included.

B. Purposes for using FMLA Leave

If the employee meets the eligibility requirements, they are qualified to receive twelve work-weeks of FMLA leave for the following purposes:

1. For the employee's own serious health condition that makes the employee unable to perform the essential functions of their job.
2. For any qualifying exigency arising out of the foreign deployment of the employee's spouse, son, daughter or parent, who is a member of the Armed Forces on covered active duty.
3. Please refer to the Department of Labor's Fact Sheet #28M(c) for "qualifying exigency"
4. <https://www.dol.gov/whd/regs/compliance/whdfs28mc.pdf>

Twenty-six (26) work-weeks of leave during a single twelve (12) month period to care for a covered servicemember with a serious injury or illness if the eligible employee is a

servicemember's spouse, son, daughter, or parent, or next of kin (military caregiver leave).

C. Defining a Serious Health Condition

A serious health condition is defined by the Department of Labor to mean an illness, injury, impairment, or physical or mental condition that requires inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health care provider. The regulation specifically excludes routine physicals, eye examinations or the evaluation of an illness.

D. Amount of Leave to be Taken

An eligible employee is entitled a maximum of twelve (12) weeks of leave during any twelve (12) month period.

FMLA leave may be taken all at once, intermittently or on a reduced leave schedule. Intermittent leave includes leave taken in hourly, daily and weekly increments, or spread over several months due to a single qualifying reason. Intermittent leave will be granted if medically necessary. The Town and employee must agree on the use of intermittent leave when taking leave for the birth, or placement for adoption or foster care. A reduced leave schedule is a leave schedule that reduces an employee's usual number of working hours per day or week. FMLA leave must be taken within a year of the birth, adoption and/or placement for adoption or foster care of a new child.

In cases where both spouses work for the Town, leave for the birth, adoption or foster care placement of a child is limited to a combined twelve (12) weeks of FMLA leave.

Once an employee has exhausted FMLA leave and cannot return to work, the Town may terminate employment even if the employee has a remaining accrued leave balance.

E. Calculation of FMLA Leave

The method used to determine the employee's eligibility for FMLA leave will be a twelve (12) month period measured forward from the date of the first FMLA leave usage. Under this method, each time an employee takes FMLA leave, the remaining leave entitlement would be the balance of the twelve (12) weeks remaining from the first date of FMLA leave usage.

Please refer to the U.S. Department of Labor's Fact Sheet #28H for examples:

<https://www.dol.gov/whd/regs/compliance/whdfs28h.pdf>

In determining the amount of leave taken, a holiday occurring within a week has no effect; the week is counted as a week of FMLA leave.

F. FMLA Leave with or without pay

The law provides that an employee may elect, or an employer may require the employee to substitute accrued annual leave for unpaid leave. Eligible Town employees will be required to use paid leave prior to taking unpaid leave, with the exception of up to a total of forty (40) hours of any combination of paid leave categories.

G. Benefits while on FMLA Leave

Employees who take FMLA leave are entitled to be restored to the same job or an equivalent job at the conclusion of their leave. Taking FMLA leave cannot result in the loss of any employment benefit accrued before the leave began.

The Town will maintain healthcare coverage for employees who take FMLA leave based on the same conditions that would have been provided had the employee not taken leave. That is, group policies remain in effect, with both employee and employer paying their respective share of any premiums.

The employee's share of the health insurance premiums will be deducted from their payroll check while on paid leave. Will need to be submitted to the town by check on a monthly basis. Evaluation dates and leave accrual dates for employees on FMLA leave will not change during their absence.

The Town will maintain life insurance benefits while the employee is on FMLA leave without pay. Contributions toward the Virginia Retirement System are discontinued when an employee is on FMLA leave without pay.

H. Worker's Compensation

An employee who is on disability status for more than three consecutive business days due to a work injury will be subject to Family Medical Leave. Workers' compensation and FMLA leave shall run concurrently. For more information on the Workers' Compensation program see Section 6.3.

An employee who is receiving workers' compensation benefits while on FMLA leave may not be forced to return to work in a temporary modified duty assignment prior to the expiration of the FMLA leave entitlement.

I. Employee's Responsibility

Employees are required to give their employers at least thirty (30) days' notice that leave is required if the need to leave is foreseeable; where the leave is not foreseeable thirty (30) days in advance, the employee must provide notice as soon as possible; and, in an emergency situation, the employee must provide notice no later than two business days after the absence begins.

Employees must contact the Town's Human Resources Director if they are requesting FMLA leave.

J. Procedures for Employees Requesting FMLA Leave

When an employee requests FMLA leave, the Town's Human Resources Director will provide the employee with required notifications and forms to complete. In order for an employee to use and benefit from FMLA leave, the following criteria must be met:

Employee Eligibility

The employee must have worked for the Town at least twelve (12) months (not necessarily consecutive) as of the date leave will begin. The employee must have worked at least 1,250 hours during the twelve (12) months immediately preceding the beginning of leave.

Determine the Estimated Date for Leave

The employee may take intermittent leave. Intermittent leave for the birth, adoption, or foster care placement of a child should be agreed upon by both employer and employee.

Determine the Type of Leave Requested

The employee may take intermittent leave. Intermittent leave for the birth, adoption, or

foster care placement of a child should be agreed upon by both employer and employee.

Determine the Anticipated Duration of Leave

A total of up to twelve (12) work weeks within twelve (12) months from the first date of the FMLA leave usage is permitted under FMLA.

Check the Employee's Leave Balance

A review of the employee's sick, annual and compensatory leave balances will be conducted. For the employee's own serious health condition, the employee must exhaust all sick leave before using annual leave, compensatory leave or leave without pay.

Employee's Spouse is also an Employee of the Town

Is the employee's spouse also an employee of the Town? For new children, a combined maximum of twelve (12) work weeks is permitted between both employees. The employee must arrange for a health care provider to complete and return required medical certification forms to the Town's Human Resources Director.

Medical Certification

When possible, the employee must provide medical certification prior to starting leave. When this is not possible, the employee must provide certification within fifteen (15) calendar days of the request, unless it is not practicable under the circumstances to do so despite the employee's diligent, good faith efforts.

6.11 Paid Parental Leave

The Town of Purcellville will provide up to two (2) weeks of paid parental leave to employees following the birth of an employee's child or the placement of a child with an employee in connection with adoption or foster care. The purpose of paid parental leave is to enable the employee to care for and bond with a newborn or a newly adopted or newly placed child. This policy will run concurrently with Family and Medical Leave Act (FMLA) leave, as applicable. This policy will be in effect for births, adoptions or placements of foster children (age 17 or younger).

A. Eligibility

Eligible employees must meet the following criteria:

1. Be a regular full- or regular part-time employee.
2. Temporary employees are not eligible for this benefit.
3. The employee is required to request leave under the FMLA. In addition, employees must meet one of the following criteria:
4. Have given birth to a child.
5. Be a spouse or partner of a person who has given birth to a child.
6. Have adopted a child or been placed with a foster child (in either case, the child must be age 17 or younger).
7. The adoption of a step-child is excluded from this policy.
8. Intend to return to work with the Town in the same class and pay grade following parental leave.

B. Amount, Time Frame and Duration of Paid Parental Leave

Eligible Employees

Eligible employees will receive a maximum of two (2) weeks of paid parental leave per birth, adoption or placement of a child/children. The fact that a multiple birth, adoption or placement occurs (e.g., the birth of twins or adoption of siblings) does not increase the two (2) week total amount of paid parental leave granted for that event. In no case will an employee receive more than two (2) weeks of paid parental leave in a rolling twelve (12) month period, regardless of whether more than one birth, adoption or foster care placement event occurs within that twelve (12) month time frame.

- a. Each week of paid parental leave is compensated at 100% of the employee's regular, straight-time weekly pay. Paid parental leave will be paid on regularly scheduled pay dates.
- b. Approved paid parental leave may be taken at any time during the six (6)-month period immediately following the birth, adoption or placement of a child with the employee. Paid parental leave may not be used or extended beyond this six (6)-month time frame.
- c. At the approval of the Department Director, employees may use paid parental leave to return to work on a modified work schedule during the six (6)-month time frame indicated above. Any unused paid parental leave will be forfeited at the end of the six (6)-month time frame.
- d. Upon termination of the individual's employment with the Town, they will not be paid for any unused paid parental leave for which they were eligible.

C. Coordination with Other Policies

Paid Parental Leave Concurrent with FMLA Leave

Paid parental leave taken under this policy will run concurrently with leave under the FMLA; thus, any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or placement of a child due to adoption or foster care, will be counted toward the twelve (12) weeks of available FMLA leave per a twelve (12) month period. All other requirements and provisions under the FMLA will apply. In no case will the total amount of leave—whether paid or unpaid—granted to the employee under the FMLA exceed twelve (12) weeks during the twelve (12) month FMLA period. Please refer to the Family and Medical Leave Policy Section 6.10 for further guidance on the FMLA.

Paid Parental Leave Exhausted

After the paid parental leave is exhausted, the balance of FMLA leave (if applicable) will be compensated through the employee's other available paid leave balances. Upon exhaustion of paid leave, any remaining leave will be unpaid leave. Sick leave sharing is not intended to be used for parental leave. Paid and unpaid parental leave may be granted to an employee for up to six months. Please refer to the Family and Medical Leave Policy for further guidance on the FMLA.

Benefits During Paid Parental Leave

All benefits during the paid parental leave period will continue as if any other paid leave was being used.

Town Holiday while on Paid Parental Leave

If a Town holiday occurs while the employee is on paid parental leave, such day will be

charged to holiday pay; however, such holiday pay will not extend the total paid parental leave entitlement.

D. Requests for Paid Leave

Paid Parental Leave Request Submission

The employee will request paid parental leave at least thirty (30) days prior to the proposed date of the leave (or if the leave was not foreseeable, as soon as possible). The employee must complete the necessary FMLA forms and provide all documentation as required by Human Resources to substantiate the request.

E. Policy Interpretation

The Town Manager has the exclusive right to interpret this policy.

6.12 Bereavement Leave

A. Eligible Employees – Immediate Family

All eligible employees shall be granted up to five (5) consecutive work days of leave with pay for death occurring in the employee's immediate family. With the approval of the Town Manager, sick leave may be used if additional time is needed. Immediate family, for purposes of bereavement leave, includes spouse, child, parent, brother, and sister.

B. Eligible Employees – Extended Family

For extended family members, three (3) consecutive work days of leave with pay will be granted. For the purpose of this leave, extended family members consist of the employee's grandparents, grandchildren, mother-in-law, father-in-law, or relative living in the same household.

C. Eligible Employees – Friend of Former Town Employee

One half day of bereavement leave may be granted for the attendance at the funeral of a friend or former town employee.

D. Documentation

Employees requesting bereavement leave may be required to provide documentary evidence of the relative's death to qualify for paid leave.

6.13 Military Leave

A. Military Leave with Pay

An employee who is a member of an officially recognized reserve or National Guard unit shall be entitled to fifteen (15) business days, per fiscal year, of military leave for training purposes or active duty and shall be paid regular pay based upon their typical Town schedule (of standard work hours). Fifteen (15) days per fiscal year is normally meant to be consecutive, but may be fragmented or nonconsecutive if supported by military orders. There will be no charge against any other leave. The employee must be on paid status to be paid military leave. Employees who have been on long-term military leave for deployment may receive the fifteen (15) days of military leave pay per fiscal year.

When performing reserve drills or training that is in excess of fifteen (15) business days, the employee will be considered to be on military leave without pay. Such employees shall not be charged with annual or compensatory leave when absent for attending reserve drills or training, unless the employee elects to use annual or compensatory leave (sick leave may not be used).

Advance Notice

An employee who is leaving to perform military service must provide advance written notice to their immediate supervisor (including the best approximation of the expected dates of leave). If military orders are not available in advance of the military leave, the employee shall provide their immediate supervisor with oral notice as soon as the date of the military leave is known. A copy of the orders or other documentation shall be provided to the immediate supervisor as soon as possible, as the orders or documentation become available. If orders are not available, a letter from the commanding officer or other authorized representative will suffice.

B. Military Leave Pay for Reservist Called to Active Duty

An employee who is called to active duty may have their military salary supplemented for up to sixty (60) days provided they submit military salary information to the Human Resources Department before the commencement of the leave. Additional pay supplement may be approved by the Town Manager.

Sick leave and annual leave will continue to accrue while the employee is on active duty.

C. Voluntary Enlistment in the Uniformed Services of the United States

Employees who plan to serve for up to five (5) years in the uniformed services shall be placed on a military leave of absence status. Employees may use their annual leave and/or compensatory leave before being placed on military leave. These employees will not accrue annual or sick leave while on voluntary military leave. Reemployment will be afforded if required conditions are met.

D. Basic Provisions and Requirements for Re-employment

The Town shall reemploy military service members to the same or an equivalent position if they meet the following criteria consistent with Federal law:

1. The employee must have given notice to their department that they are leaving the position for service in the uniformed services, unless giving notice was precluded by military necessity or otherwise impossible or unreasonable;
2. The period of service must not have exceeded five (5) years;
3. The employee must not have been released from service under dishonorable or other punitive conditions; and
4. The employee must have reported back to the position in a timely manner or have submitted a timely request for reemployment. The restoration timelines are based on the duration of military service. The time limits for returning to work are as follows:
 - a. Less than 31 days of service: The employee must request reemployment by the beginning of the first regularly-scheduled work period after the end of the last calendar day of duty, plus any time required to return home safely and an eight-hour rest period. If this is impossible or unreasonable, then as soon as possible.
 - b. 31 to 180 days of service: The employee must request reemployment no later than 14 days after completion of military service. If this is impossible or unreasonable through no fault of the employee, then as soon as possible.
 - c. 181 days or more of service: The employee must request reemployment

no later than 90 days after the completion of military service.

- d. Notice by disabled persons: Returning employees who are hospitalized for or convalescing from injuries incurred in or aggravated by military service may apply for reemployment within two (2) years following the recovery from such injuries. Generally, employees selected to fill vacancies created by persons on military leave shall be employed on a provisional basis. Department Directors may waive this provision if they believe there will be a comparable vacancy available upon the departing employee's return from military service. Upon returning to the Town, the employee may return to the same or comparable position.

E. Health Insurance

When Military Leave is less than thirty-one (31) days, the Town will provide health insurance coverage under the same conditions that existed prior to the leave.

When Military Leave lasts more than thirty-one (31) days, the Town will continue to provide health insurance coverage for the employee and their family under the same conditions that existed prior to the leave, for up to one year. Upon the conclusion of the first year of military service, the employee will be entitled to continue health insurance coverage for an additional year, paying no more than 102 percent of the full premium. The employee may choose to decline health insurance coverage while on military leave.

Upon return from Military Leave, the employee's health insurance coverage will be reinstated without any waiting period or exclusion for preexisting conditions. However, this rule will not apply to the coverage of any illness or injury determined by the Secretary of Veterans Affairs to have incurred in or aggravated during the employee's performance on military duty.

F. Retirement Plan

Each period of time served by an employee in the uniformed services on Military Leave shall, upon reemployment, not be treated as a break in service with the Town. The Town will continue to pay retirement contributions during Military Leave during the first year. The Town Manager may approve payment for additional time.

6.14 Jury/Court Leave

Jury Leave - Employees called upon for jury service shall be entitled to their regular salary as well any pay received for jury duty. Such leave shall not be deducted from any other leave earned by the employee. If after reporting for jury duty it is determined that the employee's service is not required and they are dismissed for the day, the employee shall be return to their regular job, if time permits. Prior to using jury leave, employees shall notify and present a copy of the official notice to the applicable Department Director when they are selected for jury service.

An employee who is subpoenaed to appear in court in an official capacity representing the town may be allowed to do so without loss of compensation. If an employee, other than an employee of the Police Department, is subpoenaed to appear in court on a matter related to their official capacity with the Town, a copy of the subpoena or summons must be provided to the Department Director. The Department Director should forward a copy of the subpoena or summons to the Town Attorney if the Town's interests or image might be affected. If an

employee is a plaintiff/petitioner or defendant/respondent in a suit or criminal proceeding unrelated to their official capacity, then personal leave must be used.

6.15 Public Safety Leave

Employees who are listed by the Loudoun County Department of Fire and Rescue Services as active members of the Purcellville Volunteer Fire Company or Rescue Squad may respond to calls during normal working hours without loss of pay and without charge of any leave accrued. Regular volunteer activities, events or training are not included.

A. Eligible Employees are responsible for

1. Making their supervisors aware of their commitment and volunteer status.
2. Providing proof of hours and calls to which they have responded if requested by supervisor.
3. Assisting with an emergency situation without undue disruption to the operational requirements of the department. The employee will return to normal work duties as soon as practicable following the completion of functions associated with the emergency situation.

B. Ineligible Employees

1. Police Officers and civilian Police Department employees who are deemed essential by the Chief of Police are not eligible for Public Safety Leave.
2. A Department Director may deem essential employee's ineligible for Public Safety Leave.

6.16 Administrative Leave

Leave of absence preapproved by the Town Manager with or without pay may be used for the purpose of

1. placing an employee on leave, as recommended by the Department Director;
2. allowing an employee who has worked during a town-wide declared emergency and/or called back to work outside their normal work schedule time off when it is not advisable for that employee to report to work, as determined by that employee's Department Director (see Section 5 Employee Compensation); or
3. investigating disciplinary charges against an employee. In cases where administrative leave with pay is not approved, annual, sick or compensatory leave may not be used.
4. Department Directors shall immediately notify the Human Resources Director when an employee is placed on administrative leave with or without pay.

6.17 Leave Without Pay

No advance leave shall be granted when leave has not yet accrued except in cases of exceptional circumstances and with the recommendation from a Department Director. Additionally, with the exception of approved family medical leave, as stated in Section 6.10, above, leave without pay shall be used only after employees exhaust all other leave. All requests for leave without pay require Town Manager approval. While in a leave without pay status for three days or more, employees may not accrue sick or annual leave. While in a leave without pay status for more than two full work weeks, employees may not continue health insurance coverage or any other benefit without appropriate payment to the Town to continue such benefits (this does not apply when employees are covered by FMLA). Employees are not

eligible for holiday pay while on leave without pay, pursuant to Section 6.5 Holiday Leave, Leave without pay does not pertain to suspension without pay. Refer to Section 13.4 Disciplinary Actions for information on suspension without pay.

6.18 Inclement Weather / Unscheduled Leave and Town Hall Office Closure Leave

A. Policy

1. Essential Personnel

- a. **Definition:** Those employees who, due to the nature of their specific job duties or the nature of the emergency that has occurred, must report to work to ensure that public health and safety needs of critical operational requirements are met.
- b. **Procedure:** Department Directors are responsible for clearly designating those employees considered essential personnel. Essential personnel should be designated upon hire and on an annual basis. The requirement that these employees report to work during periods of emergency leave and/or liberal leave must be stated. See Section 17, Glossary for definition of “essential personnel”.

B. Unscheduled Leave

Unscheduled Leave is granted by the Town Manager. It authorizes all employees, except those designated as essential personnel, to use their own leave to cover a period of missed work without obtaining prior approval from their supervisor. Employees taking leave shall, however, notify their supervisor in accordance with departmental policy. Employees may use annual leave, compensatory leave during the time liberal leave is in effect.

- a. The Town Manager determines the period of Liberal Leave. Unless otherwise notified, if declared prior to beginning of business, Liberal Leave extends from 6:00 A.M., on the day declared until 12:01 A.M., the following day. If declared later in the day, it is in effect until 12:01 A.M. the following day.
- b. **Effect on Emergency Service Personnel:**
During Liberal Leave, essential personnel are required to report for work or to secure approval from their supervisors otherwise.
- c. **Notice of Liberal Leave:**
At all times, including weekends, announcements may be made by television, radio stations, email, and the town website.
- d. **Time and Attendance Reporting:**
 - i. Employee time entry is coded for annual, compensatory, or leave without pay as appropriate.
 - ii. Sick leave may never be used during a period of liberal leave unless the employee is actually sick or meets the conditions described in Section 6.6 Sick Leave above.

C. Town Hall Closure

A Town Hall Closure is at the discretion of the Town Manager, due to safety concerns, inclement weather or an emergency response situation. A closure means the building is closed, not that town operations have ceased.

- a. Essential employees are expected to report to work.
- b. Non-Essential employees are expected to telework during the closure.

- i. Paid for hours worked
 - ii. Pay is calculated at one time (1x) the employees' regular hourly rate.
- c. Non-Essential employees have the option to use Liberal Leave during the Town Hall closure. It is the employee's responsibility to inform their supervisors they have elected to use liberal leave during the Closure.

SECTION 7: EMPLOYEE BENEFITS

7.1 Benefit Eligibility

A. Eligible Employees

All employees currently participating in the Town's Life, Health, Disability Income/Group Insurance Program and the Town retirement program shall continue to do so following the enactment of these rules. All eligible employees shall participate in the VRS pursuant to Title 51.1 of the Code of Virginia.

B. Ineligible Employees

This Section shall not apply to the following positions and categories of positions:

- Regular part-time employees (some benefits may not be available)
- Temporary employees (some benefits may not be available)

7.2 Health Insurance

A. Eligible Employees

All employees of the Town, unless provided otherwise by these rules, are eligible to participate in the group health insurance programs as approved by the Town Council. Participants shall pay a portion, of their own health insurance premiums, as well as a portion for their spouse, family or other dependent coverage when the employee requests such coverage. For procedures to enroll in health insurance and other such relevant information, see the document entitled "Health Insurance Enrollment."

B. Retirement Eligibility

Employees retiring under the state retirement system (VRS) with a minimum of fifteen (15) years of Town service shall be eligible to participate in the Town's group health insurance until the employee becomes eligible for supplemental Medicare insurance, in compliance with all state and federal laws (GASB, etc.). Refer to Section 15.6 Retirement Benefits for more information.

C. Health Insurance Continuation under COBRA

Federal law entitled the "Consolidated Omnibus Budget Reconciliation Act (COBRA)" (Public Law 99-272, Title X) requires most employers sponsoring a group health/dental plan to offer employees and their families the opportunity for a temporary extension of coverage (called "continuation coverage") at group rates in certain instances where coverage under a plan would otherwise end.

An employee of the Town covered by the one of the Town's Group Health Insurance Plans has a right to choose this continuation coverage if group health coverage is lost because of reduction in hours of employment or the termination of employment.

An employee's spouse covered by one of the Town's Group Health Insurance Plans, has the right to choose continuation if group health coverage is lost for any of the following four reasons:

1. The death of employee-spouse;
2. A termination of the spouse's employment (for reasons other than gross misconduct) or reduction in spouse's hours of employment;
3. Divorce or legal separation; or
4. Eligibility for Medicare.

A dependent child of an employee covered by one of the Town's Group Health Insurance Plans, has the right to coverage continuation if group health coverage under the plan is lost for any of the following five reasons:

1. The death of a parent;
2. The termination of a parent's employment (for reasons other than gross misconduct) or reduction in a parent's hours of employment;
3. Parent's divorce or legal separation;
4. A parent becomes eligible for Medicare; or
5. The dependent ceases to be a "dependent child".

Under the law, the employee or a family member has the responsibility to inform the Human Resources Department of a divorce, legal separation, or of a child losing eligible dependent status under the Plan within sixty (60) days of the date of the event, or the date in which coverage under the Plan would end because of the event, whichever is later.

The first insurance premium payment is due no later than forty-five (45) days after election to continue coverage. If coverage is not chosen, group health insurance coverage will end. If notification is not received within the sixty (60) day period stated above, rights under COBRA shall be deemed waived.

If the employee or family member elect's continuation coverage, the Town is required to provide coverage that is identical to the coverage provided under the Plan to similarly situated employees or family members. The law requires employees to be afforded the opportunity to maintain continuation coverage for thirty-six (36) months unless the group health coverage was lost due to termination of employment or reduction in hours. If either of these two events occurs, the required continuation period is eighteen (18) months. These eighteen (18) months may be extended to thirty-six (36) months from termination of employment if other events (such as a death, divorce, legal separation, or Medicare entitlement) occur during that eighteen (18) month period.

In no event shall continuation coverage extend beyond thirty-six (36) months from the date of the qualifying event. The eighteen (18) months may be extended to twenty-nine (29) months if the Social Security

Administration determines that a qualified beneficiary is disabled (for Social Security disability purposes) at any time during the first sixty (60) days of COBRA coverage. This eleven (11) month extension is available to all individuals who are qualified beneficiaries due to a termination or reduction in hours of employment. To benefit from this extension, a qualified beneficiary must notify the Human Resources Department of the eligibility determination within sixty (60) days and before the end of the original eighteen (18) month period. The affected individual must also notify the Human Resources Department within thirty (30) days of any final determination that the individual is no longer disabled.

A child who is born to, or placed for adoption with the covered employee, during a period of COBRA coverage, will be eligible to become a qualified beneficiary. In accordance with the terms of the Town's Group Health Insurance Plan and the requirements of federal law, these qualified beneficiaries may be added to COBRA coverage upon proper notification to the Human Resources Department of the birth or adoption.

The law also provides that COBRA continuation coverage may be terminated for any of

the following five reasons:

1. The Town no longer provides group health insurance to any of its employees;
2. The premium for the continuation coverage is not paid on time;
3. Employee, spouse or dependent child becomes covered, after the date of COBRA election, under another group health insurance plan that does not contain any exclusion or limitation with respect to any pre-existing conditions.
4. Employee becomes eligible for Medicare, unless Medicare is the secondary payer in which case continuation coverage is primary, until Medicare becomes primary or continuation coverage is otherwise terminated;
5. Coverage was extended for up to twenty-nine (29) months due to disability and there has been final determination that the individual is no longer disabled;
6. The maximum continuation period ends;
7. For cause, including fraud, as long as for such case, termination would be imposed on a non-COBRA participant;
8. Any other cause or reason that would give rise to termination of coverage for an active participant.

Under the law, the Town may charge up to one hundred two percent (102%) of the insurance premium rate to anyone who elects continuation coverage (one hundred fifty (150%) for beneficiaries who qualify due to disability during the 19th through 29th month). The Town is permitted to add two percent (2%) to defray administrative expenses. At the end of the 18, 29, or 36-month continuation coverage period, the employee must be allowed to enroll in an individual conversion health plan.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) restricts the extent to which group health plans may impose pre-existing condition limitations. These rules are generally effective for plan years beginning after June 30, 1997. HIPAA coordinates COBRA's other coverage cut-off rule with these new limits as follows.

If the employee becomes covered by another group health plan and that plan contains a pre-existing condition limitation that affects them, the COBRA coverage cannot be terminated. However, if the other plan's pre-existing condition rule does not apply by reason of HIPAA's restrictions on pre-existing condition clauses, the Town's Group Health Insurance Plan may terminate coverage.

7.3 VRS Hybrid Short Term Disability and Long-Term Disability

Those VRS Hybrid employees who request Short Term Disability (STD) will be required to exhaust all earned annual, sick and compensatory leave as applicable, unless it is the result of a compensable injury under the Virginia Workers' Compensation Act (see Section 7.11 for more information). If an employee fully exhausts their leave balances while on STD, that employee will be paid 60% of their salary, less applicable taxes. If that employee exhausts STD, they may be eligible for Long Term Disability (LTD) after one hundred twenty-five (125) work days. If LTD status is approved, the employee will continue to be paid 60% of their salary, less applicable taxes. Employees are responsible for calling Anthem Life at 844-404-2111 as soon as possible to submit a claim for STD and/or LTD.

For more detailed information regarding the VRS Hybrid employee programs please review the following:

VACORP Hybrid Disability Plan offered by Anthem Life:

<https://www.vacorp.org/wp-content/uploads/2022/07/2022-VACORP-Hybrid-Disability-Plan-Employee-Handbook.pdf>

VRS Hybrid Plan main website:

<http://www.varetirement.org/hybrid/plan-info.html>

PPM Section 7.8 Retirement

7.4 Life Insurance Benefits

The VRS group life insurance provides employees with two kinds of insurance during their active employment: basic life insurance and accidental death and dismemberment insurance.

A. Eligibility

Regular full-time employees are eligible to participate. Temporary full-time and part-time employees are not eligible for life insurance coverage.

B. Amount of Benefit

For natural death, the amount of basic group life insurance is equal to an employee's annual salary rounded to the next highest thousand, and then doubled.

Example: If an employee's annual salary is \$25,200, it is rounded up to the next highest thousand = \$26,000. When doubled, the benefit amount is \$52,000 for natural death. If death is accidental, the original amount is quadrupled, so the benefit amount is \$104,000 (\$52,000 natural death benefit and \$52,000 for accidental death).

1. Additional benefits: Under the group life insurance provided by the Town, eligible employees are also entitled to the following benefits:
 - a. Dismemberment Benefit;
 - b. Felonious Assault Benefit;
 - c. Repatriation Benefit;
 - d. Safety Belt Benefit; and
 - e. Accelerated Death Benefit

C. Life Insurance after Retirement

Upon retirement, basic group life insurance continues at no cost to you provided you are at least age fifty-five (55) with at least five (5) years of service as an employee; or are age fifty (50) with ten (10) years of service under Plan 1. Under Plan 2 or the Hybrid Retirement Plan you must be at least age sixty (60) with five (5) years of service or the combination of your age and service equals ninety (90). Your life insurance also continues if you retire because of disability. After retirement, the amount of the life insurance reduces by twenty-five (25%) percent annually beginning January 1 following the first full year of retirement and each January 1 thereafter, until coverage reaches twenty-five (25%) percent of its value at retirement.

D. Designation of Beneficiaries

The employee should designate a beneficiary only if they wish to designate a beneficiary

other than following the order of precedence, or if the employee's beneficiary designation on file is incorrect. The order of precedence is as follows:

1. To the spouse;
2. If no surviving spouse, to the children and descendants of the deceased's children;
3. If none of the above, to the parents, equally;
4. If none of the above, to the duly appointed executor or administrator of the estate; or
5. If none of the above, to the next of kin under the laws of the state where the employee resided at the time of death.

Town employees will be responsible for updating their Designation of Beneficiary via their myVRS account at <https://myvrs.varetire.org/>.

E. Termination of Employment

Basic Group Life Insurance benefits end when a covered employee leaves their employment before eligible for retirement. The group life insurance policy may be converted to an individual whole-life policy at non-group rates. The conversion must take place within thirty-one (31) days of the last day of the month in which employment is terminated. If the employee dies within thirty-one (31) days of the last day of the month in which employment is terminated, the natural death benefit is payable. The terminating employee may obtain the appropriate conversion form (VRS-35) from the Human Resources Department.

F. Death of Employee/Retiree

Upon the death of a Town employee, a family member should contact the Human Resources Department for assistance in filing a death claim and information about life insurance or death-in-service benefits that may be payable. The Human Resources Department will report the death to VRS once it has received the death notification. Information will be given only to those designated as beneficiaries by the employee.

For more information on the above, employees may request a copy of the Handbook for Members of the VRS from the Human Resources Department. Employees may also access a copy of the handbook by visiting VRS website at www.varetire.org.

7.5 Optional Life Insurance

The Optional Group Life Insurance Program is a voluntary program that allows employees to purchase additional protection for themselves and their family through the VRS group life insurance.

A. Eligibility

If employees have basic group life coverage and the amount of basic group life insurance provided does not totally meet life insurance needs, those employees may be eligible to purchase optional group life insurance for natural death and accidental death and dismemberment for themselves, their spouses and their dependent children.

B. Benefit Amount

Eligible employees may purchase the optional group life insurance coverage for up to eight (8) times their salary, not to exceed \$800,000. The employee will be responsible for

paying the premiums through payroll deductions.

C. Child Dependent Coverage

Active employees participating in the Optional Group Life Insurance plan will also be eligible to purchase optional life insurance for their spouse and dependent children. The employee's spouse is eligible for up to fifty percent (50%) of the maximum amount of the employee's optional life insurance coverage. Employees may also purchase optional group life coverage for their minor child.

If both the employee and spouse are covered under VRS-sponsored group life insurance, both may purchase optional life insurance coverage, but neither one can choose spousal coverage. If the employee has a minor child, the employee or the spouse, but not both, may elect coverage for the child.

D. Proof of Good Health

Proof of good health is required for all coverage if not elected within 31 days of the employee's first day of coverage under basic group life insurance. Proof of good health is also required for amounts in excess of \$400,000 for the employee and for more than one-half of the employee's salary for the spouse's coverage.

7.6 Retirement

A. Virginia Retirement System (VRS) Eligibility

All regular full-time employees shall participate in the VRS. The Director of Finance shall ensure that the appropriate Town contributions are made to the system, the proper employee contributions collected and the program in general administered in accordance with Title 51.1 of the Code of Virginia as or may be amended.

B. Benefit:

Employees who retire from the VRS are eligible to begin receiving retirement benefits upon reaching the following age and service combination:

See chart on next page

Plan 1	Age	Years of Service	Employee Type
Unreduced	50	30	
	65	5	
	50	25	Hazardous Duty Employees
	60	5	Hazardous Duty Employees
Reduced	50	10	
	55	5	
	50	5	Hazardous Duty Employees
Plan 2	Age	Years of Service	Employee Type
Unreduced	SSRA	5	Age and Creditable Service Equals 90
	50	25	Hazardous Duty Employees
	60	5	Hazardous Duty Employees
Reduced	60	5	
	50	5	Hazardous Duty Employees
Hybrid Plan	Age	Years of Service	Employee Type
Unreduced	SSRA	5	Age and Creditable Service Equals 90
Reduced	60	5	

Hybrid Plan - This plan does not apply to Hazardous Duty Employees. Retirement benefits are determined by the employee's age at retirement, average final compensation, years of service, type of retirement, and position classification (for employees covered under the LEO).

C. Service Credit

Eligible employees are credited with one month of service for each month a contribution is made by the Town.

D. Vesting

An employee is vested after being credited with five (5) years of accumulated service.

E. Plans

Employees qualify for one of the following under VRS:

1. Plan 1: Employees hired before July 1, 2010, and vested as of January 1, 2013. Employees under this plan are eligible for VRS Disability Retirement.
2. Plan 2: Employees hired on or after July 1, 2010; employees hired before January 1, 2010 but were not vested as of January 1, 2013. Employees under this plan are eligible for VRS Disability Retirement.
3. Hybrid Plan: Employees hired on or after January 1, 2014; employees in Plan 1 or Plan 2 that opted in to this plan during the election window January 1 – April 30, 2014. Employees under this plan are automatically enrolled in VACORP Hybrid Disability Plan offered by Anthem Life, and are thus eligible for Long-Term Disability and Short-Term Disability Coverage.

The above retirement calculations are guidelines; check with the plan administrator or VRS.

7.7 Deferred Compensation

Deferred compensation is the portion of income before taxes that the employee chooses to have withheld and put into a retirement plan for distribution to the employee at a later date, usually at retirement.

The Town currently offers a deferred compensation plan that allows employees to set aside a portion of their income to be utilized for retirement purposes. Employees may choose from various types of investments (stocks, mutual funds & fixed income interest bearing accounts). These products are managed by financial firms chosen by the Town.

7.8 Employee Assistance Program

The Town of Purcellville will provide confidential and voluntary assistance through its employee assistance program (EAP) to all regular full-time employees and their family members who may be faced with challenges of financial concerns, legal issues, alcohol or drug problems, marital problems, illness of a family member, emotional worries, child or elder care problems, etc. For the welfare of employees as well as for effective business operations, the Town encourages its employees to take advantage of this valuable benefit.

A. Procedures

Employees and family members of their household can contact the EAP directly. The program may be reached 24/7.

Anthem EAP (employees must be enrolled in the Town's health insurance to utilize this program)

Contact Number: 855-223-9277

Website: www.anthemEAP.com

(use "Commonwealth of Virginia" when logging in)

B. Meetings with EAP Counselors

EAP counselors are available to meet with employees or family members to assess a problem and develop a plan for resolution. The counselors may suggest a referral to an outside resource, such as a therapist, agency, physician, treatment facility or other professional that would be appropriate to assist in resolving the problem or situation.

A set number of visits per family per incident are covered by the Town. Additionally, EAP counselors will make every effort to coordinate referrals for ongoing treatment with the employee's health insurance coverage as well as with their ability to pay out of pocket costs.

C. Referrals for Employee Performance or Behavior Issues

When an employee's job performance or attendance is unsatisfactory or there appears to be signs of other problems impacting work performance, the supervisor should counsel the employee in consultation with the Human Resources Department with an end toward resolving the situation. If the circumstances warrant, the employee may be referred to the EAP to assist.

Depending on the situation, the employee may accept or refuse participation in the EAP.

However, there may be situations where continued employment with the Town is

contingent on the employee's contacting the EAP.

Voluntary participation in the EAP does not jeopardize job security or promotional opportunities. However, it does not excuse the employee from following Town policies and procedures or from meeting required standards for satisfactory job performance except where specific accommodations are required by law.

D. Confidentiality

All contact between an employee and the EAP is held strictly confidential. In cases where an employee is mandatorily referred to the EAP, the EAP counselor will only verify whether the employee has contacted the EAP and, if ongoing treatment is necessary, that the employee is following through in terms of attendance, not discussion of the counseling sessions.

Information given to the EAP counselor may be released to the Town only if requested by the employee in writing.

7.9 Legal Assistance

Employees may elect to participate in a taxable benefit to curtail the costs of legal services for themselves and/or their family. This benefit is available through payroll deduction.

7.10 Supplemental Insurance

Employees may elect insurance policies to help supplement their primary health plan. Some of the additional benefits that may be available include:

A. Non-taxable Benefits

- Accident/Disability
- Cancer Insurance
- Hospital Confinement Indemnity
- Hospital Intensive Care
- Life
- Specified Health Event

B. Taxable Benefits

- Short-Term Disability

7.11 Worker's Compensation Program

Our first responsibility is the prevention of occupational injuries and illnesses. Despite our best efforts, injuries and illnesses do sometimes occur. Workers' Compensation provides benefits for an employee in the event of certain occupational illnesses, injuries or death.

A. Reporting

Employees are required to immediately report all workplace injuries, conditions or illnesses to their supervisor. Any and all incidents shall be reported regardless of whether medical treatment is necessary. If the immediate supervisor is not available, a report must be made to the Human Resources Department. Late reporting by the employee can result in delayed or denied workers' compensation benefits.

The supervisor shall immediately report via email, online or phone the workers' compensation claim reporting service to report the claim. The claim reporting service is available twenty-four (24) hours per day, seven (7) days per week, three-hundred-sixty-

five (365) days per year.

Delays in reporting can jeopardize the employee's rights under the workers' compensation law and subject the Town of Purcellville to penalties, which may be assessed by the Virginia Workers' Compensation Commission. All occupational reports shall be made to the claim reporting service immediately upon the notification of a work-related injury or illness and no longer than twenty-four (24) hours following the occurrence of the injury or illness.

B. Panel of Physicians

The Town of Purcellville has an approved Panel of Physicians for treating workers' compensation injuries and illnesses. Upon notification of a work-related injury or illness, the supervisor shall provide the employee with the Panel of Physicians. The employee shall sign and date an acknowledgement of receipt of the Panel of Physicians and the supervisor shall witness the employee's signature. The supervisor will retain the original signed panel and provide the employee and the Human Resources Department a signed copy. The Panel of Physicians shall be offered and provided to the employee, regardless of whether the employee intends to receive medical attention.

Treatment by a physician or medical facility outside of the panel will be at the employee's expense.

In the event of an emergency the employee may seek treatment at the closest emergency facility. Once the emergency treatment is completed, a panel physician must be chosen for follow up care.

All departments shall post a copy of the Panel of Physicians in a conspicuous location.

The supervisor shall also provide the employee with a copy of "What Employees Need to Know" (WENK) guide, which is available on the town intranet. The WENK is a workers' compensation informational guide published by Virginia Risk Sharing Association (VRSA).

C. Medical Treatment

An employee shall not utilize health insurance for situations believed to be work related unless the claim is denied.

The supervisor shall provide the employee with a Medical First Report form to take to the initial treatment. This form is available on the town intranet and is for the physician to complete. The employee shall provide the completed form to their supervisor following treatment. Either the employee or the supervisor shall provide to the Human Resources Department the completed Medical First Report.

Immediately upon receipt, the employee shall forward all medical bills, reports and other medical correspondence to VRSA. All medical facility inquiries shall be referred to VRSA.

Only VRSA Insurance Programs has the authority to authorize treatment, testing, physical therapy, surgery, change in physician, second opinion, etc.

The employee shall cooperate with VRSA Insurance Programs. This includes supplying disability slips, medical information, keeping appointments etc. Additionally, the employee shall keep their supervisor advised of their work status and cooperate with return to work efforts. Immediately, the supervisor shall inform the Human Resources Department of any changes or updates regarding the employee's Workers' Compensation

status.

D. Prescriptions

The supervisor shall complete and provide the employee with an Instant Coverage Workers' Compensation Prescription Program authorization form (which is available on the intranet), if medication is prescribed. The employee should take this authorization to a participating network pharmacy and will be provided a seven (7) to ten (10) day supply of medication at no cost. This authorization is valid for one time use only. VRSA Insurance Programs must authorize any additional medication prescribed beyond the first fill.

If an employee incurs the cost for any medication, a receipt containing the employee's name, prescribing physicians, date of purchase, name of medication and cost of medication may be submitted to VRSA Insurance Programs for reimbursement consideration.

E. Wage Loss Benefits

An employee is not entitled to lost wage compensation for the first seven (7) days of incapacity resulting from a work-related disability. The Virginia Workers' Compensation Law includes weekends/holidays in this count, and these days do not need to be consecutive.

The employee will be given the option of using earned sick, annual or compensatory leave for up to seven (7) days. If the employee chooses not to use earned leave, the leave will be excused leave without pay. The employee is responsible for notifying their supervisor of how they would like to charge the first seven days of leave. If a designation is not made, it will automatically be charged to sick leave (if sick leave is insufficient, annual or compensatory leave will be charged). If sick, annual and compensatory leave are exhausted prior to the injury or during the first seven (7) days of absence the employee will receive leave without pay.

The supervisor is responsible for keeping the Human Resources Department informed on a continual basis regarding how many days the employee has missed. This will ensure compliance with OSHA Log regulations and accuracy of time missed tracking for FMLA purpose.

Temporary employee who are not eligible for annual leave, and employees, who have no earned leave available, will not receive pay for the first seven (7) days.

If the absence is longer than seven (7) days, is authorized by a panel physician, and is the result of a compensable injury under the Virginia Workers' Compensation Act, the employee will receive compensation benefits from VRSA Insurance Programs in accordance with the provisions of the Virginia Workers' Compensation Act.

If an employee is out of work over twenty-one days for a covered injury/illness that is authorized by a panel physician, the employee will receive compensation for the first seven days from VRSA Insurance Programs. The employee has the option of: (1) signing over the check from VRSA Insurance Programs to the Town of Purcellville, at which point the employee's earned leave will be restored; or (2) the employee can keep the compensation, but earned leave will not be restored.

Earned sick, annual or compensatory leave cannot be used concurrently with workers' compensation benefits.

Work related disability will be designated under the Family Medical Leave Act (FMLA) and will run concurrently with workers' compensation benefits if the disability constitutes a "serious health condition".

While receiving workers' compensation benefits, any voluntary deductions are the employee's responsibility.

During the time an employee is receiving workers' compensation wage benefits, they will not receive Town pay. To prevent lapse in the employee's health insurance during this period, the Town will directly pay the employee's share of premiums. Within ten (10) calendar days of when the employee returns to work, the Human Resources Department shall establish a health insurance premium repayment schedule for that employee. The employee must schedule an appointment with the Human Resources Department within ten (10) days of returning to work to establish the repayment schedule.

If the employee desires to pay the employee share of any voluntary deductions (e.g. Deferred Compensation, Supplemental Insurance, Legal Resources, etc.) during this period, the employee must contact the Human Resources Department to arrange payment to those vendors.

Earned sick, annual or compensatory leave may be used for disability resulting from a denied workers' compensation claim with such disability designated under FMLA so long as the disability constitutes a "serious health condition".

While temporarily unable to perform any work, an employee is entitled to 2/3 of their gross average weekly wage up to a maximum weekly limit set by the Commonwealth of Virginia. In the event that an injured employee's weekly salary is above the state mandated limit, the Town will supplement that amount. The Town will pay the employee the difference between 66 2/3% of their weekly wage and the maximum limit.

F. Return to Work: Temporary Modified Duty

The Town of Purcellville shall make every effort to provide temporary modified duty for employees with temporary restrictions resulting from a work-related disability. All temporary modified assignments will be within the employee's medical capability and will adhere to the treating physician's recommendations. The temporary modified assignment may or may not be in the same occupation, department, pay scale, hours, etc., as the employee was performing prior to the work-related injury or illness. Modified assignments are temporary and will be reviewed periodically to determine continued availability of the assignments. Please refer to Section 6.3. for policy details regarding temporary modified duty assignments.

If an employee refuses a temporary modified assignment that has been approved by their treating physician and is within their capabilities, that employee may lose their workers' compensation benefits.

SECTION 8: SAFETY, HEALTH & SECURITY

8.1 Town Policy

It is the policy of the Town that every employee is entitled to work under the safest possible conditions representing all occupations. To this end, every reasonable effort will be made to provide and maintain a safe, healthy, and secure workplace, safe equipment, proper materials, and to establish and insist upon safe methods and practices at all times. The safety rules and regulations developed herein are for the protection of all Town employees.

8.2 Application

The provisions of this section apply to all employees of the Town.

8.3 Town Emergency Operations Plan

The Town has established and maintains the “Town of Purcellville Virginia Emergency Operations Plan,” (hereinafter “Emergency Operations Plan”).

The purpose of the Emergency Operations Plan is to establish a formalized process for executing command and control over disaster situations, and to utilize processes that can integrate readily with Joint Operations and Unified Command structures.

The Emergency Operations Plan contains annexes and appendices that outline actions by critical facilities in the Town in response to a terrorist threat, bomb threat or weapons of mass destruction event that may affect critical facilities within the Town.

Responsibilities

The Town Manager serves as the Director of Emergency Management, and has overall responsibility for the delivery of all Town services.

In the event of an emergency situation that requires a significant commitment of Town resources or presents a significant risk to the health and safety of the Town, the Town Manager, or in their absence the Assistant Town Manager, will appoint a disaster manager to issue directives, and direct and control emergency operations in time of emergency.

Department Directors will develop and maintain detailed plans and standard operating procedures necessary for their departments to effectively accomplish their assigned tasks. In time of emergency, the Department Directors will be responsible for the protection and preservation of records essential for the continuity of government operations. Department Directors will establish succession-of-key-emergency-personnel lists.

The Emergency Operations Plan is an active document that sets forth specific plans of the local government in emergency or disaster situations. The document is subject to revision, refinement, and periodic review. As such, the Emergency Operations Plan and associated annexes are considered confidential and not for public release.

8.4 Town Security Plan

Department Directors, and/or their designated appointees, in coordination with the Purcellville Police Department, will develop and maintain detailed security plans and standard

operating procedures necessary for their individual work sites to effectively accomplish their assigned tasks.

A. Responsibilities

Town Council

Ordinances and provisions of all necessary resources to implement all Town-wide Safety, Health, and Security (SH&S) Programs are considered at the discretion of the Purcellville Town Council, under the advisement of the Town's management staff.

Town Management

The Human Resources Director and Department Directors should have SH&S Programs prepared and reviewed annually for compliance with all regulations. Resources required to implement Town-wide SH&S Programs will be identified for the Town Council's budget approval, and subsequently allocated to support and enforce the requirements contained in the Town-wide SH&S Programs.

Safety Committee

A Town-wide Safety Committee functions under the guidance of the Chief of Police with management and employee representatives:

1. Identify, recommend, and develop new Town-wide SH&S Programs.
2. Review and update existing Town-wide SH&S Programs.
3. Identify, address, and make recommendations for change in improving SH&S in the workplace.
4. Help in identifying employee SH&S training needs.
5. Assist Town management in complying with the requirements pertaining to SH&S.
6. Promote SH&S on a Town-wide basis.

Supervisors

Supervisors will assume responsibility for safe working conditions within their department, division, and/or crew. This includes compliance of all regulations and the requirements of all relevant Town-wide SH&S Programs.

Supervisors will ensure their subordinates are aware of the requirements of all relevant Town-wide SH&S Programs through new employee and annual training sessions.

Employees

All Town employees will assume responsibility for their own safe working actions, and follow the workplace guidelines as established in all relevant Town-wide SH&S Programs and any other guidelines established for their specific work area. Employees should also report any unsafe acts, unsafe practices, and/or unsafe conditions to their immediate supervisor.

8.5 Accident Investigation and Reporting

When an injury occurs on the job, an employee or their supervisor shall call the workers' compensation claim report service to report an injury within 24 hours of the incident.

If an injury requires medical attention, the employee shall seek treatment with one of the Town's approved panel physicians, or at the nearest hospital in case of an emergency.

After treatment with a panel physician, the doctor should make the following determination regarding the injured employee:

- a. The employee is released to work with no restrictions; or
- b. The employee is released to work with defined restrictions (temporary modified duty); or
- c. The employee is not able to return to work until a later date (disability status)

Please refer to Section 6.3 for more information pertaining to the Town's light/alternative duty policies.

Please refer to Section 7.11 for more information regarding the Town's workers' compensation program.

8.6 Drug and Alcohol Workplace Policy

The Town of Purcellville prohibits the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance during working hours and on Town property at any time.

Town employees are prohibited from reporting to work under the influence of alcohol or controlled substances. In the event either prohibition is violated, the employee is subject to disciplinary action up to and including dismissal under Section 13 Employee Discipline of this manual.

A. Drug and Alcohol Testing Program

It is the policy of the Town that all Town government work sites shall be maintained as a drug-free, alcohol-free workplace.

1. **No employee shall** unlawfully manufacture, distribute, dispense, possess, or use on or in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance, as defined in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. Sec. 12) and as further defined by Federal Regulation at 21 CFR Sec. 1300.11-1300.15.
 - a. Police officers, public safety dispatchers, utilities operators, drivers of vehicles requiring commercial driver licenses, and other Town positions deemed safety sensitive are prohibited from the use of marijuana and any products containing tetrahydrocannabinol (THC) above .3 %.
2. **"Workplace" is defined** as any site for the performance of work by the employee on duty, including but not limited to any Town building or premise; Town-owned vehicle; building or premise used by the Town for Town business; and any non-Town property during any Town-sponsored or Town-approved activity, event or function. "Workplace" also includes all Town-owned property including, but not limited to offices, desks, lockers, safes, file cabinets, toolboxes, etc.
3. **As a condition of employment**, an employee shall notify their supervisor of a

conviction of any criminal drug statute no later than five days after such conviction.

4. **As a condition of employment**, all employees shall abide by the terms of this policy and regulations respecting a drug-free, alcohol-free workplace.
5. **All Town work sites** and all Town-owned property are subject to drug detection inspection at the discretion of the Town Manager.
6. **The possession and/or consumption** of illegal drugs or alcoholic beverages in the workplace are prohibited.
7. **Violation of this policy** and regulations will result in appropriate disciplinary action up to and including termination. Refer to section 13.3 Causes for Disciplinary Action for a list of actions that will lead to disciplinary action.
8. **All employees will** be required to acknowledge annually via our training provider that they have reviewed this policy.

B. Drug and Alcohol Testing

Drug and/or alcohol tests may be required in the following cases:

1. **Where an applicant** for a Town position critical to the safety and security of employees or citizens has been given a conditional offer of employment, subject to passage of a drug test;
2. **Where an employee** in a Town position critical to the safety and security of employees or citizens has been selected for a random drug and/or alcohol test;
3. **Where there is reasonable suspicion** that any Town employee, regardless of position, is under the influence of illegal drugs or alcohol;
4. **When an employee** has been in an incident involving a vehicle or motorized machinery (i.e., riding lawn mower, backhoe or other construction equipment) that results in any of the following:
 - a. Human fatality;
 - b. Town driver was issued a citation AND there was bodily injury to anyone involved in the incident with treatment away from the scene;
 - c. Town driver was issued a citation AND disabling damage was done to any vehicle or equipment involved in the incident requiring it to be towed from the scene.
5. **Under the Omnibus Transportation Employee Testing Act of 1991** (49 CFR, Parts 40 and 382, et al), all employees and applicants who hold or are offered a position that requires a Commercial Driver's License (CDL) or safety sensitive position as a condition of employment and continued employment must be tested for drugs and alcohol under the following conditions:
 - a. Pre-employment
 - b. Random
 - c. Post-accident
 - d. Return to work after testing positive and follow-up
6. **A refusal** to immediately submit to a drug test when required or a verified finding

of alcohol or illegal drug use may result in withdrawal of a conditional offer of employment or disciplinary action up to and including termination. As indicated by the employee's job description, employees may be determined to be critical to the safety and security of employees or citizens.

C. Test Procedures in General

1. **The administration of the Drug & Alcohol Testing Program** will be in accordance with the Department of Transportation Regulations, Federal Highway Administration and the Drug-Free Workplace Act of 1986. An Evidentiary Breath Testing device operated by a trained Breath Alcohol Technician will be used to test for presence of alcohol. Urinalysis will be used for the detection of controlled substances. All employees tested will be required to sign an authorization and consent form releasing the information to the employer. The testing of the sample will be performed by a laboratory approved by the National Institute on Drug Abuse (NIDA), including a NIDA panel screening with gas chromatography/mass spectrometry (GC/MS) confirmation on all positive tests. The panel includes screening for amphetamines, marijuana, cocaine, opium, benzodiazepines, barbiturates, methadone, propoxyphene, opiates and phencyclidine (PCP). The cutoff level for each substance tested for, both drugs and alcohol, will be consistent with those currently recommended by the Department of Transportation guidelines. The cost for all drug tests ordered will be borne by the Town.
 - a. Testing of blood or urine specimens to determine whether a sworn police officer has used drugs or alcohol shall be conducted in accordance with the requirements of the Law Enforcement Officers' Procedural Guarantee Act (§ 9.1-501 of the Code of Virginia). The specimen shall be divided and placed into two separate containers. One specimen shall be tested while the other is held in a proper manner to preserve the specimen by the facility collecting or testing the specimen. Should the first specimen test positive, the law-enforcement officer shall have the right to require the second specimen be sent to a laboratory of his choice for independent testing in accordance generally with the procedures set forth in §§ 18.2-268.1 through 18.2-268.12 of the Code of Virginia. The officer shall notify the Chief of Police in writing of their request within 10 days of being notified of positive specimen results. The laboratory chosen by the officer shall be accredited or certified as required by § 9.1-501 of the Code of Virginia. A positive test result will not be considered a confirmed positive test result for purposes of Section 8.7(C)(4) below until the officer's time for requesting independent testing of the second specimen has expired without having made such a request, or such independent testing also yields a positive test result.
2. **Any employee** subject to testing under this plan will be permitted to provide urine specimens in a manner where the employee is not observed while actually providing the specimen, unless there is reason to believe that the employee has altered or substituted the urine specimen provided.
3. **Failure to appear** for testing without prior notice acceptable to the Town will be considered refusal to participate in the testing and will subject the employee to the full range of disciplinary action, including dismissal; or in the case of an

applicant, the rescission of a conditional offer of employment.

4. **When a confirmed positive test result** for drugs has been returned by the laboratory, the tested employee will be given an opportunity to provide to the Medical Review Officer appropriate and corroborated information to demonstrate the confirmed positive test is from a legally prescribed medication or other ingestion. Evidence to justify a positive test result may include, but is not limited to:
 - a. A valid prescription; or
 - b. Verification from the individual's physician of a valid prescription.
5. **If the Medical Review Officer determines** there is a lack of legitimate reason for the positive result, the result will then be considered a verified positive test result. In a timely fashion, the Medical Review Officer will confidentially notify the Human Resources Director in writing of the verified positive test result. If the test results are positive, the employee must be evaluated by a Substance Abuse Professional. A Return-to-Duty test must be conducted prior to returning to the job. The employee will be subject to a minimum of six unannounced follow-up drug tests in the first 12 months. All follow-up testing for sworn law enforcement officers shall follow the requirements of the Law Enforcement Officers' Procedural Guarantee Act as set forth in Section 8.7(C)(1) above. For all other employees, the employee may submit a written request for a retest of the original specimen within 72 hours of being notified by the Medical Review Officer. The retest will be at the employee's expense if it is positive.
6. **The laboratory may disclose** laboratory test results only to the Medical Review Officer. Any positive result which the Medical Review Officer justifies by acceptable and appropriate medical or scientific documentation to account for the result as other than the intentional ingestion of drugs will be treated as a negative test result and may not be released for purposes of identifying drug use/misuse.
7. **If the results** of the employee's alcohol test indicate a blood alcohol concentration of any amount that is not disclosed prior to testing as the ingredient of a medicine prescribed by a physician the employee will be suspended without pay and shall not be permitted to perform the duties of a position that requires a CDL for at least 24 hours. Any amount of alcohol detected by the test is considered a positive result and the employee must be evaluated by a Substance Abuse Professional. Return-to-Duty tests must be conducted prior to returning to the job. The employee will be subject to a minimum of six unannounced follow-up alcohol tests in the first 12 months. All positive tests will be confirmed by a second test. The results of these tests will be reported immediately to the Human Resources Director. All initial and follow-up alcohol testing for sworn law enforcement officers shall follow the requirements of the Law Enforcement Officers' Procedural Guarantee Act as set forth in Section 8.7(C)(1) above.
8. **All drug testing information** specifically relating to employees and applicants are confidential and should be treated as such by anyone authorized to review such information. In order to implement this program efficiently and make information

readily retrievable, the Human Resources Department shall maintain all records relating to the tampering with evidence, and other authorized documentation necessary to implement and maintain this program.

9. **All records and information** of any personnel action taken on employees with verified positive test results shall be maintained in confidential and secured files in the Human Resources Department and disseminated only to authorized individuals on a confirmed "Need to Know" basis as determined by the Human Resources Director.

D. Guidelines for Testing

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

1. Unexplained inability to perform normal job functions.
2. Slurred speech.
3. Smell of alcohol or drugs on breath.
4. Any unusual lack of physical coordination or loss of equilibrium.
5. Unexplained hyperactivity or depression and withdrawal.
6. Unexplained inability to think or reason at the employee's normal level.
7. Bizarre behavior.
8. Possession of alcohol or illegal drugs; the presence of alcohol, alcohol containers, illegal drugs, or drug paraphernalia in an area subject to the employee's control.
9. Information provided by a reliable and credible person.

If, during normal working hours, reasonable suspicion is confirmed, the supervisor shall contact the Human Resources Director to discuss the observations and to determine the appropriate course of action. If the employee is to be tested, the Human Resources Director shall be notified to make the arrangements with the Town's designated collection center for the necessary drug tests. The employee will be transported to the testing site. If reasonable suspicion is confirmed outside of normal working hours, then the supervisor shall arrange to have the employee transported to the approved collection site.

If the employee refuses to be tested, the employee shall be immediately suspended without pay and transported home. The refusal of an employee to submit to a test shall be considered insubordination and may be the basis for discipline, up to and including termination.

The supervisor who orders a drug test shall document in writing the conduct giving rise to the reasonable belief of drug use within 24 hours of the observed behavior. It should include any statements made and any actions taken by any persons involved in the incident. All records should immediately be sent to the Human Resources Director.

E. Commercial Driver's License Drug and Alcohol Clearinghouse

The purpose of the Clearinghouse, as mandated by section 32402 of the Moving Ahead for Progress in the 21st Century Act (MAP-21), is to maintain records of all drug and alcohol program violations in a central repository and require that employers query the system to determine whether current and prospective employees have incurred a drug or alcohol violation that would prohibit them from performing safety-sensitive functions covered by the FMCSA and U.S. Department of Transportation (DOT) drug and alcohol testing regulations.

This will provide FMCSA and employers the necessary tools to identify drivers who are prohibited from operating a commercial motor vehicle (CMV) and ensure that such drivers receive the required evaluation and treatment before resuming safety-sensitive functions. Specifically, information maintained in the Clearinghouse will ensure that drivers who commit a drug or alcohol violation while working for another employer, or who attempt to find work with another employer, do not perform safety-sensitive functions until completing the return-to-duty process.

Employers and medical review officers (MROs), or their designated representatives, are required to report information about positive drug test results, alcohol test results greater than 0.04 blood alcohol content, refusals to test and other non-test violations of FMCSA's drug and alcohol regulations. In addition, Substance Abuse Professionals (SAPs) are required to report information about drivers undergoing the return-to-duty drug and alcohol rehabilitation process. Employers must search the Clearinghouse for information during the pre-employment process for prospective employees and at least once a year for current employees to determine whether anyone has incurred a drug or alcohol violation with a different employer that would prohibit them from performing safety-sensitive functions.

For the purposes of maintaining a workplace free of drugs and alcohol, the Town Manager retains the right to search employee lockers, file cabinets, desks, etc.

8.7 Safety, Health, and Security Programs

All Town-wide Safety, Health, and Security (SH&S) Programs, including site-specific programs, are to be in compliance with the Virginia Occupational Safety and Health (VOSH) Program and Occupational Safety and Health Administration (OSHA) regulations, written in easily understandable language, include a listing of typical unsafe acts and conditions, and other material as deemed appropriate by the Town Manager, the Human Resources Director, and the recommendations of the Town-wide SH&S Committee. They are to be updated as stated in VOSH and OSHA regulations and Town-wide SH&S Programs. These programs will be made available to all employees, and management will ensure that all employees receive annual training. Copies of these programs are located at each Town facility, and on all Town computers.

A. Employee Safety and Health Program

The Employee Safety and Health Program addresses both employer and employee requirements in the areas of safety and health issues, accident investigation and reporting, training requirements, and other responsibilities as deemed necessary. See Town-wide SH&S Program Book Number 1.

B. General Safety and Health Program

The General Safety and Health Program addresses both employer and employee requirements in the areas of general safety, health, and wellness issues. Safety aspects such as personal protective equipment (PPE) and tools, accident investigation and reporting, training requirements, and other responsibilities as deemed necessary. See Town-wide SH&S Program Book Number 1.

C. Building Safety and Security Program

The Building Safety and Security Program addresses both employer and employee requirements for building safety and security, and will include requirements for compliance with the Americans with Disabilities Act (ADA) as they relate to Town- owned facilities. See Town-wide SH&S Program Book Number 2.

D. Respiratory Protection Program

The Respiratory Protection Program addresses both employer and employee requirements including Occupational Safety & Health Administration (OSHA) laws and regulations. See Town-wide SH&S Program Book Number 3.

E. Hazard Communication Program

The Hazard Communication Program addresses both employer and employee requirements in the hazards of all chemicals which are known to be present in the workplace; ensures these hazards are evaluated in order to reduce or eliminate the possibility of death or injury as the result of exposure to a hazardous material; and that this hazard information and protective measures be transmitted to the employees who are exposed to the hazardous material. See Town-wide SH&S Program Book Number 4.

F. Highway and Vehicular Safety Program

The Town will ensure that all drivers while operating Town vehicles comply with all applicable laws of the State and maintain driver's licensing appropriate to the types of vehicles operated. This program addresses both employer and employee requirements in defensive driving techniques, required annual defensive driving training, operation, maintenance, and servicing of heavy equipment. See Town- wide SH&S Program Book Number 5.

Employee Driving Records

1. Purpose

- a. Establish minimum driving standards for the drivers of all motor vehicles owned or insured by the Town of Purcellville;
- b. Provide for an annual driving record and license status review for the drivers of Town vehicles;
- c. Define reporting procedures for circumstances that may detrimentally affect an employee's driving record or status; and
- d. Establish procedures dealing with employees with unacceptable driving records or license status.

2. Responsibility

- a. All Town employees who operate motor vehicles and Town equipment, leased or insured by the Town of Purcellville, are responsible for compliance

with these requirements.

- b. The Human Resources Director, is responsible for the implementation and continued compliance with this requirement.

3. Scope of Application

This policy includes all employees and volunteers who drive or may drive as part of their job or duties, Town-insured motor vehicles or motorized self-propelled equipment on any public roadway or along public rights-of-way.

An employee's record that indicates a trend over the past three (3) year driving period of reckless driving disregard in following the law in the operation of a motor vehicle, or who has been convicted of a DUI offense is not eligible to drive a Town vehicle.

The Town Manager shall have the authority to waive these criteria if there are unusual mitigating circumstances and they believe the waiver is in the best interest of the Town.

4. Training

All Town employees who are included on the Town's liability coverage will participate in an approved defensive driving training course.

Minimum Driving Standards

1. All drivers shall possess a valid driver's license issued by their state of residence.
2. Employees who drive Town-owned or insured vehicles must immediately report in writing any change in their license status to their department head through their immediate supervisor. Failure to report such an incident may result in discipline, including dismissal. Employees must also report, no later than their next immediate workday, any offense that results in a conviction for the following violations:
 - a. Driving under the influence of drugs or intoxicants;
 - b. Refusal to submit to a blood or breath test for determination of drug or alcohol content;
 - c. Reckless driving;
 - d. Leaving the scene of an accident; or
 - e. Any incident involving death or serious injury. Convictions shall be handled on a case-by-case basis.

All drivers shall promptly report to their immediate supervisor any moving violation or involvement in any accident which occurs while they are operating a Town-owned or insured vehicle.

Town vehicles are equipped with EZPass transponders. If an employee is in their personal vehicle and must use the toll road, in order to get reimbursed, the employee will need to provide a toll receipt and submit an approved Expense Reimbursement Form.

Employees whose driving privileges have been revoked or suspended shall lose their Town driving privileges. If driving is an essential function of the employee's job, they may be placed in a probationary status, or may be disciplined, up to and including dismissal.

If a department head approves the revocation of an employee's driving privileges with

the Town, such action will be reviewed by the Town Manager. If the Town Manager sustains the decision to revoke an employee's Town driving privilege, the employee will be notified in writing of the length of revocation. If the employee serves in a position that requires driving, the employee's supervisor will consider placing the employee in a vacant non-driving position for which the employee is qualified. If there is no such position available, the employee may be dismissed.

If such change in the employee's job status, other than dismissal, is within a lower grade, the change shall be considered a demotion.

An employee whose right to drive is reinstituted after placement in a non-driving position may competitively apply for driving positions as they become vacant.

Immediate supervisors will be held accountable by the appropriate department head for monitoring the driving abilities and safety records of their employees. Supervisors shall review all accidents and unsafe driving reports.

Supervisors shall have the authority to recommend remedial training, probation, or disciplinary action (including dismissal), which they deem appropriate based upon the employee's driving record.

The Human Resources Department shall review employee driving records annually, for those covered by this section.

G. First Aid/CPR/AED Certification Program

The First Aid/CPR/AED Certification Program addresses both employer and employee requirements in these areas. See Town-wide SH&S Program Book Number 6.

H. Drug and Alcohol Program

The Drug and Alcohol Program addresses both employer and employee requirements including Department of Transportation guidelines, testing procedures, and Reasonable Suspicion Testing. See Town-wide SH&S Program Book Number 7.

I. Confined Space Entry Program

The Confined Space Entry Program addresses both employer and employee requirements in recognizing, entering, and complying with the requirements associated with working in confined space areas. See Town-wide SH&S Program Book Number 8.

J. Infection Control Program

The Infection Control Program addresses both employer and employee safety and health requirements of infectious diseases caused by blood borne pathogens and air contaminants such as AIDS, Tuberculosis, Hepatitis B, Lyme disease, West Nile Virus, Meningitis and Severe Acute Respiratory Syndrome (SARS), with recommendations made by the National Centers for Disease Control. See Town-wide SH&S Program Book Number 9.

K. Fire Safety Program

The Fire Safety Program addresses both employer and employee requirements to reduce or eliminate hazards and accidents involving fire safety, and thereby improve the safety of employees and the general public. Facility managers will be responsible for preparing and maintaining site-specific fire prevention and emergency action plans as required under OSHA 29 CFR 1910.38 and 1910.39. See Town-wide SH&S Program Book Number

10.

L. Mechanical Safety Program

The Mechanical Safety Program addresses employer and employee requirements, mandated training, authorization and certification requirements for welding, acetylene torch operations, lock out/tag out procedures, power saw operation, and proper use of all other Town-owned equipment. See Town-wide SH&S Program Book Number 11.

M. Site-Specific Programs

SH&S Programs that are necessary at specific locations or by specific operations, as required by VOSH and OSHA regulations, will be identified by Department Directors, or their designated appointees. Examples of these site-specific programs include respiratory protection, personal protective equipment (PPE), chemical hygiene, and electrical safety.

SECTION 9: ORIENTATION, TRAINING, AND TRAVEL

9.1 Policy

The Town will provide employees with opportunities for training and career development. It is the Town's intent to offer job-related training programs through the Human Resources Department so employees may develop and utilize their talents to the fullest degree possible in the best interests of the Town, and to provide a solid base of occupational skills necessary to meet current and future employment needs.

For procedures to coordinate and establish a training program, see "Checklist – Coordinating a Training Program."

9.2 Employee Orientation

The Human Resources Department shall be responsible for directing and developing a program to orient each new employee to the requirements of Town service.

The Human Resources Department shall advise new employees on all general conditions of Town employment including personnel policies, fringe benefits, pay and such other similar matters. Each employee shall receive a copy of the necessary benefits information packets, and access to this Personnel Manual through the intranet and Employee Self Service (ESS).

1. Department Directors shall orient each new employee within their department or division to the conditions related to the job and work site. Orientation shall include introductions to fellow workers, work standards, safety regulations, supplies, duties and responsibilities, work schedule and other pertinent department policies and procedures, including a manual if applicable.
2. The Human Resources Department should follow the Standard Operating Procedure (SOP) entitled "Benefits Orientation" in conducting an orientation for all newly hired employees.

9.3 Career Development

The Town supports career development programs that allow all employees to experience careers that provide opportunities for growth, challenge, variety and accomplishment. These goals will be met through career coaching, education, and resources that enhance individual careers and contribute to the growth of the organization.

The Town will provide the resources to assist employees in their career development. The Town encourages employees to join and actively participate in appropriate professional organizations and/or associations. Upon approval by the Department Director, the Town may reimburse membership dues. There must be a commitment on the part of the employee to pursue these opportunities.

The Human Resources Department will:

1. Have available all job descriptions listed within the classification plan.
2. Work with Department Directors to provide resources to employees regarding specific careers in their department. An employee may have the opportunity to obtain more in-depth information through hands-on experience.

3. Encourage each department to budget funds for employee training and development.
4. Encourage Department Directors to ensure employees have the opportunity to attend professional conferences and/or seminars that will enrich their careers.
5. Assure that equitable treatment is given to all employees for training and development purposes.
6. Require employees to submit evidence of all training attended to the Human Resources Department.

9.4 **Computer Training**

The Town offers opportunities to its employees for online basic and intermediate computer and office suite training to include email, database, spreadsheet, word processing, and other applicable software applications. The Town will provide training to meet current software practices. Employees should contact the Human Resources Department for more information including online training opportunities. Departmental training will be provided as needed.

9.5 **Technical Training**

Technical training services are driven by the Town's needs, a changing technological environment, and resource constraints. Therefore, the Town will provide a variety of high quality training opportunities (classroom training, one-on-one training, online courses, and other delivery systems) that deliver timely, appropriate, technical training for staff, departments, and the Town as a whole.

It should be the responsibility of the Department Director and division managers to provide technical training opportunities for an employee to obtain specialized knowledge of an applied art or science that will benefit both the Town and employee relating to the proficiency in a practical skill(s).

9.6 **Licensing and Certifications**

A. State Required

Department Directors are responsible for ensuring licensure and certification for those employee positions that require them. Employees are responsible for maintaining licensure or certification in accordance with State requirements. Employees must retain a current status and retain a copy of a current license or certification on file with the Human Resources Department at all times. Costs for job-required licenses and certifications, including renewals, shall be paid by the Town for the first and second attempts. Attempts beyond two will not be paid by the town.

B. Preferred

Employees may pursue a professional certification or license from an accredited college or university or professional society or organization that is considered preferred in their job description. Department Directors, in consultation with the Town Manager, will have discretion in determining what costs should be covered by the Town or shared by employees in obtaining licenses or certifications as well as renewals that are preferred but not required.

C. Voluntary

Employees are encouraged to enhance their qualifications, work performance or contributions to the Town by voluntarily pursuing a professional certification or license from an accredited college or university or professional society or organization.

Department Directors, in consultation with the Town Manager, have discretion in determining what costs should be covered by the Town or shared by employees in obtaining licenses or certifications, as well as renewals on a voluntary basis to improve skills.

D. Review

A review committee, comprised of Department Directors, will be established from time to time to approve requests for new licenses, certifications or certificates not already approved through past practice.

E. Renewal

If employees are unable or unwilling to renew the license or certification, they will forfeit additional compensation in the same percentage as they received for the license or certification, based upon the salary at the time of the increase.

F. Pay

Refer to Section 5 Compensation in this manual regarding pay increase for required, preferred or voluntary pursuit of licensing or certification.

G. Definitions

1. License: A license issued by federal or state government and carries clearly-defined responsibilities and liabilities (penalties) if duties are not performed in compliance.
2. Professional Certification: A certification issued to an individual by a state or local government or nationally recognized professional association. It generally requires a combination of specific job knowledge, experience/education/training, and an examination. The certificate implies a significant level of training, experience and effort to meet the requirement.
3. Technical Certification: A certification issued by a national or state-recognized organization to an individual who achieves a very specific job-related technical skill.
4. Other: Certificates and certifications can take many forms and may be presented by any training organization to employees who attend training courses, frequently without meeting any standard of course knowledge or content.

9.7 Supervisory and Management Training

All supervisors and managers should receive training periodically to update their knowledge, skills and abilities for performing their duties. Training may be offered to employees who are in a position to prepare for a supervisory or management position.

9.8 On the Job Training and Work Product Policy

Each department should have a program or practice of orienting new employees at the department level. On the job training should include details from section 9.2 Employee Orientation, familiarization and training on equipment and tools used by employees, and a mentoring program. A mentoring program may be instituted at the departmental level to assist new employees in learning specific skills and knowledge related to their job.

Additionally, employees will be provided the opportunity to create, write or update practices and procedures specific to their duties, whether in the form of a formal Standard Operating Procedures (SOP) manual or informal notebook. Employees understand that any manuals, notebooks or the like created by them to assist in the implementation and completion of their duties are public records and owned by the Town. As such, those manuals, notebooks or the like are subject to the Freedom of Information Act, and must remain in the workplace. Upon separation, employees are not permitted to remove any manuals, notebooks or the like from the workplace.

9.9 Cross Training

Cross-Training allows an individual to obtain the knowledge, skills, or understanding of some or all of the job requirements within their department or other departments in the Town.

This new set of experiences will generally be related to the job requirements of the employee such that the increase in the employee's knowledge, skills, or understanding enhances the ability of the employee to perform the requirements of their original position to the benefit of the Town.

Cross-training may be a requirement or an enhancement of the current position. It may also be a requirement of a future position to which the employee aspires. In all cases, Town-sponsored training requires department approval and support.

9.10 Emergency Safety Training

All Town employees should receive safety training applicable to their individual position and department, as deemed necessary by the Department Director, or their designee. Additionally, all employees should become familiar with the Emergency Operations Plan and the Town's Health and Safety Plan. Employees may receive Town-provided safety programs, as well as training that will be provided for all employees who are in a position to be called upon in an emergency situation (i.e. essential employees). Refer to the Town of Purcellville Emergency Operations Plan.

9.11 Tuition Assistance Program

Tuition Reimbursement is designed to attract and retain qualified persons for Town service, to improve the quality of employee leadership and productivity, and to encourage employees to continue their education as a means for improving job skills and enhancing promotional opportunities.

1. The Human Resources Department shall administer the program and maintain a record of all courses taken.
2. Only regular full-time employees are eligible to participate in this program, after twelve months of consecutive employment.
3. Tuition reimbursement is for an approved course or degree program administered by an accredited institution. Each employee must receive approval for courses by the Department Director and Town Manager prior to enrolling at the institution selected. In order to be approved, the course or degree program must relate to the employee job responsibilities, or broaden knowledge of Town-wide municipal functions through promotional advancement.

4. Upon approval, the Town will reimburse up to twelve (12) credit hours of college courses per year. However, assistance is limited to \$5,000 per fiscal year. Reimbursement will be made for tuition fees only. There will be no reimbursement for laboratory fees, textbooks, supplies, transportation, parking stickers, registration, etc. Employees must earn a grade of “C” or better for undergraduate studies and a “B” or better for graduate work to be eligible for reimbursement. Audited courses will not be approved.
5. Approval for degree program participation and course enrollment may be granted after an evaluation of the following criteria: whether the same degree program is offered at another institution for a lower cost; and the anticipated benefit to the Town.
 - a. Requests for tuition reimbursement must be submitted to the Human Resources Department prior to the beginning of the fiscal year or at least one month prior to course registration deadline.
 - b. If approved, the employee will be authorized to take the listed courses; approval should be received prior to registration.
 - c. A copy of the processed application should be returned to the employee upon final approval from the Town Manager.
 - d. Specific training and workshops related to an employee’s position shall be provided through the department’s training account rather than the tuition assistance program.
 - e. If funds are not adequate to support all applications, the Town Manager shall establish priorities based upon the needs of the Town.
 - f. If an employee is eligible for or is receiving tuition benefits under the GI Bill, scholarships, or other forms of tuition assistance, any assistance paid by the Town shall not exceed either two-thirds of tuition fees or the difference between the amount paid under the
 - g. GI Bill, scholarships, or other forms of tuition assistance and the total cost of the course.
 - h. For purposes of this section, “work” does not include workers’ compensation leave, leave through FMLA, administrative leave, leave without pay, education leave, parental leave not covered by FMLA, or military leave. An employee who fails to retain employment with the Town for the specified period must reimburse the Town for the total amount of tuition assistance received.
 - i. An employee who receives reimbursement under the Licenses, Certifications and/or Tuition Reimbursement programs is expected to remain in regular, full-time employment with the Town for a minimum of two (2) years following course, degree, license or certification completion. If an employee voluntarily terminates employment, is separated, or if employment is terminated for cause, the employee must reimburse the Town for all funds expended according to the following schedule. This schedule includes the Police Academy.
 - i. Employee remains employed less than 12 months after course, degree, license or certification completion: 100% repayment.

- ii. Employee remains employed 12-24 months after course, degree, license or certification completion: 50% repayment.

9.12 Reimbursement Procedures

1. After the course or certification completion, the employee will forward to the Human Resources Department proof of cost of the course, receipt or canceled check, and evidence of final grade from the educational institution.
2. Following review of documents submitted, the Human Resources Department shall forward a request for payment to Finance. Upon receipt from Human Resources, Finance will issue a reimbursement to the employee in accordance with check issuance procedures.
3. In special hardship cases, tuition may be paid in advance rather than by reimbursement. This will be determined by the Town Manager on a case- by-case basis.

9.13 Travel Policy and Expenses

The Travel and Training Policy is managed by the Finance Department, to access the policy visit the Employee Intranet Forms and Documents under Travel and Training Heading select the Travel and Training Policy.

A. Periodic Review

This policy is subject to periodic review to ensure that best practices are represented, per diem rates are reasonable and the policy represents the mission of the Town as it relates to travel reimbursements and expenses.

SECTION 10: EMPLOYEE CONDUCT

10.1 Policy

The Town is committed to high standards of ethical behavior in the conduct of its business. All Town employees are expected to conduct themselves in an ethical, professional, courteous and respectful manner in the workplace and while representing the Town in any capacity. All employees will maintain high standards of integrity and concern for the public interest. Further, all Town employees are expected to adhere to procedures regarding the use of Town equipment and resources.

10.2 Financial Disclosure Requirements

The Town Manager, Assistant Town Manager and all Department Directors shall file, as a condition to assuming office or employment and within thirty days of employment, a disclosure statement of personal interest and such other information as specified on the forms set forth in Virginia Code § 2.2-3115, et seq. or if required by Ordinance. Thereafter, they shall file a statement annually by February 1 with the Town Clerk's office. When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday. The Town Clerk shall distribute to each person required to file such a form under the provisions of this section no less than 20 days in advance of the filing deadline. Disclosure forms shall be filed and maintained as public records for five years in the office of the Town Clerk, in accordance with the Library of Virginia.

10.3 Employee Conduct During Mayor and Council Elections

A. Application

1. All Town employees, except those listed in Section 1.2 A1-2 of these rules
 - a. Mayor and Council
 - b. Board of Zoning Appeals
 - c. Board of Architectural Review
 - d. Community Policing Advisory Committee
 - e. Economic Development Advisory Committee
 - f. Parks and Recreation Advisory Board
 - g. Planning Commission
 - h. Purcellville Arts Council
 - i. Tree and Environment Sustainability Committee
 - j. Train Station Advisory Board
 - k. Other Town Committees, Commissions and Boards
2. As used in this article, the meaning of the words "public office in the Town" shall include only the elected offices of the Mayor and Council.

B. General Prohibitions

1. **No employee** shall continue in their position with the Town after election to any public office in the Town.
2. **No Town employee** shall accept orally, by letter or otherwise, any assessment, subscription or contribution for any Town political purpose.
3. **No employee** shall take part in the management, affairs or political office in the Town, or take any part in the management, affairs or political campaign of any candidate for public office during work hours.

10.4 Whistle Blower Protection

A. Disclosure of Violations

1. **Reprisal Prohibited:** The Town of Purcellville shall not engage in reprisal against an employee for disclosing a violation or suspected violation of a local, state, or federal law.
2. **Application:** An employee of the Town of Purcellville who reports or who is known by the Town to have indicated an intent to report, such violation or suspected violations shall be protected by this rule, unless the employee knew the report was false. This protection shall extend to employees who participate, or who were known by the Town to have indicated an intent to participate, in an investigation, hearing or inquiry conducted by a public body, and to employees who participate, or were known by the Town to have indicated an intent to participate in a court proceeding.
3. **Forms of Reprisal:** Reprisal includes such actions as discharge, threats of discipline or arbitrary and capricious changes in the conditions of employment.
4. **Confidentiality of Information**
 - a. No employee shall disclose protected personal information of an employee, or protected information related to revenue or income of a business in making a claim concerning any violation that may be covered under the Whistle Blower Act.
 - b. Disclosure of personal information that is part of the confidential personnel file of an employee by another, or disclosure of protected business information may result in termination for said disclosure and would not be considered retaliatory.

10.5 Harassment, Discrimination and Retaliation in the Workplace

A. Policy

The Town is an equal opportunity employer. It is committed to the maintenance and promotion of nondiscrimination by incorporating sound merit principles in all aspects of human resource management affecting its employees and applicants. It shall provide equal opportunity to all employees in the service of the Town and all applicants without regard to race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, military service or other factors not substantially related to successful performance of the duties of the position. The procedure set out in section D, below, may be used by all Town employees.

Additionally, it is the Town's policy that all employees have a right to work in an environment free from discrimination, which includes freedom from harassment, whether that harassment is based on race, religion, color, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, military service, or other factors. Any form of harassment of the general public by any on- duty Town employee will not be tolerated. Employees shall always be polite and courteous in their behavior toward the public.

B. Purpose

The purpose of this policy is to protect all employees from discrimination and harassment, which can create an intimidating, hostile or offensive working environment.

C. Definitions

1. **Verbal Harassment:** For example, epithets, derogatory comments, stories or slurs on the basis of race, religion, color, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, military service, or other factors.
2. **Physical Harassment:** For example, assault, impeding or blocking movement, physical interference with normal work or movement when directed at an individual on the basis of race, religion, color, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, military service, or other factors or any other physical behavior perceived as intimidating. This could be conduct in the form of pinching, grabbing, patting, leering, or making explicit or implied job threats or promises in return for submission to physical acts. Extreme cases of physical harassment could be determined as violence in the workplace and dealt with in Section 10.14.
3. **Sexual Harassment:** Sexual harassment generally consists of unwelcome sexual advances, requests for sexual acts or favors, or other physical or verbal conduct or visual displays of a sexual nature when 1) submission to such conduct is made either explicitly a term of condition of an individual's employment (e.g., hiring, compensation, advancement, promotion or retention); 2) submission to or rejection of such conduct by an individual (e.g., treating an employee favorably for engaging in such conduct or unfavorably for refusing to engage in the conduct); or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of behaviors and may involve individuals of the same or different gender. These behaviors may include, but are not limited to: unwanted sexual advances; subtle or overt pressure for sexual favors; sexual jokes; innuendoes; advances or propositions; verbal abuse of a sexual nature; graphic commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling, touching, pinching, assault, coerced sexual acts; display of sexually suggestive objects or pictures; and other physical or verbal conduct of a sexual nature. It is also essential to understand that consenting romantic and sexual relationships between supervisory and subordinate employees, or between coworkers, may lead to unforeseen complications. The respect and trust accorded a more senior/supervisory person by a lower-level staff member, as well as the power held by that person in evaluating or otherwise supervising the lower-level person could diminish the extent to which the lower-level employee feels free to choose. Therefore, employees should be aware of the possible risks of even an apparently consensual sexual relationship.

4. **Visual Forms of Harassment:** For example, derogatory posters, notices, bulletins, cartoons, or drawings on the basis of race, religion, color, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, military service, or other factors.
5. **Discrimination:** The demonstration of bias, whether intended or not, against an employee with respect to the terms and conditions of their employment on the basis

of race, religion, color, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, military service, or other factors. Such bias may be demonstrated by the actions of another employee, a non-employee, or by the application of a Town policy, practice or procedure to an employee or group of employees.

D. Harassment and Discrimination Reporting Procedure

Any employee who feels they are a victim of harassment should respond immediately and directly to their immediate supervisor or the Human Resources Department. If the offensive behavior continues, it is very important that the employee being harassed report it to management. The Town expects all perceived incidents of harassment to be reported, regardless of the alleged offender's identity or position. Management will document the specifics of the alleged harassment; date, time, place, witnesses, if any, what happened and what was said. Harassment is a serious charge and without this kind of documentation it may be difficult or impossible to conduct an investigation that is fair to all parties.

Individuals who believe they have witnessed or been a victim of harassment should discuss their concerns with their supervisor or Department Director or notify the Human Resources Department. If the situation cannot be adequately resolved at the department level, the employee who is the victim of harassment should report the matter to the Human Resources Director, who will conduct an investigation and present the results of the investigation to the Town Manager to decide the appropriate action.

Supervisors and managers who observe or hear about harassment must immediately report such information to the Human Resources Department. If at any time the employee who is suffering the harassment feels that their complaint is being handled inappropriately, the employee may report the matter directly to the Town Manager.

If the results of the investigation are inconclusive and no discipline is to be administered, there will be no record of the charge or investigation in either employee's personnel file. Under no circumstances shall any Town employee retaliate in any manner against the complaining party for having lodged the complaint.

1. Confidentiality

All complaints of discrimination or harassment and any information received during the course of the investigation will be kept confidential and made available for review only by those with a legitimate need to know, unless required to be divulged as part of the investigation or pursuant to a legal proceeding. At the conclusion of the investigation, all documents collected or prepared during the investigation will be maintained by the Human Resources Department in confidential files. Disciplinary documents issued as a result of the investigation, shall be placed in the appropriate personnel files. All personnel, including the person making the complaint, who are involved in the investigation, are expected to use discretion in maintaining the confidentiality of information and documents generated or discussed during the investigation.

2. No Retaliation

There will be no retaliation, harassment of, or discrimination against any person who

has pursued their rights under applicable law or this policy, or anyone who has assisted a person making a complaint or provided information during an investigation under this policy. Any person who believes that they have been retaliated against for pursuing rights under applicable law or this policy should report the retaliation to the Town's Human Resources Department, which will investigate in the same manner, described above.

10.6 Gifts and Gratuities

A. Policy

No employee or other persons acting on behalf of the Town shall solicit or accept, in the course of work, favors, gifts, meals, gratuities or any other valuable thing which could be construed as influencing the performance of Town duties and responsibilities. This rule is not intended, however, to prohibit the following:

1. Receipt of unsolicited articles, which are distributed generally such as calendars, pens, note pads, and similar articles of minimal value;
2. Attendance at social functions, which promote good relationship with citizens and the professional and business community;
3. Attendance at any trade association or commercially-sponsored training program approved by the Town Manager;
4. Attendance at commercially sponsored social events when part of professional conference social calendars;
5. Consumption of food provided as a gift to Town employee groups generally (i.e., holiday food basket);
6. Acceptance of gifts or awards when made in public presentation by legitimate service, civic, or fraternal organizations and approved in advance by the manager.
7. Acceptance of meals while representing the Town as a speaker at certain functions, such as professional conferences.

10.7 Internet/E-Mail Policy

A. Policy

The Internet/E-Mail Policy is intended to encourage responsible and acceptable use of the Internet and email services through resources provided by the Town. This policy applies to all users of the Town's internal and external e-mail and Internet systems.

B. Introduction

The Internet is an electronic communications network that provides access to vast, diverse, and unique resources. It has become a default information source, distribution medium, and worldwide communications tool.

The Town's goal in providing Internet access to employees is to facilitate resource sharing, innovation, and communication. As such, the Information Technology Department supports and encourages the use of the Internet and e-mail and considers the Town Internet connection an invaluable resource.

Access to the Internet/e-mail has been provided to staff members for the benefit of the Town government and its customers. Every staff member has a responsibility to maintain and enhance the Town's public image and to use the Internet/e-mail in a productive manner. To ensure that all employees are responsible, productive Internet/e-mail users and that the Town's image is protected, the following policy guidelines are established.

C. Acceptable Uses of the Internet/E-Mail

Employees accessing the Internet/e-mail are representing the Town. Employees are responsible for using the Internet in an effective, ethical, and lawful manner. The Internet/e-mail should be accessed and used to conduct official Town business, to gain technical and job-related information, and for business contacts. Reasonable limited personal use of Town email accounts by an employee may be allowed provided the scope, timing and nature of the activity does not materially interfere with the performance of the employee's duties or create a material impact upon the Town's operations and systems. Personal uses of email cannot have any expectation of privacy unless protected by state or federal law. These guidelines are intended to coordinate with Town employees' job responsibilities.

D. Unacceptable Uses of the Internet/E-Mail

The following uses of the Town Internet and e-mail systems are prohibited:

1. Extended use that does not benefit the Town government or its customers;
2. Personal gain or advancement of personal interests;
3. Any use that disrupts Town services, the Town computer network, or the networks of other users;
4. Any use that interferes with employee productivity;
5. Revealing or sharing user identification codes or passwords with others;
6. Fraudulent, harassing, or obscene messages;
7. Messages with derogatory or inflammatory remarks about an individual's or group's race, religion, color, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, military service, or other factors not substantially related to the successful performance of the duties of the position;
8. Messages containing abusive, profane, or offensive language;
9. Any information that violates or infringes upon the rights of others.
10. Intentionally accessing, sending, or receiving pornography or other content inappropriate for an employee pursuing their regular work duties as indicated by a repeated access or a pattern of inappropriate access. Exceptions apply to police officers pursuing offenders in the course and scope of their employment as sworn officers or civilian Town employees directly aiding a sworn officer in such an effort.
11. Recreational games and streaming TV and movies.

E. Communications

Each employee is responsible for the content of all text, audio or images that they place or send over the Internet/e-mail. All messages communicated on the Internet or through e-mail must have the employee name attached either by identification present in the email, or by name located in the email address.

F. Security

All messages created, sent, or retrieved over the Internet or through e-mail are the property of the Town and should be considered public information. No aspect of the Town computer system, including the use of passwords to gain access to the system, should be construed to create any expectation of privacy on the part of any person. The Town

reserves the right to access and monitor all messages and files on the computer system as deemed convenient. Internet/e-mail messages are public, not private, communications. All communications, including text and images, may be disclosed without the prior consent of the sender or the receiver. Such monitoring, access and disclosure may occur at any time, without notice and without the user's permission.

All employees are expected to exercise prudence and take reasonable actions to prevent access by unauthorized persons or groups to the Town's networks. This includes being alert to spam, phishing schemes, Trojans, and hacking attempts.

G. E-Mail/Internet Monitoring Policy

Information and history logs from Town computers regarding emails, Internet activity, and usage are not private, and e-mail/Internet monitoring may occur at any time. When a violation of Section 10.7(D) is reasonably suspected by any Department Director:

1. The employee should be verbally warned and reminded of the Town Internet Policy. In the event that a violation is discovered by IT, the IT Director shall send an email to the employee with a copy to the Department Director and Human Resources Director.
2. The Department Director should contact the Human Resources Department with any perceived violation of the Town's Internet/E-mail as set forth in Section 10.7(D) – Unacceptable Uses of Internet Policy.
3. The Human Resources Director shall contact the IT Director and the Town Manager with all pertinent information. The IT Director and the Town Manager shall speak to the Department Director and confirm the information. If both the IT Director and the Town Manager believe that reasonable suspicion exists that an employee is violating any provisions in 10.7(D), the IT Director shall commence email and/or Internet monitoring, as appropriate.
4. The IT Director or designee shall monitor the employee's email/internet usage. The IT Director may consult with the Town Attorney, Human Resources Director, Town Manager and the Director of Finance and Administrative Services in determining the materiality, legality and appropriateness of a particular activity or disclosure of information.
5. Email/Internet monitoring shall be re-evaluated on a weekly basis by the Human Resources Director or designee and shall continue for a reasonable period of time that shall be dependent upon the employee's job description relative to time at the Town's computers.
6. Documentation should be maintained by the Human Resources Director and the employee's Department Director related to all issues raised with employees and management at each level to provide support in the event of challenge by an employee.
7. If misuse is admitted or established by the Human Resources Director in consultation with the IT Director, then the appropriate Department Director shall confer with the Human Resources Director as to the disciplinary action that may be undertaken in accordance with the Personnel Policies and Procedures Manual up to and including termination, depending upon the severity of misuse. A subsequent offense shall be disciplined at a more serious level.
8. In the event a criminal act is found after monitoring, the Department Director, in consultation with the Human Resources Director, the IT Director, Town Manager

and Town Attorney, shall contact the Purcellville Police Department (LPD) without delay and immediate action shall be taken with regard to the employee pending an investigation by the LPD and/or Human Resources Department. Downloading Personally Identifying Information for Town employees or customers, credit card information, business tax and income information, or internal Town security related information for personal use or for placing as unauthorized disclosures on internet or selling of such information may be treated by the Town as criminal acts under this policy and referred to the Purcellville Police Department for investigation, as appropriate.

H. Applicable Laws

The Virginia Public Records Act and the Virginia Freedom of Information Act (FOIA) are the laws governing the management of public records. These laws treat electronic data generated by the public employer exactly the same as other written documents. If the data is a “public record” within the definition of statutes, it is subject to disclosure unless a particular exemption or privilege applies. Any questions about the applicability of these statutes or about a specific request for electronic data should be referred to the Town Attorney’s Office. There are also state and federal wiretapping laws that prohibit improper interception and use of electronic data and which carry criminal and civil penalties for violations.

1. Document Management

Employees should actively manage their e-mail files by archiving those files dealing with Town business and deleting all others. Employees should remain aware of the strain on storage capacity that numerous files and large picture and data files place on the Town computer network and server. If an employee receives or sends encrypted information that is not accessible to IT staff, then the employee must extract out any public records subject to FOIA requirements and save those records in a form that is accessible for public disclosure. Failure to preserve these public records is subject to disciplinary action. Consult the Town’s Email Encryption Policy for further reference.

a. Software

To prevent computer viruses from being transmitted through the system, all downloaded information must be run through a virus scanner.

Freeware/shareware downloading from the Internet is not permitted under current policy.

Users shall not load unauthorized software (games, non-Town standard software) on Town owned computers.

b. Copyright Issues

Staff members may not transmit copyright materials over the Internet or through e-mail if such transmission creates an infringement on the copyright. Failure to observe copyright or license agreements may result in disciplinary action up to and including termination, or legal action by the copyright owner.

c. Violation

Any violation of these guidelines may result in disciplinary action up to and including termination. The Town Manager has the authority to determine what is and is not appropriate and official use, and to grant, suspend or cancel an employee's access to the Internet/e-mail at any time for any reason. All suspected improper use of the Internet/e-mail may be referred to the appropriate investigative authority.

10.8 Social Media Policy

A. Introduction

The Town's Social Media Policy is intended to respect and honor the First Amendment rights of Town employees to speak out as citizens on matters of public concern, and to post personal comments on the Internet (e.g., an employee's personal website, blog, Facebook, Instagram, Next Door, Twitter, LinkedIn or similar social networking site), while balancing the Town's interests in providing effective and efficient services to the public.

B. Policy

An employee whose public statements in social media or Internet postings interfere with the Town's ability to provide effective and efficient services to the public may be disciplined, pursuant to Section 13 Employee Discipline, for such comments or postings that:

1. Impair discipline or harmony among co-workers, to include harassment or intimidation;
2. Negatively impact, disrupt or interfere with the employee's job performance or the employee's ability to perform their duties;
3. Interfere with the operation of Town business;
4. Disclose confidential or sensitive governmental information;
5. Have a detrimental impact on working relationships that require personal loyalty and confidence.
6. Use the Town's logo or image without the Town's written consent;
7. Discredit or undermine the mission of the Town;
8. Abuse the authority and public accountability that the employee's role entails.

10.9 Cell Phones

A. Policy

The Department Director will authorize the purchase and issuance of cell phones to Town employees based upon recommendations from Supervisors, Information Technology Director, and the criteria outlined in this policy.

B. Department Directors Responsibility

The Department Director will authorize the purchase and issuance of cell phones to Town employees based upon recommendations from Supervisors, Information Technology Director, and the criteria outlined in this policy.

C. Cell Phone Issuance Reasons

1. An employee spends considerable time outside the office and has regular occasion to be in contact with the office for job-related purposes;
2. Efficiency of service delivery can be significantly increased;

3. The level of employee safety can be increased;
4. An employee has a significant role during a disaster or emergency situation.
5. The use of the cell phone allows for remote data entry/utilization of a Town system; e.g. work orders, ESS, GIS.

D. Cell Phone Acquisition

All cell phone service will be consolidated into a single cell phone provider. The cell phones will be a redundant communication capability to provide Town employees with an alternative means of communication when the telephone capability is not available.

E. Cell Phone Usage

The devices covered by this Policy include cell phones, mobile phones, two-way radios and other wireless communication or electronic handheld devices, whether owned by the Town or the individual employee. (Collectively known as “Devices”).

1. Employees assigned a cell phone are expected to have it with them at least during normal business hours.
2. Department Directors may establish policies and procedures for their employee’s use of cell phones that are based upon this regulation and not inconsistent with it. A copy of department policies and procedures will be provided to the Town Manager.
3. If the Town Manager has declared a disaster or state of emergency, employees who are assigned a cell phone are expected to answer all calls except when on approved leave.
4. Cell phones may be reassigned by the Town Manager and Department Directors to expedite the Town’s response and coordinate the deployment and operations of essential staff and services in an emergency or disaster.
5. Employees assigned a cell phone should not use the communication device for personal use.
6. With the exception of Purcellville Police Officers, all employees are prohibited from receiving or initiating a cell phone call while operating a Town vehicle or a private vehicle while on Town business. (Purcellville Police Department employees must adhere to the department policy regarding cell phone use while operating a vehicle).
7. Cell phone inventory
 - i. The Information Technology Division will maintain a master inventory of all cell phones by department and individual assignment.
 - ii. The master inventory and any changes will be provided to the Information Technology Division for inclusion of the cell phone numbers, except for law enforcement officers, in the Town directory. A copy of the master inventory will be provided to the Human Resources Department for emergency planning purposes.

F. Security

1. Communications of any kind stored on any mobile device that is used to conduct Town business may be subject to the Freedom of Information Act (FOIA) and

could also be subject to judicial discovery (e.g. Rule 26), HIPAA regulations, Criminal Justices Information Services (CJIS) Security Policy, or any other applicable policy or regulation. This includes personally owned devices that are used to conduct Town business.

2. Employees who use mobile devices for official Town of Purcellville business have no expectation of privacy or confidentiality in any information or communication created or stored on the Town's electronic data resources. Unless exempted by law, regulation, or protected as attorney-client privileged communication, all instant messages (IM) or text messages will be routinely backed up or logged. The use of such communication to conduct official Town business on personal devices is discouraged and may be considered public records subject to the Freedom of Information Act. If an employee or elected/appointed official receives or sends any text messages related to Town business on personally-owned devices, that employee or elected/appointed official shall forward those messages to their Town email account. This will allow for preservation in accordance with the Town's public records retention schedule. If an employee or elected/appointed official receives or sends any text messages related to their conduct of Town business on Town-owned devices, all such messages shall be archived in accordance with the Town's public records retention schedule.

G. Procedure

1. Request for Cell Phone
 - a. Supervisors will submit requests for cell phones to Department Directors based upon criteria set forth in Section 10.8 above.
 - b. The Department Director will submit the request to IT Director.
 - c. The IT Department will maintain the master inventory of cell phones, Ipads, and other electronic devices.

10.10 Personal Phone Calls

A. Purpose

Establish a policy on the use of personal phones calls in the work place.

B. Policy

Employees are encouraged to limit initiating and receiving personal phone calls during regular work hours. If it becomes necessary to use their personal cell phone, employees should attempt to leave their work area to go to a less populated or occupied area so as not to disrupt the conduct of Town business and to be considerate of other employees.

10.11 Use of Town Vehicles and Car Allowance

A. Purpose

The Town owns a limited number of vehicles to assist employees in carrying out their jobs both effectively and efficiently.

B. Policy

Vehicles shall be assigned to individuals by the Facilities Department. Department Directors may recommend the allocation of vehicles to their own department or to employees. Any Town employee who operates a Town vehicle must have a valid driver's license for the type of vehicle operated. Town vehicles can only be used for official town business.

C. Take Home of Town Vehicles

The Town Manager may assign take-home vehicles for regular use when the situation is deemed necessary, the employee's responsibilities require that they perform certain job functions on a regular basis outside of their normal work schedule, and the purpose benefits the Town and not the employee. Employees who are not assigned a take-home vehicle for regular use must receive authorization from the Town Manager to receive a take-home vehicle. Use of a Town vehicle for personal purposes other than commuting or de minimis personal use is prohibited. Personal use of a vehicle is all use that is not for Town business.

10.12 Dress Code for Employees

A. Policy

Employees of the Town are expected to dress in a manner that is consistent with the duties and responsibilities of their job. At all times, employees should represent the Town in a respectable and positive manner including:

1. Personal cleanliness and good personal hygiene is required.
2. Revealing clothing that is sheer or cut inappropriately is not acceptable.
3. Employees will be briefed on their department dress code policy, if applicable.
4. Town Hall dress standard may differ from other Town locations as it has the most business interaction with the public.
5. If the Department Director notices or is made aware of an employee's non-compliance with the Town or department guidelines, the director will take action.
6. At certain times or for special events, the Town Manager or Department Directors may give employees permission to deviate from the policy.

10.13 Drug and Alcohol-Free Workplace

A. Policy

The Town prohibits the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance during working hours. Town employees are also prohibited from reporting to work under the influence of alcohol or unlawful controlled substances. In the event either prohibition is violated, the employee is subject to disciplinary action up to and including dismissal. See Section 8 Safety, Health and Security of this manual for details regarding the Town's Drug and Alcohol Workplace Policy.

On rare occasions, alcohol may be served in certain professional settings that staff attends, such as conferences, dinners, receptions, etc. In these situations, regardless of the time of day in which they occur, employees are representing the Town of Purcellville and are expected to make responsible decisions, exercise caution, and maintain appropriate decorum and professionalism. Under no circumstances should an employee consume alcohol at an event and subsequently return to work in the same work day, or operate a Town vehicle or equipment. Employees who are not responsible in following this directive will be considered in violation of the Town's Drug and Alcohol Workplace policy see Section 8 Safety, Health and Security.

B. Application

This policy applies to all Town employees. In addition, as required by federal law, the Town conducts random testing of those Town employees holding Commercial Driver's Licenses and who are in safety sensitive positions. The program also allows for testing as part of reasonable suspicion of any employee who may be under the influence of any

drugs or alcohol.

C. Employee Assistance

The Town recognizes that a wide range of issues may affect an employee's performance on the job. Consequently, the Town believes it is in the best interests of employees and the Town to provide an effective program to assist employees in resolving problems. The Town's Employee Assistance Program (EAP) provides consultation services for referrals to local treatment sources.

However, participation in the EAP does not excuse employees from complying with Town policies or from meeting normal job requirements during or after receiving assistance. Employees attending EAP sessions are not to record as time worked.

Refer to Section 7.8 Employee Assistance Program of this manual for more information.

10.14 Violence in the Workplace

A. Policy

The Town is committed to maintaining a workplace that is free from violence or threats of violence. The Town will not tolerate violence behavior or threats in the workplace. The workplace is considered to be Town buildings and property, Town vehicles and private vehicles while used on Town business, off-site training, or other assigned work locations.

B. Violent Behavior

No Town employee should be subject to either verbal abuse or physical conduct that is violent in nature. In addition, no employee is permitted to engage in violence, or threaten violence toward another employee, supervisor, manager, customer, or resident.

Examples of behavior covered by this policy include, but are not limited to:

1. Violent physical actions;
2. Direct or implied threats to do harm to person or to property, including intimidating use of one's body or physical objects;
3. Verbally abusive or intimidating language and gestures;
4. Threatening, abusive or harassing communication (for example, phone calls, letters, memoranda, faxes, e-mail, electronic messages of any kind, text messages, or voice mail messages);
5. Destructive or sabotaging actions against Town or personal property;
6. Engaging in a pattern of unwanted or intrusive behavior against another (for example: stalking, spying, etc.); or
7. Violation of a protective or restraining order.

C. Duty to Report

An actual or reasonable perceived form or threat of violence involving a Town employee or occurring in the workplace must be reported to a supervisor or the Human Resources Department as soon as practical. This report must be made regardless of who commits the violent or threatening behavior, including a Town employee, contract employee, or a person representing the Town, or a member of the public. If there is uncertainty as to whether a situation constitutes violent or threatening behavior, the concerned individual is encouraged to discuss the matter with a supervisor or the Human Resources Department. Every employee has a responsibility in reporting violence:

1. It is the duty of an employee who experiences violent acts or behavior to report

it.

2. It is the duty of any employee who witnesses or is aware of any violence or the threat of violence to report it.
3. Supervisors, managers and executives should monitor their respective work place and immediately intervene and report any suspected behavior even if the person or persons engaged in the conduct are not received a complaint.
4. Failure to report violent acts or threatening behavior can be a serious offense and may result in discipline.

Each department, in conjunction with the Human Resources Department, will conduct a prompt and thorough investigation in response to a report. Violence in the work place is defined refer to Section 8 Safety, Health and Security in this manual.

10.15 Prevention and Detection of Fraud and Other Irregularities

A. Policy

The Town of Purcellville is committed to protecting its revenue, property, information, and other assets from any attempt, either by members of the public, contractors, subcontractors, agents, intermediaries or its own employees to gain by deceit, financial or other benefits.

This policy sets out specific guidelines and responsibilities regarding appropriate actions that must be followed for the investigation of fraud and other similar irregularities.

B. Application

This policy applies to all employees of the Town of Purcellville.

C. Definitions

Fraud and other similar irregularities include, but are not limited to the following:

1. Forgery or alteration of checks, drafts, promissory notes and securities.
2. Any misappropriation of funds, securities, supplies or any other asset, including employee time and resources.
3. Falsification of work hours in reporting time and attendance.
4. Any irregularity in the handling or reporting of money transactions.
5. Misappropriation of furniture, fixtures, and equipment.
6. Seeking or accepting anything of material value from vendors, consultants or contractors doing business with the Town in violation of any applicable Town or Commonwealth conflict of interest policies.
7. Unauthorized use or misuse of Town property, equipment, materials or records.
8. Any computer-related activity involving the alteration, destruction, forgery or manipulation of data for fraudulent purposes or misappropriation of Town-owned software.
9. Any claim for reimbursement of expenses that are not made for the exclusive benefit of the Town.
10. Any similar or related irregularity.
11. Any falsification of any Town document.

D. General Policy and Responsibilities

1. It is the Town's intent to fully investigate any suspected acts of fraud, misappropriation or other similar irregularity. An objective and impartial investigation will be conducted regardless of the position, title, length of service,

or relationship with the Town of any party who might be or becomes involved in or becomes/is the subject of such investigation.

2. Each Department Director is responsible for instituting and maintaining a system of internal control to provide reasonable assurance for the prevention and detection of fraud, misappropriations and other irregularities. Management should be familiar with the types of improprieties that might occur within its area of responsibility and be alert for any indications of such misconduct.
3. The Town Manager, in consultation with the Town Attorney, has the primary responsibility for the investigation of all activity as defined in this policy.
4. At the Town Manager's discretion, they will notify the Town Council of a reported allegation of fraudulent or irregular conduct upon the commencement of the investigation to the extent practical. Throughout the investigation the Town Council should be informed of pertinent investigative findings.
5. In all circumstances, where there are reasonable grounds to indicate that a fraud may have occurred which is in violation of a criminal statute, the Town Manager, subject to the advice of the Town Attorney, will contact the Purcellville Police Department or, if the suspected fraud is alleged to involve that department, other appropriate law enforcement officials.
6. Upon conclusion of the investigation, the Town Manager will report results of the investigation to the Town Council and the appropriate Department Director.
7. The Town will pursue every reasonable effort, including court ordered restitution, to obtain recovery of losses from the offender, or other appropriate source(s).

E. Procedures

1. All Employees

Any employee who has knowledge of an occurrence of irregular conduct, or has reason to suspect that a fraud has occurred, shall immediately notify their supervisor. If the employee has reason to believe that the employee's supervisor may be involved, the employee shall immediately notify the Department Director, and the Town Manager.

Employees and the public can report situations in which fraud, waste, abuse, corruption or mismanagement may have occurred within the Town government via Ethical Advocate's Anonymous Incident Reporting at 855-421-3811 or online at <https://purcellville.ethicaladvocate.com> available/24/7/365.

During the pendency of any fraud investigation an employee should not discuss the matter with anyone other than their supervisor, the Department Director, the Town Manager, and appropriate law enforcement officials.

Employees who knowingly make false allegations may be subject to discipline up to and including dismissal.

2. Supervisors

Upon notification from an employee of suspected fraud, or if the supervisor has reason to suspect that a fraud has occurred, the supervisor shall immediately notify the Department Director, and the Town Manager. The supervisor shall not attempt to investigate the suspected fraud or to discuss the matter with anyone

other than the person to whom the fraud was reported, the Town Manager, and appropriate law enforcement officials.

3. Department Director

Upon notification from an employee or supervisor of suspected fraud, or if the Department Director has reason to suspect that a fraud has occurred, the director shall immediately contact the Town Manager. The director shall not attempt to investigate the suspected fraud or to discuss the matter with anyone other than the Town Manager, Town Attorney, and appropriate law enforcement officials.

4. Town Manager

Upon notification or discovery of a suspected fraud, the Town Manager promptly investigates the fraud. The Town Manager shall determine whether this fraud warrants additional investigation and/or violates an existing criminal statute.

5. Contacts/Protocols

After an initial investigation and a determination by the Town Manager that the suspected fraud warrants additional investigation and/or violates an existing criminal statute, the Town Manager shall notify the Town Attorney and the Town Council of the suspected fraud. The Town Manager shall also notify appropriate law enforcement officials at their discretion, or if the suspected fraud violates an existing criminal statute.

6. Security of Evidence

Once a suspected fraud is reported, the Town Manager, in consultation with the Town Attorney, shall take immediate action to prevent the theft, alteration, or destruction of relevant records. Such actions include, but are not necessarily limited to, removing the records and placing them in a secure location, limiting access to the location where the records currently exist, and preventing the individual suspected of committing the fraud from having access to the records. The records must be adequately secured until the investigation has been completed.

7. Confidentiality

All participants in an active fraud investigation shall keep the details and results of the investigation confidential. However, the Town Manager, in consultation with appropriate law enforcement officials, may disclose particulars of the investigation with potential witnesses if such disclosure would further the investigation.

8. Personnel Actions

If a suspicion of fraud is substantiated by the investigation, disciplinary action, up to and including dismissal, shall be taken by the appropriate level of management, in consultation with the Human Resources Department, the Town Manager, and the Town Attorney, in conformance with the Town's personnel policies and procedures.

A person under investigation for fraud shall be given notice in writing of the essential particulars of the allegations following the conclusion of the

investigation and prior to final disciplinary action being taken. Where notice is given, the person against whom allegations are being made may submit a written explanation to the Town Manager no later than seven business days after the notice is received. This requirement is subject to any rights of employees during disciplinary proceedings. For instances concerning falsification of records or other incidences at the Town Manager's discretion, the written notice requirement may be waived. However, the affected employee will be allowed to present an explanation to the charges prior to termination.

9. Whistle-Blower Protection

No supervisor or person acting on behalf of the Town shall: dismiss or threaten to dismiss an employee; discipline or suspend or threaten to discipline or suspend an employee; impose any penalty upon an employee; or intimidate or coerce an employee because the employee has acted in accordance with the requirements of this policy, or exercised their duty to make a good faith reporting of a violation of fraud or other irregularities under this policy to appropriate law enforcement officials.

Violation of this section shall result in discipline up to and including dismissal. Protection may not be afforded if personnel information concerning personnel matters as they relate to employees who are not subject of the investigation is used or disseminated without the permission of the employee.

10. Other Issues

Great care is to be taken in dealing with suspected fraudulent activities to avoid any incorrect accusations, alerting suspected individuals that an investigation is under way, violating anyone's right to due process, or making statements that could lead to claims of false accusation or other civil rights violation(s).

11. Documentation

At the conclusion of the investigation, the Town Manager will document the results in a memorandum report to the Town Council with a copy to the Department Director. If the report concludes that the allegations are founded, the report will be forwarded to appropriate law enforcement officials.

The Town Manager shall make recommendations to the appropriate Department Director who will assist in the prevention of future similar occurrences.

12. Completion of Investigation

Upon completion of the investigation including all legal and personnel actions, any records, documents and other evidentiary material will be returned by the Town Manager to the appropriate department.

13. Reporting to External Auditors

The Town Manager will report to the external auditors of the Town all information relating to investigations of fraud which violate any criminal statute.

10.16 Tobacco Use

Use by Town employees of any type of tobacco product or smoking device in or on any Town property, including open areas, parks, vehicles, parking facilities, utility plants, or any other Town owned property is not permitted, unless it is in a designated smoking area. Smoking shall be prohibited within 50 feet of all public and all accessible entrances to Town facilities and smoking is prohibited within 15 feet of all other entrances to town facilities.

The term “smoking device” shall include cigarettes, cigars, snuff, chewing tobacco, electronic cigarettes (also referred to as e-cigarettes), electronic vaping devices, personal vaporizers, electronic delivery systems, or any other device or mechanism for delivering or using a tobacco product. Nicotine patches used for quitting smoking are not prohibited. Failure to adhere to this policy may result in disciplinary action.

10.17 Weapons in the Workplace

A. Policy

Employees are prohibited from carrying firearms, openly or concealed, or any other weapon enumerated in the Purcellville Town Code during their hours of employment while on or at Town-owned facilities, grounds or Town- sponsored events. This applies to all Town employees and volunteers, except for law enforcement officers, as defined in Virginia Code § 9.1-101.1

Nothing in this section shall prohibit an employee or volunteer from storing a lawfully possessed firearm and ammunition in a locked motor vehicle on Town premises.

For purposes of this section, the term “weapon” also includes an instrument of combat or any object carried for the purpose of inflicting or threatening bodily injury. This does not include multi-tools or pocket-tools, small knives or box cutter razors used for work purposes as approved by a supervisor.

SECTION 11: EMPLOYEE PERFORMANCE EVALUATION

11.1 Application

The terms of this Section shall apply to all regular full-time and regular part-time employees, with the exception of the following positions:

- The Town Manager shall be evaluated on an annual basis as determined by the Town Council.
- Temporary Full-time and Temporary Part-time employees.

11.2 Policy

Performance goals and objectives are developed to encourage employees in aligning individual job duties with the goals and objectives of their department and/or divisional responsibilities. Individual performance accomplishments provide the opportunity to evaluate the success of the individual and department in providing services to the citizens and visitors to the Town. Performance evaluations are designed to determine how well employees achieve established competencies, goals, perform job duties, and interact with customers, coworkers, and team members.

Directors and supervisors are responsible for establishing departmental goals and individual employee goals and/or duties that contribute to the Town's mission. The purpose of employee performance evaluations is to help employees focus work activities so that employee, department, and Town goals are achieved. The performance evaluation may be used as the basis for personnel decisions, including career development, salary increases, and disciplinary action, as appropriate. The Performance Evaluation is designed so that employees:

1. Know what is expected;
2. Are given the opportunity to contribute to developing individual performance goals;
3. Receive timely feedback about performance;
4. Receive coaching and constructive criticism when appropriate;
5. Receive opportunities for education, training, career development, and promotion;
6. Receive recognition in a fair and equitable manner.

11.3 Responsibilities

A. Employee.

All employees should receive an annual performance evaluation. All employees are responsible for:

1. Providing input to supervisor in the development of individual goals and objectives that contribute to departmental goals and the Town's mission;
2. Providing input to the performance evaluation, through the optional self-evaluation opportunity;
3. Meeting expectations and achieving performance standards;
4. Discussing concerns and/or questions about any part of the job description or performance evaluation with the supervisor; and
5. Identifying and participating in career development and training opportunities.

B. Supervisor

All supervisors are accountable for the responsibilities listed below and the timeliness, fairness and accuracy of the performance evaluations conducted for each of their subordinate employees. All supervisors are responsible for:

1. Completing training on performance evaluations and recognition;
2. Reviewing departmental goals and objectives;
3. Seeking input from subordinate employees and working to develop individual goals while identifying duties and relevant job competencies;
4. Providing clear expectations, consistent measures, and achievable standards of performance;
5. Reasonably supporting and providing resources to meet performance standards;
6. Providing coaching for correction of any identified job performance deficiencies;
7. Identifying and encouraging participation in career development and training opportunities;
8. Recognizing outstanding performance;
9. Conducting timely evaluations for each employee assigned to them; and
10. Providing and reviewing a copy of the job description, including the primary functions of the job, for all new, reassigned, or promoted employees.

C. Department Director

All Department Directors are responsible for:

1. Ensuring performance evaluations are completed in a timely fashion;
2. Ensuring that an appeals process is accessible to employees;
3. Ensuring consistency and equality are maintained throughout the performance evaluation process;
4. Ensuring performance evaluation ratings are well documented;
5. Ensuring goals and objectives are developed for the department; and
6. Reviewing and approving final performance evaluations.

D. Human Resources Department

The Human Resources Department is responsible for:

1. Providing training on the performance evaluation process and forms to all Town employees;
2. Maintaining files of all required performance documentation;
3. Actively supporting departments by providing guidance and assistance in the practical application of the performance evaluation process;
4. Ensuring that an appeals process is accessible to employees;

11.4 Performance Evaluation Periods

A. Probationary Period

A newly hired, reassigned, or promoted employee shall be on probation for a period of one year in order to demonstrate that they can perform the duties of the position in a satisfactory manner. New, reassigned, or promoted employees shall receive an annual written performance evaluation at 12 months of service in the position.

B. Non-Probationary

Employees may receive an oral or written semi-annual review and shall receive an annual performance evaluation. If given, employees should receive the semi-annual review midway through the performance evaluation period. Employees should receive the annual performance evaluation on or before the performance evaluation due date.

C. Job Changes

Please refer to Personal Manual refer to Section 5.5. for more information pertaining to job change evaluation dates.

D. Semi-Annual Review

A semi-annual review may be conducted with each employee midway through the evaluation period.

E. Other

An employee, supervisor or Department Director may request a performance review be completed at any time during the year for any reason.

11.5 Employee Self-Evaluation (Optional)

Each employee should be afforded an opportunity to provide the supervisor with a self-evaluation of their job performance for the evaluation period. If the employee chooses to submit a self-evaluation to their supervisor for inclusion in the annual performance evaluation process, they should provide them at least 30 calendar days prior to the performance evaluation due date. If the employee provides a self-evaluation to the supervisor in a timely manner, the supervisor shall review and consider the self- evaluation when completing the employee's performance evaluation.

11.6 Supervisor Evaluation and Approval Process

The supervisor shall complete their portion of the evaluation. The evaluation will then move through the automated workflow in Munis. The approval process is automated within the workflow and once finalized the system will prompt the employee for their acknowledgement of the review. However, an employee's acknowledgement does not reflect agreement with the evaluation, only that the employee was given the opportunity to review and discuss the evaluation with the supervisor. Upon request, an employee shall be granted a minimum of five business days to provide comments to be attached to an annual evaluation. The Department Director shall approve the evaluation after the employee has been given the opportunity to provide written comments. The Human Resources Director will approve the evaluation within the system workflow. Once the evaluation is completed it will be stored electronically in the employee's personnel file. The Town Manager's approval is required if the performance evaluation results in a PIP.

11.7 Feedback

Supervisors should provide continuous feedback to their subordinate employees throughout the year. The assessment of particularly good performance, or the need for improvement, is best communicated in the course of normal daily interactions and discussions with the employee or in periodic meetings set up for that purpose.

If an employee does not receive adequate feedback, the employee should ask their supervisor for suggestions on ways to improve the lines of communication. With regular communication, there should be no unexpected outcomes when the performance evaluation is completed.

The content of performance evaluations are not subject to the Town of Purcellville Grievance Procedure.

11.8 Documenting Performance

While it is part of each supervisor's responsibility to document performance, employees are also strongly encouraged to document their own performance. Documentation of performance is critical to support and justify performance evaluation scores. Accurate record-keeping and documentation is the key to a successful and effective performance evaluation.

11.9 Retention of Performance Evaluation Forms

A. Completed Performance Evaluation Forms

Performance evaluation forms are official personnel documents and must be retained in the employee's official personnel files when completed.

B. Confidentiality

Performance Evaluations and all related forms are to be held in strict confidence. Only the following individuals may obtain access to an employee's performance evaluation: employee, supervisor, reviewer (if other than the employee's supervisor), Department Director, or those specifically authorized by the Human Resources Director acting on official Town business.

11.10 Absenteeism During Performance Evaluation Period

The following types of leave shall not negatively impact the employee's overall performance rating: compensatory, on-call, workers' compensation, military, Family and Medical Leave, and Short-term Disability under the VRS Hybrid Plan.

11.11 Performance Improvement Plan (PIP)

An employee who does not meet the expectations of their evaluator shall develop a PIP with their supervisor. Employees who are on a PIP at the time of their performance evaluation due date are not eligible to receive an annual increase at any time for that performance year. Employees, who are on a PIP during their performance year, but not at the time of their actual performance evaluation due date, may receive an annual increase only upon recommendation of their supervisor and director, and with the Town Manager's approval. Employees who are placed on a PIP as a result of their performance evaluation shall not receive an annual increase.

The PIP is designed to facilitate constructive discussion between an employee and their supervisor and to clarify the work performance to be improved. The PIP establishes clear, fair and specific performance goals to be measured during the following 30 to 60 calendar days. This may be extended by the Town Manager upon request.

Immediately upon placing an employee on a PIP, the supervisor shall send a copy of the PIP to the Human Resources Director. The supervisor and Human Resources Director shall review the plan to ensure consistent and fair treatment of Town employees prior to meeting with the employee. The supervisor monitors and provides feedback to the employee regarding their

performance related to the PIP during the following 30 to 60 calendar days, or other as designated by the supervisor.

The supervisor should review the following four items with the employee when discussing the PIP:

1. State performance to be improved. Examples of desired improvements should be specifically included in writing.
2. State expectations and clearly define the expectations and assignments in writing.
3. Communicate the feedback plan to the employee. Meeting times should be specified along with who will and how often the performance measures will be reviewed and how progress will be determined and documented.
4. Define consequences if improvements in job performance are not achieved.

11.12 PIP Outcome

Following the evaluation period, if the employee continues to receive an unsatisfactory performance, the employee may be demoted, reassigned, or terminated at the discretion of the Town Manager after receiving an official recommendation from the Department Director.

If the employee completes the PIP requirements to the satisfaction of the Department Director, then the PIP is discontinued. If the employee has not completed the PIP requirements to the satisfaction of the Department Director, then the Department Director may choose to extend the PIP with the approval of the Town Manager.

11.13 Appeals of Evaluations

All levels of appeals should provide a response in writing to include either agreement with the evaluation, revision to the evaluation, or a new evaluation.

The appeals process may not affect the initiation of a PIP.

1. First Step. If an employee disagrees with a performance evaluation or a performance improvement plan, they should first discuss the issues of concern and disagreement with the reviewing supervisor and Department Director within five business days of receiving the evaluation.

The employee shall set forth the basis of the appeal in writing, and provide supporting documentation to justify any requested revisions.

The supervisor and/or the Department Director shall inform the employee in writing of their decision regarding the appeal, and provide the employee with any revisions to the original performance evaluation within five business days of receiving the appeal.

2. Second Step. Should the Department Director's decision not satisfy either the employee or the reviewing supervisor, the employee or supervisor may appeal in writing within five business days to the Human Resources Director.
 - a. The employee, supervisor, Department Director, Human Resources Director shall meet to discuss the appeal and determine if there is a resolution

available that is acceptable to all parties. The meeting should occur within five business days from the receipt of the appeal by the Human Resources Department.

- b. If there is no resolution at the end of this meeting, the Human Resources Director will provide a written report and recommendation in writing for review by the Town Manager within five business days of this meeting. The final result should be included in the evaluation and placed in the employee's file.
- c. The Town Manager, in consideration of all the facts and circumstances, will accept or amend the original evaluation and provide the decision to the employee, supervisor, Department Director, and Human Resources Director within five business days of receiving the Human Resources Director's report.

SECTION 12: EMPLOYEE INCENTIVES/RECOGNITION

12.1 Policy

It is the policy of the Town to encourage all employees to fully participate in providing the best service to our citizens. Providing recognition to employees for their loyal and dedicated service to the Town has a positive impact on morale and productivity.

Employees who feel appreciated for their work have greater incentive to remain employed by the Town and to demonstrate excellence in public service. To achieve this, the Town will recognize individuals and teams who demonstrate exceptional customer service, continuous improvement, and/or teamwork.

12.2 Recognition Principles

A. Guiding Principles for Recognition and Incentives

1. Deserving employees should receive some form of appreciation throughout the year even if only a verbal or written thank you from a supervisor.
2. Appropriate public recognition can enhance impact of any form of appreciation, e.g., at a staff meeting.
3. Appropriate recognition should consider what is meaningful to the person being recognized.
4. Every employee has a responsibility to ensure actions that merit recognition are brought to the attention of a supervisor.
5. Recognition should never become an entitlement or expected compensation.
6. Both team and individual recognition is important.
7. Recognition of any type must be fairly and equitably considered throughout the organization.

12.3 Responsibilities

A. The Human Resources Department

1. Has the overall responsibility to administer the recognition and incentives program.
2. Assists departments in the interpretation and execution of this program.

B. The Department of Finance and Administrative Services (DFAS)

1. Determines tax implications of reward on employee pay (if any).
2. Facilitates payment to award winners.

C. Town Manager/Department Directors

1. Use the policy as a framework to develop recognition programs within their departments tailored to the needs of their employees.
2. Ensure that recognition and incentives are fairly and uniformly administered based on merit.
3. Ensure that deserving employees are recognized in a timely manner to enhance the impact of the recognition.
4. Ensure that adequate funds exist to cover monetary recognition and employee recognition activities during employee recognition month.

D. Supervisory/Managerial Employees

1. Supervisory/managerial employees are encouraged to assist Department Directors in ensuring that employees receive appropriate recognition.

E. Peers

1. Peers are encouraged to recognize each other for team and individual efforts.

12.4 Types of Recognition

A. Individual Awards – Spot Awards - STAR Award

The STAR Award is a on the spot award designed to recognize special contributions, as they occur, for a specific project or task. These awards are generally for a special contribution accomplished over a relatively short time period. The award is designed to let employees know that someone has noticed their noteworthy contribution. At the same time, it recognizes and reinforces the behaviors and values that are important to the Town of Purcellville. The award funds may not be supplemented by department funds.

1. **Eligibility:** Employees eligible for Spot Awards must meet all of the following requirements:
 - have successfully completed their probationary period, if applicable
 - received a “meets expectations” or better overall rating on their most recent annual performance evaluation.
 - employees who have not yet received an annual performance evaluation may be eligible for an award if their supervisor confirms on the nomination form that they are “meeting expectations” in their job performance.

An employee’s receipt of an award under STAR does not establish any right or guarantee that the employee will be eligible for or entitled to an award in any subsequent Plan year.

Senior Management Members are not eligible for Spot Awards.

2. **Nomination:** Any eligible employee may nominate an employee for Spot Awards. Nominations should be submitted via the STAR Nomination Form available in ESS Resources. The form should be submitted to the home department. Nominations will be accepted throughout the fiscal year, and generally be submitted within thirty (30) days of the accomplishment.
3. **Selection:** The Director of the employee’s department has approval authority for Spot Awards and award funding. The applicable Director notifies the nominator of the decision (approved or denied). The signatures of the supervisor and director on the STAR Nomination Form represent an endorsement of the nomination. Completed nomination forms should be submitted to Human Resources who will verify employee eligibility.
4. **Award Presentation:** Approved nominees receive an award letter which should be presented to the recipient by their director or supervisor.
5. **Payment of Award:** The award is processed and will be reflected in the subsequent payroll. Coordinate the communication with the employee so they are informed of the award before it is deposited to their bank account.

B. Service / Longevity Awards

These awards are presented to recognize individuals who have been employed with the Town in five (5) year increment, beginning with five (5) years. Determinations of these awards are based on the fiscal, not calendar year.

C. Outstanding Performer Award

An outstanding performer award may be awarded annually to a General Services employee and to a Field Operations employee for exemplary performance. The rewarded performance must be unique and identifiable as an act or series of closely related acts that directly achieved or significantly helped organizational goals.

A one-time payment in an amount to be determined by the Town Manager may be awarded to an individual if it is supported by thorough documentation and approved by the proper levels of management.

1. **Nomination:** Any eligible employee may nominate an employee may nominate any Town employee, Field employee, or group of employees who have demonstrated outstanding service to that department or the Town resulting in monetary savings, exemplifying Town values, extraordinary efforts in dealing with a town emergency, identifying a process improvement, initiating productivity enhancements, displaying innovation/creativity, and consistently displaying a positive attitude.
2. **Selection:** Department Directors must use careful discretion and limit this award to only unique and well deserving cases. Final selection should be made by the Human Resources Department in conjunction with the Town Manager or Assistant Town Manager.
3. **Award Presentation:** Every attempt shall be made to recognize employees in a timely manner so that the recognition does not lose its impact. The employee will also be recognized at the Annual Award Ceremony.

D. Management Excellence Award

The Management Excellence Award may be awarded annually to a management level employee for exemplary leadership and management performance. The rewarded performance must be unique and identifiable as an act or series of closely related acts that directly achieved or significantly helped organizational goals.

A one-time payment in an amount to be determined by the Town Manager may be awarded to an individual if it is supported by thorough documentation and approved by the proper levels of management.

1. **Nomination:** Any eligible employee may nominate a management level employee who have demonstrated outstanding leadership and management skills that department or the Town resulting in monetary savings, exemplifying Town values, extraordinary efforts in dealing with a town emergency, identifying a process improvement, initiating productivity enhancements, displaying innovation/creativity, and consistently displaying a positive attitude.
2. **Selection:** Final selection will be made by the Town Manager or Assistant Town Manager.
3. **Award Presentation:** Every attempt shall be made to recognize employees in a timely manner so that the recognition does not lose its impact. The employee will also be recognized at the Annual Award Ceremony.

SECTION 13: EMPLOYEE DISCIPLINE

13.1 Policy

Discipline is a process that is used to address inappropriate behavior. It is the policy of the Town that discipline or the correction of improper behavior is completed at the lowest level, with the first line supervisor. Improper behavior is that which violates laws, policies, regulations, procedures or rules, or behavior which results in unacceptable performance, unethical conduct or behavior that brings discredit to the Town.

Disciplinary action shall be imposed fairly and impartially, and shall be proportional to the seriousness of the issue being addressed. Supervisors are primarily responsible for handling disciplinary issues.

13.2 Coverage

This section applies to all Town employees including regular full-time and part-time employees as well as flexible employees. All Public Safety Employees, sworn and civilian, are covered by the provisions set forth in this section, but may also be subject to General Orders approved by the Chief of Police. This section does not apply to the Town Manager or Town Attorney, as they serve at the pleasure of the Town Council.

13.3 Causes for Disciplinary Action

The following shall be causes for disciplinary action, but is not all-inclusive:

- Habitual tardiness or absenteeism
- Absence from designated work area without permission
- Conducting personal business on Town time without authorization
- Failing to follow safety regulations
- Acts of incompetence
- Absence without leave
- Making false claims of illness or misuse of sick leave
- Failure to report accidents or personal injuries
- Communicating with the public in a discourteous or unprofessional manner
- Insubordination
- Failing to maintain high standards of conduct
- Negligence or carelessness resulting in damage to municipal property or equipment
- Misappropriation, destruction, theft or conversion of municipal or private property
- Proceeding to work under the influence of alcohol, narcotics, or controlled substances without a valid prescription from a physician
- Using alcohol, narcotics, or other controlled substances on municipal property while on duty without a physician's prescription
- Operating municipal equipment under the influence of alcohol, narcotics or controlled substances outside of the guidelines set forth by a valid prescription from a physician
- Granting special favors or privileges, in the course of work, not normally available to citizens
- Using confidential information obtained during the course of work for personal gain or private benefit of others

- Using or attempting to use political influence in securing a promotion, leave of absence, transfer or any change in status as an employee of the Town
- Violating any Town policies including but not limited to Equal Employment Opportunities, Sexual Harassment, and Internet Policies
- Being convicted of or admitting to participation in a felony or misdemeanor crime that could negatively affect the job or job performance
- Acts of misconduct while on duty
- Falsification of Town records and/or documents
- Employee behavior that results in the inability of the employee to carry out the essential functions of their job
- Violating any provision of the Town’s Social Media Policy, or representing the Town in a negative light in any manner

13.4 Disciplinary Actions

Disciplinary actions shall be proportional to the seriousness of the violation and shall generally be progressive in nature. Disciplinary actions may include the following:

Oral Reprimand – Advises the employee that continued violations will not be tolerated. A memo recording the reprimand is included in the employee’s personnel file, and a supervisor may retain a copy.

Written Reprimand – A copy goes to the Department Director and to the Human Resources Department for the employee’s personnel file.

Suspension Without Pay – Requires notification from the Department Director through Human Resources Department and requires approval from the Town Manager.

Dismissal – Requires approval from the Town Manager for regular employees, but not for flexible employees.

Other forms of disciplinary action as deemed appropriate by the Town Manager.

13.5 Discipline Procedure

It is the responsibility of the supervisor to speak with the employee concerning the conduct requiring disciplinary action. Actions that may be taken for correcting disciplinary problems will depend on the severity of the action. The supervisor should keep a log to document the steps taken.

The possible disciplinary actions are enumerated in Section 13.4 Disciplinary Actions of this manual. If a written reprimand is warranted, a copy needs to be sent to the employee, their Human Resources personnel folder, and the Department Director.

If the situation requires suspension or dismissal, Town Manager approval will be required.

13.6 Employee Appeal

If the employee feels they are being wrongly disciplined, they may appeal the decision through the grievance procedures. Refer to Section 14 Grievance Process in this handbook.

SECTION 14: GRIEVANCE PROCESS

14.1 Policy

The Town is committed to the policy that Town employees will receive fair and equitable treatment in all aspects of human resources management. The purpose of this policy is to provide a clearly defined process that allows Town employees to submit a grievance if they feel they have not been treated fairly and equitably, and that such grievances shall be handled in a prompt, fair and orderly manner. Further, employees must feel that they can file a grievance without threat of discrimination, coercion, recrimination, restraint or reprisal.

14.2 Coverage of Personnel

This grievance procedure is applicable to Town personnel as follows:

A. Applicable to the following Town Personnel

Regular full-time and regular part-time employees in authorized positions listed in the personnel definition section as approved by the Town Council, are eligible to file grievances under this procedure with the following exceptions:

- The Town Manager
- The Town Attorney
- Employees serving a probationary period
- Employees whose terms of employment are limited by law
- Appointees of elected individuals or selected groups
- Temporary, limited term and seasonal employees

B. Employees by Position Excluded

The Town Manager shall determine the employees by position excluded from this grievance procedure, and shall maintain a list of such positions in the Human Resources Department.

C. EEOC Discrimination Complaint Procedure

The Equal Employment Opportunity Commission (EEOC) Discrimination Complaint Procedure promotes equal employment opportunities for Town employees, and provides a means for internal resolution of sexual harassment complaints and/or discrimination complaints that are based on race, religion, color, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, military service, or other factors not substantially related to successful performance of the duties of the position.

14.3 Police Officer Procedural Guarantees

A. Procedural Rights

Sworn police officers of the Town are provided certain procedural rights in matters that could lead to dismissal, demotion, suspension, or transfer for punitive reasons. These rights are mandated by the Law Enforcement Officers' Procedural Guarantee Act, Section 9.1-500-507, Code of Virginia (1950), as amended. Sworn officers, with the exception of the Chief of Police and officers on probation may elect to proceed under the Town's grievance procedure, or the Law Enforcement Officers' Procedural Guarantees, but not both procedures.

Nothing in this section will be construed to prohibit the informal counseling of a law enforcement officer by a supervisor for a minor infraction of policy or procedure that does not result in a disciplinary action.

14.4 Definition of Grievance

The grievance shall be a complaint or dispute by an eligible Town employee relating to their employment, including but not limited to:

1. Disciplinary actions, including dismissals, disciplinary demotions, and suspensions, provided that dismissals result from formal discipline or unsatisfactory job performance. Performance evaluations are not grievable. Refer to Section 11.13 of this manual, Appeals of Evaluations.
2. The application of personnel policies, procedures, rules and regulations, including the application of policies involving matters referred to in Section 15.4 below;
3. Discrimination on the basis of race, religion, color, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, military service, or other factors not substantially related to successful performance of the duties of the position;
4. An act of retaliation as a result of the participation in a grievance action or because the employee, in complying 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.

14.5 Town Responsibilities

The Town shall continue to have the exclusive right to manage the affairs and operations of government. Accordingly, the following complaints are non-grievable except where such actions affect an employee who has been reinstated within the previous six 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:

1. Establishment and revision of wages or salaries, position classification or general benefits;
2. Work activity accepted by the employee as a condition of employment or work activity that may reasonably be expected to be a part of the job requirements;
3. The contents of ordinances, statutes or established personnel policies, procedures, rules and regulations;
4. Failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly;
5. The methods, means and personnel by which work activities are to be carried out, including, but not limited to: (1) provision of equipment, tools and facilities necessary to accomplish tasks; (2) scheduling of manpower/personnel resources; and (3) training and career development.
6. The hiring, promotion, transfer assignment and retention of employees within the Town;

7. The relief of employees from duties of the Town government in emergencies.

In any grievance brought under the exception to provision (F) of this section, the action shall be upheld upon a showing by the Town that: a) there was a valid business reason for the action, and b) the employee was notified of the reason in writing.

14.6 Grievance Filing Procedure

B. Overview

All grievable employment complaints and disputes will be administered in the manner here specified and processed within the stated time limits. Personal face-to-face meetings are required for all steps, but may be waived for step 1 upon request from the grievant. With the exception of the final management step, the only persons who may normally be present in the management step meeting are the grievant, the appropriate Town official at the level at which the grievance is being heard, and appropriate witnesses for each side. Witnesses shall be present only while providing testimony. At the final management step, the grievant, at their option, may have present a representative of their choice. If the grievant is represented by legal counsel, the Town likewise has the option of being represented by counsel.

C. Multiple Grievances

Prior to appointing a hearing officer, multiple grievances may be treated by the parties in a joint manner. The parties could agree to address two or more grievances at any given management step. If more than one grievance is pending involving the same factual background and the same issues or policies, either party may request consolidation for hearing purposes. Additionally, grievances may be consolidated for hearing without a request from either party.

D. Filing Process

Step 1 File Grievance with Immediate Supervisor

An employee who has a grievance shall discuss the problem with their immediate supervisor. A grievance alleging discrimination, harassment or retaliation by the immediate supervisor may be initiated with the next level supervisor/manager or other management official.

Within 20 business days of the occurrence of the event to be grieved or knowledge of such occurrence, whichever is later, the employee must present this initial statement of grievance to their immediate supervisor.

The immediate supervisor (or other management official) shall investigate the complaint and respond to the employee within five business days after the initial discussion.

Step 2 Meeting with Immediate Supervisor and Department Director

If the response from Step 1 is not acceptable to the grievant, the grievant may file a written grievance within five (5) business days from their receipt of the supervisor's response to Step 1.

The grievant must present this written grievance to the immediate supervisor and forward a copy to the Department Director. The grievance must be filed on a grievance form and must specify the relief sought.

The immediate supervisor and the Department Director shall meet with the grievant within two (2) business days after receipt of the written grievance to discuss the grievance. Human Resources should provide a copy of the employee's file to the Department Director for use during this meeting.

Within three (3) business days after this meeting, the Department Director shall respond to the grievance in writing.

Step 3 Meeting with Town Manager

If the Department Director's written reply from Step 2 is not acceptable to the grievant, the grievant may request, in writing, a meeting with the Town Manager for further consideration of the grievance. This request must be made within three (3) business days from receipt of the Department Director's reply.

This meeting shall be scheduled within ten (10) business days from receipt of the grievant's request. Human Resources should provide a copy of the employee's file to the Department Director for use during this meeting.

The Town Manager will hear both sides of the dispute, investigate causes, and provide a written reply to the grievant within five (5) business days of the meeting.

Step 4 Request for Panel Hearing

If the Town Manager's reply from Step 3 is not acceptable to the grievant, the grievant may request a panel hearing.

The request for a panel hearing must be made on the grievance hearing request form to the Town Manager. This form is available electronically on the Town's website, or through the Human Resources Department.

Request for a panel hearing must be received by the Town Manager within five (5) business days after the receipt of the Step 3 reply.

14.7 Compliance

1. After the initial filing of a written grievance, failure of either party to comply with all procedural requirements of the grievance procedure, including the panel hearing, without just cause, shall result in a decision favorable to the other party on any grievable issue, provided the party who is not in compliance fails to correct the noncompliance within five workdays of receipt of written notification. Such written notification by the grievant shall be made to the Town Manager, or appointed designee.

2. The Town Manager or appointed designee, at their option, may require a clear written explanation of the basis for just cause extensions or exceptions. The Town Manager or appointed designee shall determine compliance issues. Compliance determinations made by the Town Manager shall be subject to judicial review by filing a petition with the Loudoun County Circuit Court within thirty (30) calendar days of the compliance determination.

14.8 Qualification of Panel Hearing

A. Qualifying Actions

Only grievances that challenge certain actions qualify for a hearing.

B. Actions Which Automatically Qualify

1. Formal discipline (with or without written notice); and
2. Dismissal for unsatisfactory performance.

C. Actions Which Automatically Qualify

The grievant may qualify for a hearing if (1) they claim, and (2) the facts, taken as a whole, raise a sufficient question as to whether an adverse employment action has occurred as a result of one or more of the following:

1. ***Unfair application or misapplication*** of state and Town personnel policies, procedures, rules, and regulations;
2. ***Discrimination*** on the basis of race, religion, color, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, military service, or other factors not substantially related to successful performance of the duties of the position;
3. ***Retaliation*** for participating in the grievance process, complying with any law or reporting a violation of such law to a governmental authority, seeking to change any law before Congress or the General Assembly, reporting an incidence of fraud, abuse, or gross mismanagement, or exercising any right otherwise protected by law; or
4. ***Informal discipline*** such as transfers, assignments, demotions, and suspensions that are not accompanied by formal discipline (a written notice) but which are taken primarily for disciplinary reasons.

D. Actions Which Do Not Qualify

Claims that relate solely to the following issues do not qualify for a hearing:

1. Establishment or revision of wages, salaries, position classifications, or general benefits;
2. Contents of statutes, ordinances, personnel policies, procedures, rules, and regulations;
3. Means, methods, and personnel by which work activities are undertaken;
4. Hiring, promotion, transfer, assignment, and retention of employees;
5. Termination, layoff, demotion, or suspension from duties because of a lack of work, reduction in work force, or job abolition;
6. Work activity accepted by an employee as a condition of employment or which reasonably may be expected to be part of the content of the job;

7. Relief of employees from duties in emergencies; or
8. Informal supervisory actions such as interim evaluations, counseling memoranda, and oral reprimands.

The fact that the claim challenges an action under this section does not preclude it from qualifying if (1) the grievant claims, and (2) the facts, taken as a whole, raise a sufficient question as to whether the action constituted an adverse employment action that was improperly tainted by (a) misapplication or unfair application of policy, (b) discrimination, (c) arbitrary performance evaluation, (d) retaliation, or (e) unwarranted discipline.

14.9 Determination of Qualification for Panel Hearing

- A. Decisions regarding grievances and access to the procedure shall be made by the Town Manager or appointed designee, at any time prior to the panel hearing, at the request of the Town or grievant, within ten business days of the request.**
- B.** The Town Attorney shall not be authorized to decide the question of grievability.
- C.** A copy of the panel hearing ruling shall be sent to the grievant. Decisions of the Town Manager or appointed designee may be appealed to the Loudoun County Circuit Court for a hearing on the issue of whether the grievance qualifies for a panel hearing.
- D.** Proceedings for the review of the decision of the Town Manager or appointed designee shall be instituted by the grievant by filing a notice of appeal with the Town Manager ***within ten (10) business days*** from the date of receipt of the decision and giving a copy thereof to all other parties ***within ten (10) business days***.
- E.** Thereafter, the Town Manager or appointed designee shall transmit to the clerk of the court to which the appeal is taken:
 - a. Copy of the Town Manager's decision;
 - b. Copy of the notice of appeal; and
 - c. The exhibits.
- F.** A list of the evidence furnished to the court shall also be furnished to the grievant. The failure of the Town Manager or appointed designee to transmit the record shall not prejudice the rights of the grievant. The court, on the motion of the grievant may issue a writ of certiorari requiring the Town Manager to transmit the record on or before a certain date.
- G. *Within thirty (30) business days*** of receipt of such records by the clerk, the court, without a jury, shall hear the appeal on the record transmitted by the Town Manager or their designee and any 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 Town Manager or their designee, or may reverse or modify the decision. The decision of the court shall be rendered no later than the fifteenth (15th) business day from the date of the conclusion of the hearing. The decision of the court is final and may not be appealed.

14.10 Procedures for and Conduct of Grievance Panel Hearings

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

A. Role of the Human Resources Director

1. The Human Resources Director or their designee shall advise both employees and supervisors in matters concerning this grievance procedure.
2. Where a grievant appeals the Step 2 or Step 3 decision, the Human Resources Director or their designee shall transmit the grievance record to the administrative hearing officer (if proceeding under the Law Enforcement Officers' Procedural Guarantee Act) or the grievance panel at the next higher level.
3. During Step 3 and Step 4 hearings, the Human Resources Director or their designee shall aid the administrative hearing officer (if proceeding under the Law Enforcement Officers' Procedural Guarantee Act) or grievance panel as facilitator and advisor on personnel-related matters.
4. Neither the Human Resources Director nor their designee shall be present during the grievance panel's private deliberations and decision-making process.
5. Time intervals specified in Steps 1 through 4 may be extended by mutual consent of the parties.
6. Assures that all requirements for the Americans with Disabilities Act of 1990 are met for any parties participating in the Grievance Process.

B. Scheduling

1. When a deadline falls on a Saturday, Sunday, or Town holiday, the next business day that is not a Saturday, Sunday, or Town holiday shall be considered the last business day.
2. As far as practical, all grievance hearings shall be held during normal Town working hours.
3. Town employees who are necessary participants at grievance hearings shall not lose pay for time lost from their jobs and will not be charged leave because of their attendance at such hearings.
4. At the Step 4 hearing, the grievant, at their option, may have present a representative of their choice. The grievant may be represented by legal counsel. Likewise, the Town has the option of being represented by counsel.

C. Pre-hearing Conference

A pre-hearing conference is required and, at the administrative hearing officer's (if proceeding under the Law Enforcement Officers' Procedural Guarantee Act) or the grievance panel's discretion, may be conducted in person or by telephone. This conference provides the opportunity to manage the hearing by addressing procedural and evidentiary issues. It allows either party to request a particular witness or document to be available during the hearing. The Town must make available any employee ordered by the hearing officer to appear as a witness.

D. Recording

1. The use of recording devices or a court reporter is not permitted at Step 1, 2, and 3 hearings. Only Step 4 hearings may be recorded. Where a Step 4 hearing is recorded, it will be the responsibility of the Human Resources Director or their designee to make the recording. There will be no other recording permitted. If the grievant desires a transcript of the hearing, he shall bear the costs thereof.

2. Hearings are not intended to be conducted like proceedings in court and the rules of evidence do not necessarily apply.

E. Privacy

1. At Steps 3 and 4, the hearing officer or the grievance panel, as the case may be, shall have the discretion to limit the attendance at the hearing of persons not having a direct interest in the hearing; however, the Human Resources Director and/or their designee may be present at any hearing.
2. At the request of either party, Step 3 and Step 4 hearings shall be private.

F. Witnesses and Evidence

1. Except in cases involving discipline or in cases where the administrative hearing officer (if proceeding under the Law Enforcement Officers' Procedural Guarantee Act) or the grievance panel, as the case may be, determines otherwise, the grievant shall present their evidence first.
2. The administrative hearing officer (if proceeding under the Law Enforcement Officers' Procedural Guarantee Act) or grievance panel, as the case may be, shall determine the priority of and the weight to be given the evidence submitted.
3. Both the grievant and the Town may call appropriate witnesses. All witnesses, including the grievant, shall be subject to examination and cross-examination. The Town shall make available for hearing any employee ordered by the Human Resources Director or designee to appear as a witness.
4. Witnesses shall be present only while actually giving testimony.
5. The grievant shall not be entitled to recover more than that which they lost.

G. Relief

Where a grievant has obtained partial relief at one level of the grievance procedure but decides to appeal to the next higher level, the filing of a request form to the next higher level shall constitute rejection of, and relinquishment of any claim to, and any and all relief granted at the previous level.

H. Fees

1. An employee is entitled to an award of reasonable attorney's fees if they file a grievance that challenges their discharge; is represented by an attorney at hearing; and "substantially prevails" on the merits of the grievance; unless special circumstances make an award unjust. "Substantially prevail" means the administrative hearing officer's (if proceeding under the Law Enforcement Officers' Procedural Guarantee Act) or the grievance panel's decision must contain an order that the Town reinstate the employee to their former position, or a similar one.
2. Within fifteen (15) days following the administrative hearing officer's (if proceeding under the Law Enforcement Officers' Procedural Guarantee Act), or the grievance panel's initial decision ordering reinstatement, said officer must receive from the grievant's attorney a petition for the award of reasonable attorney's fees. This petition must include an affidavit itemizing services rendered, time billed, and hourly rate not to exceed \$144 per hour. This petition must be provided to the Town at the time it is submitted to the grievance panel.

14.11 Grievance Panels and Panel Hearings

A. Selection of Grievance Panel

1. Within five business days of receipt of the Step 4 request form, the Town Manager or their designee shall appoint a member to serve on the grievance panel. The panel members are selected from a list maintained by the Human Resources Department. The grievant shall select the second member of the grievance panel. The third member is selected by the two selected panel members.
2. If the panel member appointed by the grievant and the panel member appointed by the Town Manager or their designee cannot agree upon a third panel member within 20 business days of the Town's receipt of the grievant's Step 4 request form, the third member shall be appointed by the Chief Judge of the Loudoun County Circuit Court from a list maintained by the Human Resources Department.

B. Eligibility to Serve on a Grievance Panel

1. The panel shall not be composed of any persons having direct involvement with the grievance being heard by them, or with the complaint or dispute giving rise to the grievance. Managers who are in a direct line of supervision of a grievant, persons residing in the same household as the grievant, and the following relatives of a participant in the grievance process or a participant's spouse are prohibited from serving as panel members: spouse, parent, child, descendants of a child, sibling, niece, nephew, and first cousin. No attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee, or co-employee of the attorney shall serve as a panel member.
2. The following rules apply to Step 4 grievance panels and the conduct of Step 4 grievance panel hearings:
 - a. The grievant shall bear the reasonable costs and expenses, if any, for their panel members.
 - b. The Town shall bear the reasonable costs and expenses, if any, of its panel members and those of the third panel member unless the grievant objects. Upon objection, the reasonable costs and expenses of the third panel member shall be shared equally between the Town and the grievant.
 - c. No person shall receive any compensation, whether monetary or otherwise, for their time serving as a member of a grievance panel. Notwithstanding this prohibition, a Town employee serving as a member of a grievance panel may receive their usual salary for the period he serves on such a panel.
 - d. The panel shall set the date, time, and location for hearing the grievance and shall notify the parties within three business days.
 - e. At the request of the grievant, at least ten business days prior to the scheduled panel hearing, the grievant and their attorney shall be allowed access to and copies of all relevant files intended by the Town to be used by it at the panel hearing.
 - f. The grievant shall furnish to the Town copies of all documents, exhibits, and a list of witnesses it intends to use at the panel hearing seven business days in advance of the hearing. Three business days after receiving these items from the grievant, the Town shall furnish to the grievant copies of all documents, exhibits, and a list of witnesses it intends to use at the panel

- hearing.
- g. Both the grievant and the Town may be represented by legal counsel or other representative at the panel hearing. Such representatives may examine, cross-examine, question, and present evidence on behalf of the grievant or the Town before the panel without being in violation of Virginia Code § 54.1-3904.
 - h. 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.
 - i. All evidence shall be presented in the presence of the panel and the parties except by mutual consent of the parties.
 - j. The decision of the panel should be rendered as soon as possible, but not later than five business days following the conclusion of the hearing.
 - k. The panel shall have the authority to uphold the Town's action or to reverse, reduce or otherwise modify that action. If the panel finds, based on the greater weight of the evidence, that the grievant has been denied a benefit or wrongly disciplined without just cause (where such cause is required) it may, where appropriate, order the reinstatement of the employee to their former position with back pay.
 - i. Back pay shall not exceed pay for time actually lost due to such suspension or discharge, in an amount the panel believes equitable.
 - ii. Any award of back pay shall be offset by interim earnings the grievant earned during the period of separation.
 - iii. The panel also has the power to uphold the Town's action.
 - l. The panel shall not have authority to do the following:
 - i. Formulate policies or procedures.
 - ii. Alter existing policies or procedures.
 - iii. Circumscribe or modify the rights of the Town as outlined in this procedure.
 - iv. Exonerate an employee from all discipline when the panel believes the employee is at fault or the employee admits fault.
 - v. Grant relief greater than that which the grievant has requested in the request form.
 - vi. Grant partial relief
 - m. The majority decision of the panel, acting within the scope of its authority, shall be final and binding, subject to existing policies, procedures, and law.
 - n. The Human Resources Director or designee must be notified of any withdrawal of grievance and/or settlement between the parties prior to the issuance of a hearing decision.
 - o. The panel decision shall be provided within five (5) business days after the panel hearing to all parties. In hearings contesting formal discipline, if the hearing panel finds that:
 - i. The employee engaged in the behavior described in the written notice;
 - ii. The behavior constituted misconduct or was in violation of the law; and
 - iii. The department's discipline was consistent with law and policy; then the department's discipline must be upheld and may not be mitigated, unless

evidence shows that the discipline was unreasonable.

p. A hearing panel must consider and assess mitigating and aggravating circumstances, and may mitigate only if the evidence shows that the action was unreasonable.

i. Examples under which mitigation may be appropriate include:

- **Lack of Notice:** The employee did not have notice of the rule, how the department interpreted the rule, and/or the possible consequences of non-compliance. However, presumption of notice may be given if the rules were distributed or made available to the employee orally, in writing or by past practice. Notice may not be required when the misconduct is so severe or is so contrary to applicable professional standards that a reasonable employee should know that such behavior would not be acceptable.
- **Inconsistent Application:** The discipline is inconsistent with how other similarly situated employees have been treated.
- **Improper Motive:** The discipline was tainted by improper motive, such as retaliation or discrimination.

14.12 Implementation of Panel Decisions

- A. The question of whether the relief granted by a panel is consistent with written policy shall be determined by the Town Manager or their designee, unless the Town Manager or their designee has a direct personal involvement with the event(s) giving rise to the grievance. In that case, the decision shall be made by the Chief Judge of the Loudoun County Circuit Court.
- B. Either party may petition the Loudoun County Circuit Court for an order requiring implementation of the panel decision. This petition must specify the basis for the Town's position that the hearing decision is contradictory to law.

SECTION 15: EMPLOYEE SEPARATION/RETIREMENT

15.1 Policy

The Town desires to have procedures in place to successfully guide an employee through separation or retirement from the Town.

15.2 Application

The provisions of this section apply to all employees of the Town.

15.3 Types of separation from employment with the Town

A. Resignation

The voluntary separation of an employee at their request.

B. Reduction in Work Force (RIF)

A temporary or permanent separation of an employee (without cause) due to the lack of funding or work. A RIF may be voluntary with or without incentive, or involuntary.

C. Dismissal

The involuntary separation of an employee.

D. Job Abandonment

Separation of employment due to the employee's failure to report to work for a period of three consecutive work days without appropriate notice to their supervisor.

E. Retirement

An action or status of an employee who is eligible for and receives VRS retirement benefits, and who leaves Town employment for that reason.

F. Disability Separation

Separation of employment due to an illness or injury, which keeps the employee from performing the essential functions of the job.

G. Separation

The voluntary or involuntary separation of an employee from employment with the Town of Purcellville.

H. Elimination of Positions

Elimination of specific jobs or classes within departments or specific work areas determined by Town Council to no longer serve the goals of the Town.

I. Separation for drug and/or alcohol use

Employees will not be eligible for re-hire after termination for a positive drug and or alcohol test.

15.4 Separation Procedures

The Human Resources Department shall complete an off-boarding process for employees separating from the Town.

Department Directors may also make use of an internal checklist to ensure that all Town property is collected prior to the employee's separation.

A. Resignation

When a department receives notice that an employee intends to resign, an effort should be made by the Department Director, or their designee, to advise the employee that they should provide written notice of intent to resign at least two weeks prior to the date of the last work day. This will ensure that the employee resigns in good standing. Failure to comply with this expectation may be grounds for recommendation that the employee is not eligible for rehire.

Employees are expected to work their entire two weeks unless otherwise approved in advance by their Department Director. When a letter of resignation has been submitted, it should be attached to the Personnel Action Form, the Report of Separation and the Separation Procedure Checklist, and immediately forwarded to Human Resources. If the Department Director, Human Resources Director and Town Manager agree it is not in the best interest of the Town for the employee to work out the two-week notice, then the employee may be placed on administrative leave for all or part of the two-week notice period and be required to immediately return all Town property.

B. Retirement

A Town employee eligible and considering retirement should meet with the Human Resources Department to receive counseling on the retirement process and receive the Retirement Packet provided by the VRS. It is important to apply for retirement benefits three-to-four months before the date of retirement. The application must be received by VRS according to the current timeline on the VRS website: www.varetire.org. That timeline is at least sixty (60) days, but not more than four (4) months before the effective date of retirement. The Town makes contributions to each employee's retirement. The plan administrator should have information on the current contribution amount.

C. Involuntary Separations (Dismissal)

All non-probationary, full-time employees are entitled to make use of the Town's Grievance Procedure in Section 14 of this manual.

Once the determination has been made to dismiss or terminate an employee, the supervisor or designee will complete the Separation Procedure Checklist. Unless the reason for dismissal/termination is based upon a sole incident of misconduct, the supervisor should review the employment history of the employee to ensure that all pertinent data to support the dismissal/termination action is included on the Report of Separation. Information provided on the Report of Separation shall be specific (i.e. dates and purpose of counseling, letters of reprimand, excessive absenteeism and dates, dates and circumstances surrounding specific violations of policies, procedures and orders, etc.). The Report of Separation, completed by the supervisor and reviewed by the Department Director or designee, shall be attached to the Personnel Action Form reporting the termination.

D. Reduction-in-Work Force

When the Director of Finance certifies to the Town Manager that revenue projections indicate that funds will not be available to meet future payroll obligations at current staffing levels, the Town Manager shall determine the practicality of the following actions in lieu of a reduction in force:

1. Elimination of overtime work.

2. Delay of appointments to vacant positions.
3. Appointment of lower grade employees to vacant positions.
4. Conversion of some positions from full-time to part-time status.

After the Town Manager certifies to the Town Council that revenue is insufficient or that the fiscal impact of the revenue is insufficient to avoid a reduction in work force, the following order should be considered:

1. Voluntary reduction in force (with or without incentives as determined by the Town Manager after consultation with Town Council).
2. Flexible part-time employees.
3. Temporary full-time employees.
4. Regular part-time employees.
5. All other employees: All positions will be evaluated on a case-by-case basis to determine which positions are the most necessary to maintain optimal service for the Town. Each director should consider and rate the necessity of each position from most important to least important and consider the past performance of each employee. Whenever applicable, the employee's time in service to the Town should be considered when considering employees of equal performance quality and pay grades.
6. Employees who were separated by a reduction in work force shall be placed at the top of the appropriate eligibility register for their position, for a one-year period, based on the order of reduction in work force within their classification.

Employees are not entitled to make use of the Town's grievance procedure in Section 14 of this manual in the event that there is a separation pursuant to Section 15.4.

E. Elimination of Positions

Specific jobs or classes within departments or specific work areas may be eliminated when the Town Manager after consultation with the Town Council determines those jobs/classes no longer serve the goals of the Town. Employees whose jobs are eliminated shall be placed at the top of the appropriate eligible register for a position within their classification.

Employees are not entitled to make use of the Town's grievance procedure in Section 14 of this manual in the event that there is a separation pursuant to Section 15.4.

15.5 Collection of Town Property

The Department Director shall provide the equipment required for the employee to perform their job. A written copy of the assigned property will be maintained by each department. The Town employee is responsible for the safekeeping and maintenance of all delegated property and may be held liable for loss, damage, theft, or misuse.

An assigned property exit inventory shall be conducted by the Department Director, or their designee whenever an employee separates from the Town or transfers to another department. Failure to perform this exit inventory shall result in the Department Director's responsibility for the assigned property until such time it is reassigned to a specific employee.

In the event of the separation or reassignment of a Department Director, the assigned property exit inventory should be conducted by the Town Manager. The exit inventory should also apply to all director assigned property. However, the Town Manager may require a

complete department inventory since the Department Director is the primary custodian for all departmental property.

In the event of separation of an employee other than a Department Director, the exit inventory shall be completed using the Separation Procedure Checklist, and a final inventory is to be completed during the final meeting between the Department Director, the Human Resources Director, the Director of Finance and Administrative Services, the Town Manager, and the employee.

The completed assigned property exit inventory report shall be signed by the Department Director and employee. Final results of the exit inventory shall be forwarded to the Town Manager and Human Resources Department. The employee may be held responsible for any discrepancies in the assigned property exit inventory. The Town Manager is authorized to withhold wages if the employee fails to reimburse the Town for discrepancies in the assigned property exit inventory. For more information on withholding employee wages, refer to Section 5.10.

15.6 Retirement Benefits

A. Health Insurance - Employees hired prior to July 1, 2024, retiring under the state retirement system (VRS) with a minimum of fifteen (15) years of Town service. Shall be eligible to participate in the Town's group health insurance.

1. Eligible employees who retire under the state retirement system with twenty-five (25) years or more of Town service shall be provided coverage for the retiree and spouse at no cost for the monthly dual health insurance premium and the supplemental Medicare insurance.
2. Eligible employees who retire under the state retirement system with at least twenty (20) years but less than twenty-five (25) years of Town service shall be required to pay twenty-five percent (25%) of the monthly individual health insurance premium and supplemental Medicare insurance.
3. Eligible employees who retire under the state retirement system with at least fifteen (15) years but less than twenty (20) years of Town service shall be required to pay fifty percent (50%) of their own health insurance premiums and supplemental Medicare insurance.
4. Retired eligible employees participating in the plan shall pay all additional premiums for spouse (except with twenty-five (25) years or more of Town service) or other dependent coverage requested by the retiree.
5. Upon retirement, an eligible employee must be actively enrolled in the Town's health insurance program in order to continue health insurance coverage.
6. The retiring eligible employee has a one-time only option to continue participation in the Town's health care insurance plan and such option must be exercised within thirty (30) days of retirement from the Town.
7. The retired eligible employee's participation in the Town's health care insurance plan is limited to the plan or plans that are in effect for the Town's active employees.

B. Health Insurance - Employees hired after July 1, 2024, retiring under the state retirement system (VRS) with a minimum of fifteen (15) years of Town service. Shall be eligible to participate in the Town's group health insurance.

1. Eligible employees who retire under the state retirement system shall be required to pay one-hundred percent (100%) of their own health insurance premiums and supplemental Medicare insurance for the retiree, spouse and eligible dependents for the monthly health insurance premium and the supplemental Medicare insurance.
2. Upon retirement, an eligible employee must be actively enrolled in the Town's health insurance program in order to continue health insurance coverage.
3. The retiring eligible employee has a one-time only option to continue participation in the Town's health care insurance plan and such option must be exercised within thirty (30) days of retirement from the Town.
4. The retired eligible employee's participation in the Town's health care insurance plan is limited to the plan or plans that are in effect for the Town's active employees.

C. Benefit Election Terms

1. Health insurance renewals are made July 1st of each year, which includes updated health care insurance premium rates. All retired eligible employees will receive notification of premium rate changes.
2. When a retired eligible employee meets the eligibility requirements for enrollment in Medicare, that employee is required to notify immediately the Human Resources Department and to enroll in the Medicare program. Retirees who fail to enroll in Medicare upon eligibility risk cancellation from the Town's group health care insurance plan.
3. The Town will not bill monthly for this retirement benefit. The retired employee must remit payment to the Town's Finance Department via check or in person.
4. If full payment is not received by the Town within the thirty (30) day period, the retiree will be notified by certified mail and removed from the Town's health insurance plan and the retiree will permanently lose retiree health insurance benefits.

D. Life Insurance

1. Plan 1 - Upon retirement, basic group life insurance continues at no cost to you provided you are at least age fifty-five (55) with at least five (5) years of service as an employee; or are age fifty (50) with at least ten (10) years of service under Plan 1.
2. Plan 2 or Hybrid Retirement Plan – Upon retirement, basic group life insurance requires you must be at least age sixty (60) with five (5) years of service or the combination of your age and service equals ninety (90). Your life insurance also continues if you retire because of disability.
3. After retirement, the amount of the life insurance reduces by twenty-five percent (25%) annually beginning January 1 following the first full year of retirement and

each January 1 thereafter, until coverage reaches twenty-five percent (25%) of its value at retirement.

Refer to Section 7.4 – Benefits of the Employee Handbook for more information.

15.7 Farewell Events – VRS Retiring Employees

A. Honoring Employees Service

To ensure that all employees are honored for their service to the Town before their departure the following policy is established:

1. When an employee exits a department for employment outside the organization, the department may plan a farewell event, such as a lunch, or whatever is acceptable to the employee. Each attendee is expected to pay for their own lunch.
2. The employee's department, in consultation with the employee, will handle retirement recognition. Please consult with the Human Resources Department or Town Manager for guidelines concerning celebrations and gifts.

B. Retirement Gifts

All retirement gifts purchased using Town funds require preapproval by the Town Manager.

SECTION 16: EMPLOYEE PERSONNEL FILES

16.1 Policy

The Human Resources Department will establish and maintain the official personnel file for all Town employees. The Human Resources Department is designated as the office of record for the collection, storage and dissemination of data relating to all Town employees.

16.2 Establishment of Department Employee Files

1. Department Directors, and their designees will ensure that only personnel information deemed to be critical to the operation of the department is maintained in unofficial personnel records within the department. This information is to be kept confidential in secured files with limited access, to be shared on a need to know basis.
2. The existence of any personnel information system must be open to the Human Resources Department.
3. All data about an employee in the personnel file must be open to that employee and to the Human Resources Department. All employees are entitled to view information in their own personnel file.
4. An employee shall have the opportunity to prohibit the use of information in a manner other than the purpose for which it was collected or intended. If an employee believes that information is being misused, they must inform the Human Resources Director in writing.
5. These requirements do not apply to records maintained by the Police Department containing data gathered through background investigations.

16.3 Dissemination of Information

The Human Resources Department will handle all requests for verification of employment for current or past employees.

The Human Resources Department shall release only data relating to employee names, job titles, employment dates, and the last salary received. Departments are not authorized to provide any information, personal or otherwise, regarding their employees or former employees to other individuals, businesses or outside agencies. Only the Town Manager, Town Attorney, and Human Resources Director may approve exceptions to this policy on a case-by-case basis.

Law enforcement agencies, in the course of their business, may access file information. This decision shall be made at the discretion of the Human Resources Department in response to the request, a legal subpoena, or court order.

16.4 Records Retention and Disposal

The Human Resources Department shall retain and dispose of personnel files in accordance with Virginia state law and the Library of Virginia Retention schedules.

16.5 Review Rights of Personnel Records

1. An employee shall have the right to review their personnel file during working hours by contacting the Human Resources Department to schedule an appointment. Copies requested by an employee are to be made by a Human Resources staff member.
2. The employee shall review their file in the presence of a Human Resources Department representative. If the employee finds information that they believe is inaccurate, the employee may request in writing that this be changed or purged appropriately.
3. An employee's immediate supervisor, the Department Director, and the Town Manager are authorized to review individual employee files, except medical information or other information protected by HIPAA or other confidential information not related to job performance or function.
4. Hiring managers may view individual employee files while considering an employee's application for promotion or transfer into their department.

16.6 Employee Files and the Freedom of Information Act

1. The Freedom of Information Act (FOIA) provides that any person has a right to access public records, including everything written or prepared by a public body or its officers. Anything written or prepared by the Town is available for public access.
2. The FOIA has certain exemptions from what may be released to the public. Among these, are personnel records, which constitute a clearly unwarranted invasion of privacy. However, access shall not be denied to the person who is the subject of the record and who is 18 years of age or older. In such instance, that person may waive, in writing, the protections afforded by the Virginia Freedom of Information Act. If those protections are waived, the Town shall open the records for inspection and copying.

16.7 Confidentiality

1. Employee files are maintained by the Human Resources Department and are considered confidential. Federal laws require that all employee files be maintained in a confidential manner. This includes official personnel files the Human Resources Department maintains and unofficial departmental files.
2. Departments maintaining employee files must ensure the reliability and confidentiality of the data and take precautions to prevent its misuse.

SECTION 17: GLOSSARY

Where used within the context of these policies and procedures, the following definitions and terms will have the meanings indicated below:

Administrative Leave – Leave of absence with or without pay for the purposes of (1) an employee to be off work as recommended by the Department Director and approved by the Town Manager; or (2) investigating disciplinary charges against an employee.

Anniversary Date – For performance evaluations and/or salary increases, the anniversary date will be based upon the employee's original hire date or date of subsequent promotions.

Appeal – Request by an employee for management review of an employment action outside of the formal grievance process. Progresses up the Town chain of supervision with decisions by Town Manager being final.

Assigned Schedule – Time period to be worked as assigned by an employee's supervisor. The employee's supervisor reserves the right to change a work schedule in order to meet business needs.

Classification Plan – The system of identifying groups of Town positions based upon job complexity, scope and impact, among other factors, and arranging these in a logical framework reflecting salaries commensurate with work, skill and responsibilities.

Closure Leave – Declared by the Town Manager. Defines what facilities are closed and which employees are entitled to closure leave.

Compensation Plan – The system used to identify and establish salary ranges of the grades in the classification plan.

Compensatory Time – Additional time earned by an employee who has worked in excess of regular hours during a given payroll period, to be granted in lieu of paid overtime.

Continuous Service – Uninterrupted employment except for authorized leave(s) of absence.

Demotion – The change of an employee from one position to another, generally having a lower pay grade and requiring performance of less responsible duties.

Department – A major administrative or operating unit of Town government possibly composed of various divisions.

Department Directors – Collective term that refers to the Directors of Public Works, Capital Projects, Engineering & Development, Finance, Administration, Chief of Police, Information Technology, Human Resources and Clerk of Council.

Disability – A physical or mental impairment that substantially limits one or more of the major life activities of such individual, a record of such an impairment, or regarded as having such an impairment.

Dismissal – The involuntary separation of employment.

Division – A unit within a Town government department.

Eligible Applicant – An applicant who meets the minimum qualifications for employment for a particular position.

Employee – A person hired to a position with the Town for which they are compensated. Different categories of employees included:

- **Regular full-time** – A full time employee whose regular work schedule is 37.5 hours or more in a week (with the exception of public safety personnel who work 80 hours in two-week pay period). Regular full-time employees are eligible to receive health insurance, life insurance, disability, and other Town benefits, and to accrue annual and sick leave.
- **Regular part-time** – A part-time employee whose regular schedule is 20 hours or more but less than 37.5 hours per week, and is eligible for some pro-rated benefits and affordable health care coverage in accordance with the Affordable Care Act (ACA).
- **Temporary** – An employee who is appointed to fill a temporary full-time or part-time position for a limited or fixed period of time, and generally not eligible for benefits.

Employment-at-will – A legal doctrine which states that an employment relationship may be terminated by the employer or employee at any time and for any lawful reason, or for no reason whatsoever.

Essential Personnel – Employee designated by the department director as performing services required during an emergency and/or event.

Evaluation Date – The date the employee is eligible for a performance evaluation. For employees who have been promoted or demoted, the employee evaluation date will be on the anniversary date of the change. The evaluation date for employees who have been reclassified will not change.

Exempt Employee – Employees who meet one of the FLSA exemption tests, are paid on a fixed salary basis, and are not entitled to overtime. (See Town’s Classification and Compensation plan)

Flexible Part-time Employee – A temporary employee hired for an indefinite period of time for varying hours of time not to exceed 29 hours per week (not eligible for benefits).

Full-time Employee – An employee who works on a continuing basis and is scheduled to work at least 37.5 hours a week.

Grievance – A formal complaint or dispute filed by an employee relating to specific, enumerated conditions of their employment.

Grievance Panel – A panel of three members selected from a list maintained by Human Resources, to hear a grievance case requested by an employee.

Harassment – Conduct or actions based on race, religion, color, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, military service, or other non-merit-based factors that is severe or pervasive enough to create a hostile, abusive or intimidating work environment for a reasonable person.

Hire Date – Initial date a person becomes an employee of the Town.

Immediate Family – For purposes of Sick Leave, members include spouse, parents, grandparents, child, grandchild, stepchild, brother, sister, mother-in-law, father-in-law, or relative living in the same

household. For purposes of Bereavement Leave, members include spouse, child, parents, brother, and sister.)

Job Abandonment – Employees who are absent from work for three consecutive days without giving proper notice to their supervisors.

Job Description – A brief, written statement of the general duties, responsibilities and required education and experience for a particular position.

Layoff (Reduction-in-Force) – A temporary or permanent separation of an employee (without cause) but due to a lack of funds or work.

Leave Without Pay – Employee absence with approval of Department Director, or Town Manager, generally after exhausting annual leave and sick leave.

Medical Review Officer – Representative from the laboratory wherein urine samples are sent for completion of a drug test; responsible for relaying the result of the drug test to the employee and the Town

Merit Increase – An increase in salary based upon an employee's job performance.

Merit Pay System – A compensation system whereby base pay increases are determined by individual performance.

Minimum Qualifications – Minimum education and experience requirements that qualify an applicant to be considered for selection for a specific Town position.

Non-Exempt Employee – An employee who does not meet any one of the Fair Labor Standards Act exemption tests and is paid on an hourly basis and covered by wage and hour laws regarding hours worked, overtime pay, etc.

Overtime – Time worked in excess of a forty (40) hour regular work schedule (depending upon an individual's job classification); time and a half is generally paid after an employee works 40 hours within a work week.

Officer – Executive positions including Town Manager, Assistant Town Manager, Department Directors, and other executive level positions as determined by the Town Manager.

Open Enrollment Period – The period of time designated by the employer's health or other benefit plan when employees may enroll in new benefit plans or make changes to existing benefit plans.

Part-time Employee – An employee whose regular work week does not exceed 29 hours.

Performance Evaluation – The method of evaluating each employee on a periodic basis as to their performance on the job.

Pay Grade – The numerical designation of a fixed salary range assigned to a position class or group of classes.

Probationary Period – The one-year period given to a newly hired or promoted employee to demonstrate that they can perform the duties of the position in a satisfactory manner.

Reasonable Accommodation – Modifying or adjusting a job process or a work environment to better enable a qualified individual with a disability to be considered for or perform the essential functions of a job.

Reasonable Suspicion Test – “A drug or alcohol test administered to an employee due to a performance or policy infraction or poor or erratic behavior.”

Reclassification – The assignment of an existing position to a different class due to a significant change in duties or responsibilities.

Resignation - The voluntary separation of an employee at their request.

Regular Full-time – A full-time employee whose regular work schedule is 37.50 hours or more in a week (with the exception of emergency service personnel who work 80 hours in a two-week pay period). Regular full-time employees are eligible to receive health insurance, life insurance, disability, and other Town benefits, and to accrue annual and sick leave.

Regular Part-time – A part-time employee whose regular schedule is twenty (20) hours or more but less than twenty-six (26) hours per week, and is eligible for some pro-rated benefits.

Risk Manager – A designated employee who identifies, assesses and prioritizes risks followed by coordinated and economical application of resources to minimize, monitor, and control the probability and/or impact of unfortunate events.

Separation – Voluntary or involuntary termination of employment.

Series – A number of job classifications related to each other in terms of work within the same occupational field, such as Maintenance Worker I, II, and III.

Sexual Harassment – Unwelcome sexual advances, requests for sexual favors and other verbal, written, electronic, visual, or physical conduct of a sexual nature that explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Suspension – An involuntary leave of absence.

Temporary Employee – An employee who is appointed to fill a full-time or part-time position for a limited or fixed period of time, and generally not eligible for benefits.

Temporary Full-Time Position - An employee hired for a defined or undefined (but limited) period of time and is scheduled to work at least thirty-five (35) hours a week (eligible for some benefits). The employee is not hired into a position control vacancy and is hired with the expectation that the position is not permanent. The employee is eligible to apply for a permanent position should one become available.

Temporary Modified Duty- An approved temporary work assignment for an employee who is recovering from an injury or illness where restrictions have been determined by a treating physician.

Town-wide Emergency – A state of emergency declared by the Town Manager that may result in emergency leave and emergency pay status.

Transfer – Moving an employee from one position or department to another.

Under fill – A position recruited and filled at a grade lower than the authorized level of the position;

APPENDIX A: CLASSIFICATION PLAN – GENERAL SERVICES

Administration	Position Title	Grade	FLSA	E/N	SS
	Assistant Town Manager	28	E	Essential	No
	Deputy Town Clerk	14	N	Essential	No
	Director of Administration	26	E	Essential	No
	Grants Coordinator (PT)	17	N	Non-Essential	No
	Insurance Counsel (PT)	17	N	Non-Essential	No
	Office Associate	3	N	Essential	No
	Town Clerk	18	E	Essential	No
	Town Manager	30	E	Essential	No
Engineering and Capital Projects	Position Title	Grade	FLSA	E/N	SS
	Capital Projects Manager	17	E	Non-Essential	No
	Capital Projects Manager, Senior	19	E	Non-Essential	No
	Director of Engineering & Capital Projects	26	E	Essential	No
	Facilities Maintenance Coordinator	15	E	Essential	No
	Facilities Maintenance Specialist	8	N	Non-Essential	No
	Facilities Maintenance Support (PT)	5	N	Non-Essential	No
	GIS Senior Specialist	17	E	Non-Essential	No
Finance	Position Title	Grade	FLSA	E/N	SS
	Accounting Manager	22	E	Non-Essential	No
	Accounting Specialist	10	N	Non-Essential	No
	Accounting Technician (PT & FT)	8	N	Non-Essential	No
	Accounting Technician, Senior	11	E	Non-Essential	No
	Assistant Director of Finance	24	E	Essential	No
	Director of Finance / Town Treasurer	27	E	Essential	No
	Financial Analyst	21	E	Non-Essential	No
	Payroll Specialist	11	E	Non-Essential	No
HR	Position Title	Grade	FLSA	E/N	SS
	Director of Human Resources	26	E	Essential	No
	Human Resources Analyst	17	E	Non-Essential	No

FLSA – Fair Labor Standards Act

E/N – Essential Employee / Non-Essential Employee

SS – Safety Sensitive

E – Exempt

NE – Non-Exempt



IT	Position Title	Grade	FLSA	E/N	SS
	Director of Information Technology	26	E	Essential	No
	IT Specialist	12	N	Non-Essential	No
	Network Administrator	18	E	Non-Essential	No
	Systems Integrator	17	E	Non-Essential	No
P&R	Position Title	Grade	FLSA	E/N	SS
	Division Manager Parks & Recreation	19	E	Non-Essential	No
	Events Specialist	12	N	Non-Essential	No
Planning & Comm Development	Position Title	Grade	FLSA	E/N	SS
	Director of Planning & Community Development	26	E	Essential	No
	Economic Development Advisor (PT)	21	N	Non-Essential	No
	Permit & Code Enforcement Coordinator	9	N	Non-Essential	No
	Planner	15	E	Non-Essential	No
	Planner, Senior	18	E	Non-Essential	No
	Planning Manager	22	E	Non-Essential	No
HR	Position Title	Grade	FLSA	E/N	SS
	Director of Human Resources	26	E	Essential	No
	Human Resources Analyst	17	E	Non-Essential	No
PW Adm	Position Title	Grade	FLSA	E/N	SS
	Director of Public Works	27	E	Essential	Yes
	Public Works Coordinator	11	N	Non-Essential	Yes
PW Maintenance	Position Title	Grade	FLSA	E/N	SS
	Maintenance Technician	7	N	Essential	Yes
	Maintenance Technician, Senior	9	N	Essential	Yes
	Mechanic	9	N	Essential	Yes
	Meter Technician	6	N	Essential	Yes
	Meter Technician, Senior	8	N	Essential	Yes
	Superintendent	18	E	Essential	Yes
	Position Title	Grade	FLSA	E/N	SS
	Team Lead	11	N	Essential	Yes

FLSA – Fair Labor Standards Act

E/N – Essential Employee / Non- Essential Employee

SS – Safety Sensitive

E – Exempt

NE – Non-Exempt



PW Wastewater	Position Title	Grade	FLSA	E/N	SS
	Assistant Superintendent	16	E	Essential	Yes
	Laboratory & Environmental Compliance Manager	16	E	Essential	Yes
	Laboratory Technician	10	N	Essential	Yes
	Laboratory Technician, Senior	12	N	Essential	Yes
	Operator Class I	13	N	Essential	Yes
	Operator Class II	11	N	Essential	Yes
	Operator Class III	9	N	Essential	Yes
	Operator Class IV	7	N	Essential	Yes
	Superintendent	18	E	Essential	Yes
	Utility Maintenance Technician	10	N	Essential	Yes
PW Water	Position Title	Grade	FLSA	E/N	SS
	Assistant Superintendent	16	E	Essential	Yes
	Compliance Officer	16	E	Essential	Yes
	Hydrogeologist, Senior	18	E	Essential	Yes
	Operator Class I	13	N	Essential	Yes
	Operator Class II	11	N	Essential	Yes
	Operator Class III	9	N	Essential	Yes
	Operator Class IV	7	N	Essential	Yes
	Superintendent	18	E	Essential	Yes
	Maintenance Technician	7	N	Essential	Yes

FLSA – Fair Labor Standards Act

E – Exempt

NE – Non-Exempt

E/N – Essential Employee / Non- Essential Employee

SS – Safety Sensitive

APPENDIX B: CLASSIFICATION PLAN POLICE DEPARTMENT

Police Department	Sworn Officers	Position Title	Grade	FLSA	E/N	SS
		Officer I	PD1	N	Essential	Yes
		Officer II	PD2	N	Essential	Yes
		Master Police Officer	PD3	N	Essential	Yes
		Corporal	PD4	N	Essential	Yes
		Sergeant	PD5	N	Essential	Yes
		Lieutenant	PD6	N	Essential	Yes
		Deputy Chief of Police	PD7	E	Essential	Yes
		Chief of Police	PD8	E	Essential	Yes
	Admin	Position Title	Grade	FLSA	E/N	SS
		Police Accreditation Coordinator	12	N	Non-Essential	No
		Police Records Coordinator	12	N	Essential	Yes

FLSA – Fair Labor Standards Act

E/N – Essential Employee / Non- Essential Employee

SS – Safety Sensitive

E – Exempt

NE – Non-Exempt

APPENDIX C: SALARY GRADES – GENERAL SERVICES

GRADE	SALARY RANGE	
	MINIMUM	MAXIMUM
1	\$34,086.55	\$54,538.48
2	\$35,790.87	\$57,265.40
3	\$37,580.42	\$60,128.67
4	\$39,459.44	\$63,135.10
5	\$41,432.41	\$66,291.86
6	\$43,504.03	\$69,606.45
7	\$45,679.23	\$73,086.77
8	\$47,963.19	\$76,741.11
9	\$50,361.35	\$80,578.17
10	\$52,879.42	\$84,607.08
11	\$55,523.39	\$88,837.43
12	\$58,299.56	\$93,279.30
13	\$61,214.54	\$97,943.27
14	\$64,275.27	\$102,840.43
15	\$67,489.03	\$107,982.45
16	\$70,863.48	\$113,381.57
17	\$74,406.66	\$119,050.65
18	\$78,126.99	\$125,003.18
19	\$82,033.34	\$131,253.34
20	\$86,135.01	\$137,816.01
21	\$90,441.76	\$144,706.81
22	\$94,963.85	\$151,942.15
23	\$99,712.04	\$159,539.26
24	\$104,697.64	\$167,516.22
25	\$109,932.52	\$175,892.03
26	\$115,429.15	\$184,686.64
27	\$121,200.60	\$193,920.97
28	\$127,260.64	\$203,617.02
29	\$133,623.67	\$213,797.87
30	\$140,304.85	\$224,487.76

APPENDIX D: SALARY GRADES – PUBLIC SAFETY (SWORN)

GRADE	SALARY RANGE	
	MINIMUM	MAXIMUM
PD1	\$61,214.54	\$97,943.27
PD2	\$64,275.27	\$102,840.43
PD3	\$67,489.03	\$107,982.45
PD4	\$70,863.48	\$113,381.57
PD5	\$74,406.66	\$119,050.65
PD6	\$90,441.76	\$144,706.81
PD7	\$104,697.64	\$167,516.22
PD8	\$121,200.60	\$193,920.97

APPENDIX E: CERTIFICATIONS / LICENSES

Department or Division	Certification / License	Tier 1 or Tier 2	Compensation
Administration	CMC – Certified Municipal Clerk	Tier 2	\$500 Lump Sum
	MMC – Master Municipal Clerk	Tier 2	\$1,000 Lump Sum
	Professional Registered Parliamentarian	Tier 2	\$1,000 Lump Sum
	Registered Parliamentarian	Tier 2	\$500 Lump Sum
Engineering & Capital Projects	EIT – Engineer in Training	Tier 1	2.5% Pay Increase
	GISP – GIS Professional	Tier 2	\$500 Lump Sum
	PE – Professional Engineer License	Tier 1	5% Pay Increase
Finance	CIA – Certified Internal Auditor	Tier 1	2.5% Pay Increase
	CFE – Certified Fraud Examiner	Tier 2	\$500 Lump Sum
	CGFM – Certified Government Financial Manager	Tier 1	2.5% Pay Increase
	CPA – Certified Public Accountant	Tier 1	5% Pay Increase
	CPFO – Certified Public Finance Officer	Tier 1	2.5% Pay Increase
	CPP – Certified Payroll Professional	Tier 1	2.5% Pay Increase
	CPPB – Certified Public Professional Public Buyer	Tier 1	2.5% Pay Increase
	CPPO – Certified Public Procurement Officer	Tier 1	2.5% Pay Increase
HR	VGFOA – VA Government Finance Officers Associate Cert	Tier 2	\$500 Lump Sum
	IPMA-CP – International Personnel Management Association Certified Professional	Tier 2	\$500 Lump Sum
	IPMA-SCP – International Personnel Management Association Senior Certified Professional	Tier 2	\$500 Lump Sum
	Lean Six Sigma Black Belt	Tier 2	\$1,000 Lump Sum
	Lean Six Sigma Green Belt	Tier 2	\$250 Lump Sum
	PHR – Professional in Human Resources	Tier 2	\$1,000 Lump Sum
	SPHR – Senior Professional in Human Resources	Tier 2	\$1,000 Lump Sum
	SHRM CP – SHRM Certified Professional	Tier 2	\$1,000 Lump Sum
IT	SHRM SCP – SHRM Senior Certified Professional	Tier 2	\$1,000 Lump Sum
	A+ Certification	Tier 2	\$250 Lump Sum
	CCNA – Cisco Certified Network Associate	Tier 2	\$500 Lump Sum
	Certified Scrum Product Owner	Tier 2	\$250 Lump Sum
	ITIL Foundation, Practitioner, Intermediate, Expert, Master (rec. starting at Practitioner or Intermediate)	Tier 2	\$250 Lump Sum
	MCSA – Microsoft Certified Systems Administrator	Tier 2	\$1,000 Lump Sum
	Network+ Certification	Tier 2	\$250 Lump Sum
	Security+ Certification	Tier 2	\$250 Lump Sum
	SharePoint Administration Certified Professional	Tier 2	\$500 Lump Sum

Department or Division	Certification / License	Tier 1 or Tier 2	Compensation
Parks & Recreation	CPRE – Certified Parks & Recreation Executive	Tier 2	\$500 Lump Sum
	CPRP – Certified Parks & Recreation Professional	Tier 2	\$500 Lump Sum
	CSEP – Certified Special Events Professional	Tier 2	\$500 Lump Sum
Planning	AICP – American Institute of Certified Planner	Tier 2	\$500 Lump Sum
	AICP CEP – Certified Environmental Planner	Tier 2	\$500 Lump Sum
	AICP CTP – Certified Transportation Planner	Tier 2	\$500 Lump Sum
	AICP CUD – Certified Urban Designer	Tier 2	\$500 Lump Sum
	Certified Arborist	Tier 2	\$500 Lump Sum
	Certified Plan Examiner	Tier 2	\$1,000 Lump Sum
	Certified SWM Plan Reviewer	Tier 2	\$1,000 Lump Sum
	CFM – Certified Floodplain Manager	Tier 1	\$1,000 Lump Sum
	Landscape Architect	Tier 2	\$2,000 Lump Sum
	LEED Certification	Tier 2	\$500 Lump Sum
	PE – Professional Engineer	Tier 1	5% Pay Increase
	Virginia Land Survey License	Tier 1	2.5% Pay Increase
	VSMP Combined Administrator	Tier 1	2.5% Pay Increase
Public Works	ASE – Automotive Service Excellence	Tier 2	\$250 Lump Sum
	Biosolids Land Applier Certification	Tier 2	\$250 Lump Sum
	CCM – Certified Construction Manager	Tier 2	\$1,000 Lump Sum
	CDL – Commercial Driver's License ***	Tier 1	Up to 5% Pay Increase
	CDL – Air Break Endorsement	Tier 2	\$500 Lump Sum
	CDL – Tanker Endorsement	Tier 2	\$500 Lump Sum
	CSI – Certified Safety Inspector	Tier 2	\$500 Lump Sum
	Data Wiring, Copper or Fiber Certifications	Tier 2	\$500 Lump Sum
	Fire Hydrant Maintenance Certification	Tier 2	\$250 Lump Sum
	IMSA Traffic Signal Certification, Level II & III	Tier 2	\$1,000 Lump Sum
	Meter Testing and Test Bench Calibration	Tier 2	\$250 Lump Sum
	Lab Analyst Certification	Tier 2	\$250 Lump Sum
	OSHA 30 Certification either Construction or General Industry (30 Hour Class)	Tier 2	\$250 Lump Sum
	OSHA 30 Trainer Certification	Tier 2	\$250 Lump Sum
	Plant Maintenance Technologist Certification	Tier 2	\$250 Lump Sum
	Safety Inspection of In-Service Bridges	Tier 1	2.5% Pay Increase
	Town Sponsored Cross Connection Certificate	Tier 2	\$250 Lump Sum
	TRAQ – Tree Risk Assessment Qualification Certification	Tier 1	5% Pay Increase
	VDOT – Asphalt Field Certification	Tier 2	\$250 Lump Sum
	VDOT – Concrete Field Certification	Tier 2	\$250 Lump Sum
	VDOT – Materials Certifications	Tier 2	\$250 Lump Sum

Department or Division	Certification / License	Tier 1 or Tier 2	Compensation
Public Works	VDOT – Pavement Marking Certification	Tier 2	\$250 Lump Sum
	VDOT – Soil and Compaction	Tier 2	\$250 Lump Sum
	VDOT – Work Zone and Flagging	Tier 2	\$250 Lump Sum
	Virginia Commercial Pesticide and Herbicide	Tier 2	\$500 Lump Sum
	Virginia Land Survey License	Tier 2	\$2,000 Lump Sum
	VML – Defensive Driver Instructor	Tier 2	\$500 Lump Sum

TIER 1

1. Is required to do a critical task in support of the organization's operations and is required by law, mandate or regulation;
2. Directly related to the employee's current job;
3. Is above and beyond the minimum qualifications required of the employee's current job;
4. Adds value to the employee's job and their ability to perform the job;
5. Is recognized by an accepted state or national association or organization;
6. Required passage of a written exam and/or equivalent practicum;
7. Requires extensive (generally defined as six months or longer) classroom instruction and/or equivalent on-the job training; and
8. Requires continuing professional education.

Note: *Tier 1 compensation is a percentage increase in pay*

TIER 2

Must meet at least two (2) or more of the requirements listed above, but does not meet all eight (8) criteria for Tier 1.

Note: *Tier 2 compensation is a one-time (1x) lump sum payment*

***CDL increase available where certification is preferred, but not required for a position; amount of increase is dependent on CDL classification.

Employees from departments other than the one listed can request certifications.

Certifications must be relevant and beneficial to the employee's department.