

TOWN OF BOWLING GREEN

PERSONNEL POLICY

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Section 1. Authority and Application

1.1. Authority for and Adoption of Personnel Policies

A. Title 15.2, Chapter 15, Article 1, of the Code of Virginia and the Charter of the Town of Bowling Green, enables the Town Council to adopt personnel policies, establish departments, employ personnel, and fix compensation for its employees.

B. This Personnel Policies and Procedures Manual (the “Manual”) supersedes all previous personnel policies adopted by the Town Council.

C. This Manual includes those policy statements and procedures that establish the framework for the administration of a personnel system. As such, it is deemed to require legislative review by the Town Council. As a framework, it contains the generally applicable rules and regulations for the employment of personnel. It does not include all departmental operational policies related to personnel. The authority to adopt departmental operating policies is delegated to the Town Manager. Moreover, any actions not reserved to the Council and not inconsistent with what is contained herein are reserved to the Town Manager.

1.2. Purpose of Personnel Policies

These Personnel Policies are intended to:

- Foster effective and efficient service to the public.
- Provide and maintain equitable conditions of employment.
- Establish and maintain uniform standards of employment and compensation.
- Aid employees and supervisors with personnel matters.

1.3. At-Will

Virginia is an “employment at will” state and all employees, unless otherwise stated herein, are employed at the will of the Town and either party may terminate the employment relationship at any time. Employees of the Town of Bowling Green do not have a contract of employment. Neither these policies nor any other document constitutes an express or implied employment contract or any right to continued employment. These policies do not imply or create a vesting or a contract entitling Town employees to any specific benefits or policies from the Town. The contents of this manual and the Town of Bowling Green’s policies and procedures may be changed at any time so long as they comply with all applicable Federal, State and local employment laws and regulations.

1.4. Employment Relationship

The Town believes all employees, regardless of role, position, status or salary, make a critical contribution to achieving the Town’s mission. The Town is committed to providing a safe, non-discriminatory and alcohol and drug-free workplace where employees can work in a supportive environment and interact responsibly with colleagues and citizens. Managers and employees are

partners in ensuring that the residents of Bowling Green receive appropriate services.

1.5. Federal, State and Local Laws

The personnel policies or procedures contained in this Manual are to be read consistent with federal, state, and local law and any provisions that conflict with such laws shall be superseded by the pertinent law. If any part, section, subsection, sentence, clause or phrase is for any reason held to be unconstitutional or invalid, that part only shall be deemed severable and shall not affect the constitutionality or validity of the remainder.

1.6. Applicability

All employees of the Town of Bowling Green, i.e., persons who perform work for the Town in return for financial compensation, are governed by these Employment Policies and Procedures. Exceptions include, but are not limited to, independent contractors and elected officials and their staff, unless a formal agreement to follow Town policies is executed.

1.7. Compliance

Within their respective departments, Department Directors shall take necessary and prompt action to ensure compliance with these personnel policies. Employees who fail to adhere to the requirements set forth in these policies may be subject to disciplinary action, up to and including termination of employment.

1.8. Personnel Policies and Procedures Manual Availability

A copy of the Personnel Policies and Procedures Manual shall be provided to each employee. The official copy of the Manual shall be maintained in the Town Manager's Office.

1.9. Situations Not Specifically Covered

While written policies cannot include every possible situation, this document, when used as a whole, provides effective education and guidance while maintaining sufficient flexibility to allow independent judgement, ensure accountability and support consistent, equitable decision-making. Situations not specifically covered by this Manual shall be handled in a manner consistent with the purposes of these policies as determined by the Town Manager and in compliance with all applicable laws.

Section 2. Administration of Personnel System

2.1. Town Council

Except for what it expressly reserves to itself, the Town Council delegates to the Town Manager the responsibility and authority for all personnel matters.

2.2. Town Manager's Responsibilities

A. The Town Manager shall serve as personnel officer for the Town and is responsible for the administration of the Town's personnel system. The Town Manager shall administer these personnel policies and may delegate such duties in connection with the administration of these policies as deemed appropriate.

B. The Town Manager shall:

1. Fairly and equitably interpret and apply these personnel policies for all employees and applicants;
2. Advise the Town Council in matters concerning personnel administration;
3. Recommend sound merit standards of personnel administration;
4. Institute operating procedures for the implementation of these policies;
5. Regularly review and recommend changes to these personnel policies and the Town's position classification and pay plan;
6. Maintain all centralized personnel records and personnel files according to state and federal regulations;
7. Perform the duties and functions of Equal Employment Opportunity Officer;
8. Administer and interpret the Town's personnel policies and procedures and its classification and compensation plan;
9. Coordinate and be held accountable for employee training and development; and
10. Perform other related activities that provide and support an efficient and effective workforce.

C. The Town Manager's authority specifically includes, but is not limited to:

1. The authority, within budgetary limits, to employ, promote, transfer, reclassify, discipline, demote, discharge or in any manner deal with personnel matters concerning employees of all departments and agencies under the Town's control.
2. The authority to administer the classification and pay plan and to issue policies and procedures for the administration of the plan.

3. The authority, within budgetary limits, to reclassify existing classifications, delete or abolish positions or transfer positions to other departments; make changes in employee classifications to provide for proper administration of the compensation and pay plan; and establish from funds allocated for this purpose, the compensation of each employee within the designated pay range.
4. The authority to interpret and be the final administrative authority regarding the implementation of such policies, and any other policies and procedures, written or unwritten.

2.3. Department Director Responsibilities

- A. Department Directors and other designated management officials perform management functions including and not limited to the following:
 1. Department Directors may implement standard operating procedures (SOPs) provided they are consistent with these personnel policies and approved by the Town Manager.
 2. Develop organizational structures and recommend staffing levels based on service delivery needs and resource availability.
 3. Establish and communicate work expectations, develop operating procedures, manage performance and maintain an effective working environment. However, such procedures shall not conflict with any portion of these employment policies and must be coordinated in advance with the Town Manager.
 4. Schedule activities within their departments including hours of work, rest and lunch periods, time to prepare for work and clean-up time.

2.4. Duties May Be Delegated

The Town Manager or a Department Director may delegate duties to a subordinate employee, when appropriate.

Section 3. Classification

3.1. Classification Plan Established by Town Council

The Town Council establishes a classification plan for Town employees. The Council may amend or temporarily suspend the plan as it deems necessary. The most recently adopted or amended plan remains in effect unless and until it is amended or suspended by the Council.

3.2. Purpose of Classification Plan

- A. The Classification Plan is the official system of grouping positions based on established classification factors.
- B. Classification is the entire process of assigning and reassigning jobs to the Classification Plan. For classification purposes, a position contains a group of assigned duties and responsibilities as outlined in the position description requiring full or part time employment of one or more persons. A position may be occupied or vacant.
- C. The position description includes, at a minimum: position title and a general statement about the position, essential duties and responsibilities of the position, the knowledge, skills, and abilities needed to meet the requirements of such a position, and the exempt or non-exempt status of the position. For those positions which require a bond to be established, the position description shall state the absolute requirement to obtain and maintain a bond in the designated amount for employment in those positions. The Town Manager shall ensure that position descriptions are accurate, up to date, and reflect essential functions.
- D. The Town Manager shall maintain an official copy of the Classification Plan, as approved or amended by the Town Council. The official copy shall include a schematic list of positions and any amendments.

3.3. Creation and Maintenance of Classification Plan

- A. Prior to the establishment of a new position or reclassification of an existing position, a position description covering the essential duties, responsibilities, and minimum qualifications for the position is developed and submitted to the Town Manager for review. The Town Manager examines the proposed position and determines the proper classification.
- B. No person shall be appointed, promoted, demoted, transferred, or paid in any new position until the position has been first established with a position description and assignment to the Classification Plan.
- C. The classification of each position shall be reviewed annually in conjunction with fiscal year budget preparations and at other times as deemed appropriate by the Town Manager.
- D. Positions no longer in use shall be removed from the Classification Plan.

3.4. Definitions

Date of Employment (DOE) - The month, day, and year in which an employee began working for the Town.

Position Entry Date (PED) - The month, day, and year that an employee enters their current position or grade. This date may be the same as the date of employment or another date as a result of promotion, demotion or other action set forth in this policy.

Performance Review Date (PRD) - The performance of each employee shall be reviewed annually. Such review shall commence no later than March 1st of each year for the rating period which ends with the conclusion of the fiscal year.

3.5. Types of Positions

A. Full-Time Employment

Full-time positions are on-going and are funded for a minimum of 40 hours of actual work per week or 2,080 hours per year. Positions that are exempt under the Fair Labor Standards Act are expected to work as many hours as may be required to fulfill the responsibilities of the position without additional compensation. A full-time position includes full benefits. Employees in these positions who have successfully completed their probationary period have grievance rights. (See Section 7.3, Probationary Period.)

B. Part-Time Employment

1. Part-time positions are funded for fewer than 40 hours per week, or fewer than 2,080 hours per year. Part-time employees receive no benefits. The incumbent is designated as part-time in Town employment records. Part-time employment with the Town is at will and may be terminated by the Town Manager at any time, with or without advanced notice or cause.
2. There are generally two categories of part-time positions: Regular part-time and Seasonal/Temporary part-time.
 - a. Regular part-time positions are funded for an established number of hours each day or week throughout the year, averaging less than 30 hours per week, and may receive compensation on a salary or hourly wage basis. Employees in this category do not receive any benefits. Those who have successfully completed their probationary period have grievance rights.
 - b. Seasonal or Temporary part-time employees may be recruited to assist in the handling of workloads of unknown duration, seasonal employment, emergency work, or for completion of a specific task or project. These positions require less than 40 hours per week, and the duration of the employment is short-term and finite. Seasonal or temporary part-time employees shall not be employed without the approval of the Town Manager. If a seasonal or temporary part-time employee changes status to a full-time position, the employee shall be considered as a new hire at the time that employee's status is changed unless otherwise designated by the Town Manager. Employees in these positions are not subject to a probationary period, do not receive benefits, and do not have grievance rights.

- c. Pay rates for part-time and seasonal or temporary positions with a full-time equivalent shall be within the same pay range as the full-time position. The Town Manager shall set part-time pay rates for those positions with no full-time equivalent.
- d. If a part-time employee changes status to a full-time position, the employee shall be considered as a new hire at the time that employee's status is changed unless otherwise designated by the Town Manager.

3.6. Entry Rate of Pay

The starting pay for any new employee in a full-time or regular part-time position shall be determined on a case-by-case basis. Factors contributing to a higher entry rate of pay include the individual's applicable education, training, and experience or competitive recruitment conditions. The Town Manager has the authority to set the entry rate of pay for each employee hired provided that such pay is within the assigned pay grade range.

3.7. In-Grade Pay Increases

The Town Manager, with the approval of the Town Council, may establish a career enhancement program wherein employees who receive professional licensing or certification credentials that are desired or required within a specified timeframe for the position will receive additional compensation. Such supplemental compensation may be in the form of a bonus or pay increase.

3.8. Performance Based Increases

- A. If Town Council approves funding for a merit pay increase, employees are eligible for such pay on their performance review date. A merit pay increase is based on the rating that an employee receives on the employee's annual performance review.
- B. Employees at the top of the pay grade for their position remain eligible for merit pay increases.

3.9. Other Pay Actions

A. Demotion

- 1. Demotions occur when an employee is placed, either voluntarily or involuntarily, in a position within a lower pay grade. An employee may request a voluntary demotion for personal reasons or to retain employment status with the Town when the employee's position has been eliminated and approval of said request shall be within the sole discretion of the Town Manager. An employee may be demoted involuntarily for poor performance or disciplinary reasons. No demotion shall be effective until approved by the Town Manager.
- 2. Demotions generally result in a reduction of pay. The Town Manager shall determine the new rate of pay on a case-by-case basis. An employee who is demoted shall be subject to a new merit anniversary date which shall be the date the demotion was effective.

B. Promotion

- 1. Promotions occur when an employee is placed in a position within a higher pay grade scale. If a promotion occurs, the Town Manager shall determine the new rate of pay on a case-by-case basis.

2. The Town Manager may consider factors such as, and not limited to, current pay, pay range for the new position, and years of employment with the Town to determine the new rate of pay.

3.10. Pay Increase

Employees may receive annual pay increases as approved by Town Council through the budget process.

3.11. Overtime and Compensatory Time

The provisions of the federal Fair Labor Standards Act (FLSA), as amended, are the fundamental wage and hour policy of the Town. All Town positions are determined to be Exempt or Non-Exempt under the criteria of the FLSA. Any questions relating to minimum wage and overtime will be interpreted and applied consistent with the FLSA and state law. When there is a conflict between Town policies and FLSA or state law, federal or state law shall take precedence.

- A. The workweek for purposes of overtime eligibility and compliance with FLSA shall be seven (7) consecutive days beginning at 12:01 a.m. Sunday and ending at midnight on Saturday.

B. Hours of Work

1. Non-Exempt employees shall adhere to scheduled hours and work overtime only with advance authorization. An employee must not begin work before the scheduled starting time, shall not work through the meal period, and shall not work past the scheduled ending time without prior authorization from the Department Director. If such unauthorized work occurs, the employee may be subject to disciplinary action, up to and including termination, and/or have the work schedule adjusted later in the work week. Management may reschedule employees' work hours during the usual work week so that no more than the normally scheduled hours are worked.
2. Employees are expected to work overtime and weekend hours when required by their Department Director. Overtime work assignments shall be managed in the most effective and economical manner possible. Department Directors shall ensure that, whenever possible, overtime assignments are distributed as equitably as possible to all employees qualified to perform the work.

C. Overtime

1. Overtime occurs when service delivery needs exceed the normal work hours and non-exempt employees work more than 40 hours in one work week. Overtime must be approved in advance by the Department Director or Town Manager. When overtime hours are required due to an emergency and advance approval cannot be obtained prior to the work commencing, the Department Director or Town Manager is required to complete the overtime/compensatory time form within two (2) working days after overtime was worked and provide an explanation of the emergency that necessitated the overtime work.

2. Overtime work shall be authorized only to cover emergencies, necessary seasonal activity, inclement weather conditions, and unusual or unanticipated working conditions. Its use on a continual basis is prohibited.

D. Overtime Compensation

1. All employees designated as non-exempt as defined by the Fair Labor Standards Act are eligible to receive overtime compensation in pay or time. Monetary payments shall be at one-and one-half times the regular rate of pay for all hours worked over forty (40) in one administrative work week, except public safety employees subject to the FLSA 207k exemption shall be compensated for hours over the threshold of the established work cycle.
2. Non-exempt employees may earn overtime in the form of compensatory time at one-and one-half hours of time awarded for each hour worked over the appropriate threshold, at management's discretion. The maximum compensatory time allow to accrue shall be 40 hours, after which cash compensation must be paid. Overtime pay or compensatory time will be included in the pay for the pay period in which it is earned. Accrued compensatory time, when awarded, is included on the employee's pay stub.
3. Non-exempt employees with a compensatory leave balance at the time of termination will receive cash compensation for the compensatory leave balance at their current rate of pay or the average rate of pay for the past three years, whichever is greater.
4. A non-exempt employee shall not work outside the designated schedule without prior approval from the department head or designee. Should an employee work without approval, payment will be made, and the employee may be subject to disciplinary action up to and including dismissal. Failure by an employee to work scheduled overtime, once notified, may result in disciplinary action, up to and including dismissal.
5. Employees must actually work 40 hours during the workweek to be eligible for overtime pay or compensatory time for that workweek. For purposes of computation, hours in a paid leave status are not considered to be hours worked. Paid leave status includes, but is not limited to, annual leave, sick leave, compensatory leave, military leave, bereavement leave, personal leave, holiday leave, and civil leave. Hours not worked due to adverse weather closings, are not considered as hours worked for overtime purposes.

E. Exempt Positions

1. For the purposes of overtime compensation, certain positions are exempt from the overtime requirements of the FLSA. These positions have responsibilities and duties that fall within the Executive, Administrative, Professional, or Computer Professional exemptions under the FLSA. Seasonal or temporary part-time jobs may be exempt, if the job meets the criteria under the FLSA exemptions.
2. Exempt employees are not covered by the overtime provisions of the FLSA and are not eligible to receive overtime compensation. They are expected to work at least forty (40) hours per week and additional hours, as needed, to complete work responsibilities. They may use reasonable discretion, with the approval of their supervisor, to adjust their regular work

schedule following extended periods of work over 40 hours per week or the Town Manager may award comparable time off, as appropriate.

F. Time of Payment

1. Overtime pay earned in a particular pay period shall normally be paid on the payday for that pay period. If the correct amount of overtime pay cannot be determined until after the payday for that pay period, the overtime compensation will be paid on the next payday.
2. Payment shall not be delayed for a longer period than is reasonably necessary to compute and arrange for payment and in no event shall payment be delayed beyond the next payday after such computations can be made.

3.12. Garnishments

Should the Town be served with a writ of garnishment or attachment, a notice of levy by the Internal Revenue Service (IRS) or other taxing authority, or any other judicial order requiring payment of an employee's wages to a third party or the court, the Town will deduct the required amount from the employee's wages in an amount not to exceed that permitted by law. Pursuant to 8.01-512.2 of the Code of Virginia, the Town may impose an administrative fee up to ten dollars from a judgment-debtor employee on account of such employers' expense in processing each garnishment summons served on such employers on account of the judgment-debtor employee. The Town will process no more than two garnishment orders per employee.

3.13. Other Compensation

A. Stand-By Pay

1. Stand-by is time that a designated, non-exempt employee must remain available to report to work during off-duty hours, in accordance with their department's operating procedures, and is not unduly restricted in their freedom to conduct personal business. The stand-by requirement is typically included in the job description and other employees may be designated by the Town Manager, as needed.
2. An employee on stand-by is not required to remain at work or home and is free to engage in personal pursuits, with the understanding that they must be available by phone or pager to respond and report to work, if necessary, within thirty (30) minutes. Employees that do not report to the job or equipment site within thirty (30) minutes may be subject to disciplinary action.
3. Employees are normally assigned to stand-by for a one-week period. Non-exempt employees assigned to stand-by may be awarded consistent compensation for each week they are on stand-by, in an amount determined by the Town Manager.
4. Employees who are called to duty from stand-by are paid a minimum of 2 hours at a rate of one and one-half times their regular rate of pay for each call-out, regardless of hours worked during the week.
5. Each department shall identify the positions subject to stand-by and shall establish written operating procedures, subject to review and approval by the Town Manager, for stand-by

coverage including a rotation schedule, acceptable response time and application of stand-by pay processes.

6. Exempt employees are not eligible for stand-by pay. However, an exempt employee on stand-by who is called out to work may, with the approval of their supervisor, use discretion to adjust their regular work schedule following extended periods of such work.

B. Call Back Pay.

1. In unusual situations or as required by law, employees may be called back to work from an off-duty status or be required to stay at work beyond their regular shift. In these situations, non-exempt employees shall be paid at a time and one-half rate regardless of the hours worked in the administrative work week.
2. These unusual situations may include, and are not limited to, providing direct citizen services such as snow removal, utility repairs, etc. whereby services cannot wait to be administered through normal scheduling of personnel during the designated workweek.
3. The Director of Public Works is authorized by the Town Manager to determine the situations in which employees are called back to work and is responsible for documenting and maintaining a record of the situation and the personnel required to meet the requirements of the situation. Employees in such positions are required to report to work when notified by a supervisor.

C. Holiday Pay.

1. If an observed holiday falls on an employee's regularly scheduled day off, the employee shall be granted another paid day off during the month in which the holiday was celebrated, whenever possible. If this is not possible, the employee shall receive 8 hours of straight time pay in lieu of the day off.
2. If the Town Manager requires a full-time employee to perform work on an observed holiday, the employee shall be granted another paid day off during the month in which the holiday was celebrated, whenever possible. If this is not possible, the employee shall receive 12 hours of straight time pay in lieu of the day off.

3.14. Exempt Employees

- A. Exempt employees are not covered by the overtime provisions of the FLSA and are not eligible to receive overtime compensation. They are expected to work at least forty (40) hours per week and may need to work additional hours to complete work responsibilities. They may use reasonable discretion, with the approval of their supervisor, to adjust their regular work schedule following extended periods of work over 40 hours per week or the Town Manager may award additional time off.
- B. While employees in exempt positions are not normally eligible for overtime compensation, the Town may choose to award additional pay or administrative leave, under designated

circumstances, when approved in advance by the Town Manager, after consultation with Town Council.

3.15. Pay Period and Compensation

A. The Town of Bowling Green pay period occurs twice in a calendar month. The first pay period ends on the 15th day of the month, and the second pay period ends on the last day of the month.

B. Pay checks will be issued on the 1st day of each month and the 16th day of each month. Distribution of pay checks is subject to adjustment when these dates fall on weekends and holidays. In such circumstances, pay checks will be distributed the day before the weekend or holiday. The date of calculation of payroll may be adjusted when work schedules require that payroll be calculated earlier than normally scheduled.

C. All other matters are administrative in nature and will be the responsibility of the Town Manager. The Town Manager will review and sign all time sheets and will work with the Finance Director/Treasurer to ensure that all employees of the Town are paid promptly.

E. The Town of Bowling Green offers the option of “Direct Deposit” of pay checks, and employees shall note that such deposit could take up to two days after payroll is calculated to reach the employee’s bank account.

Section 4. Equal Opportunity Employer

4.1. Equal Opportunity Statement

The Town of Bowling Green does not unlawfully discriminate in employment or in the provision of services on the basis of race, color, national origin, religion, gender, age, marital status, pregnancy, or disability.

4.2. Equal Employment Opportunity (EEO) Policy

- A. Equal Opportunity Employer: The Town maintains and promotes equal opportunity for all employees and applicants for employment in accordance with relevant State and Federal laws. The Town will not tolerate any form of discrimination. The Town will make all decisions regarding recruitment, hiring, promotions, reassignments, training and other terms and conditions of employment without unlawful discrimination. The Town will not discriminate based on race, color, religion, sex, national origin, age, physical or mental disability, military status, status as a veteran, marital status, pregnancy, childbirth or related medical conditions (including lactation), sexual orientation, gender identity, or any other basis prohibited by Federal or State law which is unrelated to the ability to perform the essential functions of the position.
- B. Allegations of discrimination will be thoroughly investigated, and disciplinary or corrective action taken as warranted. The Town will not tolerate threats or acts of retaliation against individuals who report inappropriate conduct pursuant to this policy or provide information in connection with a report by another individual.
- C. Employees who experience conduct in violation of this policy should make it clear to the offending party that such behavior is offensive to them. The employee, upon occurrence of the inappropriate conduct or its repetition, should bring the matter to the attention of the employee's immediate supervisor and/or Department Director depending on department's chain of command. An employee who is uncomfortable for any reason bringing such matter to the attention of their immediate supervisor should report directly to the Town Manager.

4.3. EEO Officer's Responsibility

- A. The Town Manager shall be designated as the Equal Employment Opportunity Officer responsible for performing the following duties and functions:
 - 1. Be responsible for the overall administration of the Equal Employment Opportunity policy.
 - 2. Ensure that all job vacancies are advertised to as diverse an audience as practical and that good faith efforts are made to recruit and consider qualified applicants and employ them without regard to race, color, national origin, religion, gender, age, marital status, pregnancy, or disability.

3. Monitor to ensure that the benefits and conditions of employment are available to all employees in a uniform and nondiscriminatory manner.
 4. Provide guidance on being EEO compliant.
 5. Foster a work environment where each person is treated with dignity, fairness, and respect.
- B. Town Council may appoint an alternate EEO Officer who may be consulted by employees in the event the Town Manager is not available or is not perceived to be sensitive to the needs of the employee.

4.4. Department Director's Responsibilities

- A. Department Directors have an increased responsibility for their own conduct as well as for all employees who work under their supervision. Department Directors or others who are in the chain of command shall act in an exemplary manner at all times.
- B. These employees shall not date or otherwise engage in intimate relationships with subordinate employees.

4.5. Harassment

- A. The Town of Bowling Green is committed to providing a workplace that is conducive to the performance of job duties and free from intimidation, abuse or coercion in any form. Harassment in any form is NOT acceptable and subject to disciplinary action, up to and including termination. All employees shall be treated with respect.
- B. The Town recognizes its obligation to maintain a place of employment free of harassment, abusive, or disruptive conduct, and shall take positive and prompt corrective action where necessary in accordance with Town policies.
- C. Employees have a responsibility to conduct themselves in a manner which ensures the proper performance of their job responsibilities and maintains the public confidence.
- D. Workplace Harassment. Workplace harassment is any unwelcomed verbal, written or physical conduct that either degrades or shows hostility toward a person based on race, gender, color, national origin, religion, age, marital status, sexual orientation, pregnancy, disability or any other characteristic protected by applicable Federal, state or local laws, that creates an intimidating hostile or offensive work environment, unreasonably interferes with an employee's work performance, and affects an employee's employment opportunity or compensation. Conduct that may rise to the level of harassment includes verbal remarks (epithets, derogatory statements, slurs, jokes), physical contact (assaults, physical interference with movement or work, touching), visual displays (displaying of printed or photographic materials, objects), and other actions that are demeaning or hostile.
- E. Sexual Harassment
1. Sexual harassment is unwelcome advances, requests for favors, or other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is either explicitly or implicitly made a term of condition of employment;
 - b. Submission or rejection of such conduct is used as a basis for employment decisions; or
 - c. The conduct is severe or pervasive enough to create an intimidating, hostile, or offensive work environment.
2. Examples of sexual harassment are:
- a. Physical assaults;
 - b. Subtle or overt pressures or direct requests for sexual favors;
 - c. Inappropriate displays of sexually suggestive objects or pictures; or
 - d. A pattern of unwelcome conduct of a sexual nature that would be offensive to a reasonable person such as unnecessary touching, abusive or demeaning language or gestures (including remarks about another's clothing, body or body movements, or sexual activities), or teasing or joking.
3. No supervisor or coworker shall explicitly or implicitly communicate that an employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any other conditions of employment.
4. A non-employee who subjects an employee to harassment or discrimination in the workplace will be informed of the Town's policy and appropriate actions will be taken to protect the Town employee from future harassing conduct.

F. Complaints

1. An employee who believes that the Equal Employment Opportunity policy is being violated should report the conduct immediately to the EEO Officer (Town Manager). The report should be made in writing; however, a report will also be accepted by phone or in person.
2. Charges shall be promptly, and thoroughly investigated and corrective actions taken if the charge is founded. If it is determined that a violation has occurred, appropriate relief for the employee(s) bringing the complaint and appropriate disciplinary action, up to and including discharge, against the person(s) who violated the policy will follow.
3. Employees who are eligible may also utilize the Town Grievance Procedure in order to resolve complaints regarding discriminatory practices.

G. Retaliation

1. Employees who bring complaints of discrimination or who identify potential violations, witnesses interviewed during the investigation, and others who may have opposed discriminatory conduct, are protected from retaliatory acts.
2. If an employee believes that retaliation has occurred, the employee should make a report, preferably in writing, to the EEO Officer (Town Manager).

Section 5. Accommodating Persons with Disabilities

5.1 Accommodating Individuals with Disabilities

- A. The Town provides equal employment opportunities to qualified individuals with disabilities. An interactive discussion about reasonable accommodation will take place and the Town will provide reasonable accommodation to a qualified employee or applicant with a disability when those individuals request an accommodation, unless such an accommodation would impose an undue hardship. A qualified employee or applicant is one who can perform the essential functions of the job with or without accommodation. The policy regarding requests for reasonable accommodation applies to all aspects of employment, including the application process.
- B. The Town will facilitate an interactive discussion and provide reasonable accommodation for employees with known physical or mental limitations related to pregnancy, childbirth or related medical conditions, including lactation and private facilities for expressing breast milk, unless the accommodation imposes an undue hardship.

5.2. Requests for Accommodations

- A. A qualified person requesting an accommodation shall make a request for such accommodation and identify their needs. Although it is preferable for the request to be made in writing, a request may be made orally. The request shall be made to the Town Manager. Once a request for an accommodation is made, the Town Manager shall engage in an interactive discussion with the requesting person.
- B. The Town Manager will discuss the request with the Department Director and discuss the range of accommodation that may be reasonable for the employee's disability. If it is determined that an accommodation is reasonable, the Town Manager shall be responsible for implementing the accommodation required. If it is determined that the accommodation is not available, the employee will be informed.

5.3. Applicants for Employment

- A. Job interview questions shall follow EEO guidelines and all applicable laws and focus on the candidate's abilities, not disabilities.
- B. If there is a need for an accommodation in order to complete the application process, the applicant should inform the Department Director as soon as the need is known. Once a provisional offer of employment is made, the applicant may request accommodation in order to perform the essential functions of the position. The Town Manager will review the candidate's request and make the accommodation, if reasonable and no safety risk will result.

5.4. Confidentiality of Information

All medical information and information regarding a person's disability will be kept confidential and no information referencing such will be kept in the employee's personnel file. If certain information regarding the disability may need to be disclosed, it will be disclosed on a need-to-know basis to ensure that the accommodation is effective and continues to be reasonable.

Section 6. Recruitment and Selection

6.1. Basic Requirements for Employment with the Town of Bowling Green

A. Those who are employed, or wish to be considered for employment, with the Town shall:

1. Possess and meet at least the minimum qualifications for the position they hold or for which they are applying;
2. Provide evidence of eligibility for lawful employment;
3. Be able to perform, physically and mentally, with or without reasonable accommodation, the essential duties of the position;
4. Not have made a false statement of any material fact on their application or during the selection process;
5. Have not been dismissed previously for disciplinary reasons from a position with the Town or allowed to resign in lieu of termination within the past three years; and
6. Not have used or attempted to have used political pressure or bribery to secure an advantage in any stage of the selection process.

6.2. Town Council Appointees

The Town Council shall employ the Town Manager and the Town Attorney who shall serve at the will and pleasure of Town Council and do so in accordance with Employment Agreements as adopted by Town Council.

6.3. Town Manager Responsibilities

A. The Town Manager shall:

1. Hire all Town employees (with the exception of the Town Attorney);
2. Approve the methods by which recruitment is conducted;
3. Review all selection methods; and
4. Review compensation of all new employees to determine that it conforms to the Town's current compensation plan.

6.4. Recruitment

A. All positions, full-time and regular part-time, shall be filled via open, competitive recruitment in accordance with guidelines established by the Town Manager. Advertisements of vacancies shall be placed in the media and posted at Town's facilities. Seasonal and temporary part-time positions may be filled through appointment or a competitive process at the discretion of the Town Manager.

B. Recruitment shall normally be open to the general public except in instances when the Town Manager determines that internal recruitment best serves the interest of the Town.

C. At times it may become necessary for a position to be reclassified which for purposes of this policy, is not to be deemed to be considered recruitment. Reclassifications occur when the employee's job duties have changed through evolution and interdepartmental task restructuring. The reclassification may result in a new position title for the incumbent.

6.5. Internal Recruitment

The Town Manager may limit recruitment to existing employees upon determination that there are sufficient qualified applicants. "Employees Only" job announcements shall be posted throughout Town facilities. If no internal applicants with suitable qualifications apply, advertisement of the position opening shall be made to the public.

6.6. Position Description

A. Position descriptions shall state the essential duties, level of responsibility and required qualifications for a particular position. Every position shall be assigned to a pay grade.

B. Prior to recruiting, the Town Manager in coordination with the Department Director shall review and, if necessary, update the position description. All position descriptions and updates shall be approved by the Town Manager.

6.7. Sources of Recruitment

A. The Department Director shall notify the Town Manager as soon as they know that a position will become vacant. When a vacancy occurs, the Town Manager shall decide whether the position should be filled, and if an internal recruitment or an open recruitment process will be used, prior to advertising.

B. All job announcements shall be coordinated between the Town Manager and the affected department to ensure the content of the advertisement conforms to Town policy and the position description.

C. Job announcements must, at a minimum, contain the position title, the department in which the vacancy exists, the nature of the work or examples of the work, minimum qualifications, the application closing date, where applications may be obtained, whether the position is exempt from overtime, and the statement, "The Town of Bowling Green is an Equal Opportunity Employer". As needed, the Town Manager may extend the application closing date or authorize a continuous recruitment process.

- D. Every reasonable effort shall be made to publicize job vacancies so that all interested parties are informed and qualified individuals are encouraged to compete for Town employment.

6.8. Applications

- A. All candidates for employment shall submit a completed Town Job Application form prior to the application deadline. Resumes shall not be accepted in lieu of a completed Town Job Application form.
- B. To be considered, applicants shall indicate the specific position of interest and sign and date the Town Application form.

6.9. Screening

- A. All applications shall be carefully screened and evaluated by the Department Director according to the criteria established in the position description. Those applicants whose knowledge, skills, and abilities most closely align with those required by the position shall be invited for an interview.
- B. All tests and selection methods shall be approved by the Town Manager prior to being used.
- C. In determining qualified applicants, the Town may use, but shall not be limited to, one or a combination of the following selection methods:
 - 1. Evaluation of experience;
 - 2. Written and skills tests;
 - 3. Performance tests;
 - 4. Driving records;
 - 5. Interviews;
 - 6. Reference and background checks;
 - 7. Post offer medical and physical agility examinations; and/or
 - 8. Criminal Background Checks and general police information background checks, in compliance with FCRA.
- D. An applicant who refuses to participate in any phase of the selection process shall be considered to have withdrawn from the applicant pool and shall receive no further consideration.

6.10. Interviews

- A. All questions to be asked in the interview must be approved by the Town Manager to determine and verify that there are no inherent violations of Equal Employment Opportunity (EEO) and Americans with Disabilities Act (ADA) laws. The most qualified applicant and best suited for the position(s) will be offered the job.

- B. If the Town Manager finds no applicant qualified and suitable for the position as a result of the prescribed process, the vacancy may be re-advertised.

6.11. Testing

Where appropriate, the department may test specific and essential job skills that are required to fulfill the duties of the vacant position. Such tests shall be designed and the parameters for satisfactory completion shall be determined by the affected Department Director with the approval of the Town Manager. All testing shall be consistent with state and federal regulations concerning employee selection, including Title IV and the Americans with Disabilities Act (ADA).

6.12. References and Credentials

The Department Director will have all credentials and references verified before recommending an applicant to the Town Manager.

6.13. Selection and Notification of Employment Offer

- A. After selecting a finalist for a vacant position, the Department Director shall provide a written recommendation to the Town Manager including justification for the recommendation and the recommended starting pay rate.
- B. If approved by the Town Manager, the Department Director shall contact the applicant to make a provisional offer of employment orally. If any physical or medical (including drug and alcohol testing); testing requirements must be met, they shall be done at that time.
- C. The formal job offer shall be made in writing by the Town Manager after all testing is completed.

6.14. Criminal Records Check

- A. In the interest of the public welfare and safety, applicants for employment with the Town may be subject to a pre-employment national criminal records check.
- B. Upon receipt of information which indicates a prior criminal conviction, the Town Manager will consult with the Department Director to determine if there is a connection between the crime for which the applicant was convicted and the employment position being sought.
- C. In cases where the conviction record is determined to be incompatible with the nature of employment, the applicant shall be removed from further consideration and a provisional employment offer, if applicable, shall be withdrawn. The decision of the Town Manager shall be final. Criminal history records shall be kept confidential.

6.15. Medical Examinations

- A. Applicants for employment may be required to complete a physical examination only when the job specifications contain such a requirement. Following a provisional offer of employment, a physical examination will be arranged by the Town Manager at the Town's expense. The medical report must be completed by a Town-approved physician and be received and reviewed in

conjunction with the essential requirements of work as described in the position description prior to the issuance of a written final, offer letter.

- B. Employees must continue to meet, as a condition of employment, the physical standards established in the job specifications for the assigned position and may be required to complete a fitness for duty examination at any time after employment when recommended by the Department Director.

6.16. Residency

Employment shall not be limited to Town residents. All employees must be available and accessible to perform the duties and responsibilities required of their jobs.

6.17. Employment of Close Relatives

- A. The Town does not employ immediate family members of present employees in a supervisory-subordinate relationship, or in any other relationship which the Department Director considers to be detrimental to the functioning of their department.
- B. The State and Local Government Conflict of Interest Act (Virginia Code §2.2-3109) allows the employment of immediate family members of Town officers or employees, only if the officer or employee does not exercise any control over the employment or the employment activities of the family member and the officer or employee is not in a position to influence those activities.
- C. Policies stated in this Section shall not adversely affect persons employed by the Town of Bowling Green on the date of adoption of these policies.

6.18. First Day of Work

Department Directors shall inform all new employees of the need to schedule an appointment to meet with the Town Manager on the first day of work to complete various employment forms and to become oriented to the benefits associated with the position.

6.19. Emergency Hiring

Should circumstances and conditions necessitate the hiring of personnel in an abbreviated manner, the Department Director shall make a written request for authority to hire on an emergency basis from the Town Manager. No employment commitment shall be made prior to the Town Manager's approval.

6.20. Staffing through Temporary Agencies

From time to time, a department may have an immediate workload demand that can be met only by additional staff for a short duration. If the Department Director determines the department's need is best met by using a temporary employment agency which has available personnel that meet all requirements of the position(s) and department funds are available, all arrangements for such contract workers shall be made by that department in conjunction with the Town Manager. The duration of the contract with the temporary employment agency shall be no longer than 90 calendar days, unless

a longer period is approved by the Town Manager. Contract workers are not “employees” of the Town.

6.21. Acting Assignment

- A. An employee may be temporarily assigned to a vacant position, or a prescribed set of duties, other than those found in the position description under certain circumstances. These circumstances include but are not limited to:
- Temporary vacancies created by the resignation of an employee;
 - Emergencies occasioned by abnormal workload or organizational changes;
 - Absences pending official assignment of personnel;
 - Performance of duties pending the development and classification of a new position;
 - Purposes necessary to meet the needs of the Town.
- B. Acting assignments and the reasons thereof shall be made a part of the employee’s personnel file. The employee’s pay while on acting assignment may change, at the discretion of the Town Manager, if the employee is required to work in the full capacity of a higher classified position for a period equivalent to thirty (30) workdays or longer. Requests for “Acting Pay” shall be made in writing by the Department Director and forwarded to the Town Manager for approval in advance of the employee assuming an acting assignment.

6.22. Transfer

A transfer is the lateral move of an employee from one position to another position with a similar level of responsibility. Transfers shall be authorized by the Town Manager upon the recommendation of the Department Director. An employee who transfers from one position to another may be subject to a 6-month performance evaluation in the new position.

6.23. Promotion

A promotion is the selection of any employee for a position with a higher level of responsibility in a higher pay grade. An employee may compete with external and/or internal applicants for a promotional opportunity. Promotions require the approval of the Town Manager and the satisfactory completion of satisfactory performance as documented in a 6-month performance evaluation.

6.24. Employment of Minors

- A. Persons employed by the Town shall normally be a minimum of eighteen (18) years of age. In special circumstances such as the Summer Jobs Program where it is not possible or preferable to recruit a qualified applicant who has reached their eighteenth birthday, employment of a child must be conducted in accordance with the state and federal child labor laws and regulations.
- B. Prior to employing a child, under sixteen (16) years of age, the Department Director must have on file a completed Employment Certificate which shall be obtained by the child from the Superintendent of Caroline County Schools or the Superintendent of the school district in which the minor resides. The child must also provide proof of age prior to commencing work.

6.25. Political Activities

A. Every employee is entitled to exercise the right to vote, to express political opinions, or to join any political organization. However, pursuant to Section 15.2-1512.2, of the Code of Virginia, no employee shall:

1. Engage in political campaigning or electioneering while on duty;
2. Directly or indirectly coerce, attempt to coerce, command, or during work hours advise a Town employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes;
3. Discriminate against any employee or applicant for employment because of that person's political affiliations or political activities, except as such affiliation or activity may be established by law as disqualification for employment.

B. Employees are prohibited from suggesting or implying that a locality has officially endorsed a political party, candidate, or campaign.

Section 7. The New Employee

7.1. Orientation

A. The Town of Bowling Green recognizes the importance of a sound orientation program to ensure that new employees have a clear understanding of their duties, how to perform them and the relationship of these duties to the department and the overall operation of the Town government.

B. On the first day of work, the Department Director shall arrange for new employees to meet the Town Manager and the staff. The new employee will be required to provide pertinent information necessary to be placed on the Town's payroll. Employees may receive a packet beforehand to process the required information in a more leisurely manner.

7.2. On-the-Job-Training

The Department Director will explain job responsibilities, duties, work schedule, working conditions and general information regarding the department's facilities, organization, and standard operating procedures and provide guidance on how the employee may meet expected performance.

7.3. Probationary Period

A. All full-time and regular part-time employees shall be subject to a probationary period for the 6 months immediately following their date of hire. The probationary period is regarded as an integral part of the evaluation process. It is used to closely observe the employee's performance to ensure the effective adjustment of the new employee into the position.

B. Probationary employees may be terminated from employment at any time during the probationary period at the discretion of the Department Director after consultation with the Town Manager. The provisions of the Town's grievance procedures are not available to probationary employees.

7.4. Probationary Period Performance Review

The Department Director may conduct a formal evaluation of probationary employees prior to the end of the probationary period.

7.5. Satisfactory Completion of Probationary Period

If the rating on the performance review is satisfactory, the employee will move from probationary to on-going status and is eligible for a 5% pay increase. An assessment reflecting less than satisfactory progress may be sufficient grounds for immediate termination of employment.

7.6. Extension of Probationary Period

- A. If an employee has not achieved satisfactory performance during the probationary period, but has demonstrated the potential to succeed, or the probationary period is insufficient to determine whether the employee can handle the new position, the employee's probationary employment period may be extended at the discretion of the Department Director and with the approval of the Town Manager. Such extension shall not be for a period longer than 60 days. A corrective action plan may be used in conjunction with any extension.
- B. An employee who is absent during the probationary period for five or more consecutive workdays may have the probationary period extended for the length of time of each such consecutive absence.
- C. Continued employment following the conditional or probationary period is contingent on acceptable job performance and compliance with these Policies.

7.7. Substantial Change in Job Responsibility

Upon a voluntary change in position classification (including, but not limited to promotion, demotion, lateral transfer and reclassification), an employee will be subject to close performance review and must perform at a satisfactory or higher level. If an employee is removed from the position for not successfully performing at a satisfactory level in the new position, the employee may be re-employed in their former position if there is a vacancy in that position classification. This provision does not apply to an employee who is involuntarily placed in a different position classification.

Section 8. General Rules

8.1. Purpose

The following policies set forth general operating procedures.

8.2. Official Hours

- A. The official hours for the public transaction of Town business are normally from 9:00 a.m. until 5:00 p.m., on days designated by the Town Manager. Operational departments are typically open 7:00 a.m. to 3:00 p.m. Monday – Friday. The Town Manager may establish different official hours for the departments, depending on the functions and operations involved.
- B. Because of the variety of services that departments provide, an employee's work schedule may be different from the official hours. However, a full-time employee is expected to work forty (40) hours per workweek. Sworn public safety employees may have an alternate work cycle and workweek.

8.3. Holidays

- A. Town offices shall be closed on officially designated state holidays. Employees who provide public safety or other essential services may be required to work on holidays.
- B. The Town shall observe the following holidays:

<u>Holiday</u>	<u>Offices Closed</u>
New Year's Day	January 1
Martin Luther King, Jr. Day	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4th
Labor Day	First Monday in September
Indigenous Peoples Day	2nd Monday in October
Election Day	The Tuesday following the first Monday in
November	
Veteran's Day	November 11th
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	4th Friday in November
Christmas Day	December 25

- C. In addition to the holidays listed above, the Town Council may designate any other day or part of a day as an official holiday. If one of the above holidays falls on a Saturday, the preceding Friday will be observed as the designated holiday; if the holiday falls on a Sunday, the following Monday will be observed as the designated holiday. Salaried employees shall receive paid time off for a holiday.

- D. Each full day holiday shall be valued at eight hours, and a one-half day holiday shall be valued at four hours. In the case of employees whose regular work schedule is other than eight (8) hours, the difference in time shall be made up by the employee after discussion with the appropriate Department Director. For Department Directors, discussion of this matter shall be held with the Town Manager. Options may include working additional hours, taking Compensatory Leave, or taking Annual Leave. The needs of the Town will be considered by the Town Manager and Department Directors in making such decisions.
- E. When a holiday falls within a period of paid leave, the holiday shall not be counted as a leave day in computing the amount of leave used. An employee who is absent without leave on the day immediately preceding or following a holiday shall not be paid for the holiday and the day shall be recorded as absent without leave.

8.4. Service Recognition

Employees shall be recognized upon satisfactory completion of intervals of five (5) years of service as follows: five years, ten years, fifteen years, twenty years, twenty-five years, thirty years, and each subsequent five-year period of service.

8.5. Retirement Recognition

Individuals who elect to retire after five (5) consecutive years of full-time Town employment shall be recognized by the Town Council. To retire means to apply for and receive retirement annuity benefits from VRS.

8.6. Closing of Town Offices Due to Severe Weather

- A. Town offices may be declared closed by the Town Manager during periods of severe weather and/or when the health and safety of employees may be at risk. When weather conditions are serious enough to raise questions about driving safety or whether Town offices will be open, employees should visit the Town's official webpage, Facebook page and/or listen to local radio stations for relevant announcements. Aside from the Town Manager's declaration of the closing of Town offices, all Town offices shall be closed when Caroline County officers declare County offices are closed for such reasons as herein explained.
- B. When Town offices are closed, non-essential employees who are not required to report to work during shall be paid their normal rate of pay without charge to paid leave. Designated essential employees are required to report to work and will earn one and a half times their regular pay for the hours worked. Essential employees are normally identified and informed in advance by the Department Director.
- C. Liberal Leave. When Town offices are open during inclement weather, the Town Manager may declare a liberal leave policy to be in effect. Under the liberal leave policy, employees who are in non-essential positions (as determined by Department Directors and reported to the Town Manager) may elect not to report to work and may have their absence or late arrival charged to annual leave, compensatory leave and/or leave without pay, without having received approval in advance. The employee, upon returning to work, must submit a leave form for any time the employee was absent from work while Town offices were open.

- D. Previously Approved Leave Restored. Employees who were previously approved for annual, sick, and/or compensatory leave prior to Town offices closing shall not have such time charged against their leave balances to the extent that such time coincided with the period that Town offices were closed.

8.7. Punctuality

Employees are expected to report to work on time and adhere to their scheduled work hours. The efficient and effective service to Town residents and businesses requires regular attendance and punctuality of all employees. Therefore, absenteeism, tardiness, and leaving work early will not be tolerated because such behavior is disruptive. All time away from work must be approved in advance; otherwise, it will be counted as an unexcused absence. Exempt employees are expected to work all regularly scheduled hours and additional hours if such are necessary to accomplish assigned tasks.

8.8. Flexible Work Schedules

Department Directors may recommend to the Town Manager flexible work schedules for all or some of the position classifications where appropriate. No flexible or alternative work schedules shall be implemented without the prior approval of the Town Manager.

8.9. Required Certifications and Licenses

The minimum qualifications for certain positions may include specific professional or technical certifications or licensing requirements. Those employed in such positions shall maintain the required certification or licensure to continue employment with the Town. Town Council encourages all employees to achieve certifications and higher-grade licensure.

8.10. Appearance

A. Uniformed Personnel

1. Employees must maintain uniforms in a neat, clean, and orderly manner. Employees are expected to begin their work period with a uniform in proper order. The complete uniform, including the employee's name clearly noted, must always be worn while on duty. No uniform may be altered or changed in appearance. Any employee not wearing the assigned uniform may be sent home on leave without pay to change and the time counted as an unexcused absence.
2. An employee who loses a uniform more than once will be responsible for the cost of replacing the uniform. The employee will be required to pay cash for the replacement or with the employee's consent the replacement cost may be deducted from the next regular paycheck.
3. It is the employee's responsibility to make the Department Director aware of the need to replace uniforms.

B. Non-Uniformed Personnel.

During work hours, employees are representatives of the Town and are required to dress and groom themselves in a manner that portrays a professional image.

8.11. Use of Tobacco Products

In the interest of the health and the well-being of employees and the public, the use of tobacco products, including vaping, is not permitted in Town owned or leased buildings or vehicles.

8.12. Use of Town Equipment

The Town provides employees with tools and office equipment intended for use while performing Town business. This equipment (including, but not limited to, copiers, facsimile machines, carpentry, lawn care tools, plumbing, earth-moving equipment, and vehicles, etc.) is not intended for an employee's personal use. Removal or unauthorized use of Town property without authorization is prohibited and is subject to discipline, up to and including dismissal.

8.13. Computers and Other Wire, Digital, and Electronic Communication Devices

- A. Each employee who is authorized to use a computer terminal, personal computer, the Internet, or other wire, digital, or electronic communication device ("communication equipment") is responsible for maintaining, preserving, and securing the information received, sent and stored. Communication equipment includes, but is not limited to, electronic mail (e-mail), facsimiles, Internet, pager, copier, radio, cell phone, computer server, and telephone.
- B. An employee has no right to confidentiality of their use of Town (owned or leased) equipment. All messages received, transmitted, or stored on the Town's communication equipment is subject to, at any time and without notice, the monitoring of, use, and the reading of the messages.
- C. Employees who engage in excessive or abusive personal use of any communication equipment will be subject to disciplinary action.
- D. Telephones. Town telephones are intended for official use only while conducting Town business. Personal calls should be as brief and as infrequent as possible.
- E. Prohibited Uses. The following actions illustrate some of the prohibited uses of the communications equipment:
 - 1. Sending messages which are harassing or discriminatory;
 - 2. Use of abusive or obscene language in either public or private messages;
 - 3. Using the Internet in any manner violating federal, state, or local laws or statutes including copyright laws;
 - 4. Knowingly changing any computer file that was not generated by the user ("user" shall include any person in the chain of supervision);
 - 5. Use of Internet for sending, viewing, or retrieving pornographic materials, inappropriate text files or files dangerous to the integrity of the network;
 - 6. Circumventing security measures;

7. Attempting to gain access to another person's resources, programs, or data, without consent;
8. Vandalizing, which is defined as any malicious attempt to harm or destroy, Town equipment or data on the network or the Internet. This includes the uploading or creating of computer viruses; or
9. While using the Internet, falsifying one's identity to others, username, and/or allowing another person to use the employee's password.

8.14. Vehicle Use

- A. Designated employees are authorized to utilize Town vehicles for commuting purposes ("take-home vehicles"). Take-home vehicles are intended specifically to enable employees to respond directly from home to calls for service. Transporting passengers other than Town employees or other authorized persons in a take-home vehicle is prohibited. Take-home vehicles are not to be used for personal business with the following limited exceptions:
 1. Travel to and from lunch or medical appointments, that could not be otherwise scheduled, during the workday, provided the distance traveled is reasonable; and
 2. Personal errands on the way to and from work, or during the lunch break, if the errand requires only a minor deviation from the normal route traveled.
- B. An employee will be taxed according to prescribed IRS rules and regulations for any compensatory benefit received from the personal use of the take-home vehicle. It is the responsibility of the employee to notify the Department Director if there has been a change in vehicle use.

8.15. Reimbursement for Expenses Incurred

- A. Town employees and officials (members of the Town Council, the Planning Commission, the Board of Zoning Appeals, etc.) may incur certain expenses in connection with performing official Town business. Town employees and officials will be reimbursed for reasonable and appropriate expenses in the following manner:
 1. Vehicle Expense
 - a. When a Town owned vehicle is not available and a personal vehicle must be used for official Town business, the employee/official will be reimbursed for mileage at the current rate established by the Internal Revenue Service. Tolls and parking fees, documented by a receipt, shall be reimbursed.
 - b. No reimbursement will be made for expenses related to the operation or maintenance of the personal vehicle, unless otherwise approved by Town Council as part of an employment contract
 - c. Mileage driven while on Town business shall be recorded on a mileage reimbursement form indicating the date, destination, purpose, and total mileage of individual trips. Mileage reports shall be approved by the appropriate Department Director or the Town Manager and processed for reimbursement.

2. Travel Expenses

- a. Out-of-area trips, involving an overnight stay on official business must be approved in advance by the Town Manager. The preferred method of payment for lodging and travel by common carrier is to have costs paid in advance using either direct billing or credit card billing to the Town.
- b. Reasonable and necessary expenses for overnight travel will be reimbursed upon the presentation of a receipt or other appropriate documentation and approval by the Town Manager. This includes the use of a personal vehicle (if necessary), airline, train, bus or other common carrier transportation, taxi or cab service, rental vehicle (pre-approved), tolls, parking fees, business telecommunications, lodging and meals (including gratuities not to exceed 15%). Alcoholic beverages may not be charged to the Town and must be excluded from any receipt submitted.

3. Miscellaneous Business Expenses. Other reasonable and appropriate expenses (such as operating supplies, material, or equipment), necessary for the conduct of Town business may be procured if such procurement comports to the Town procurement policies. When direct billing or the use of a Town credit card is not possible and purchases must be made, a Town employee/official will be reimbursed if such purchases are evidenced by a written receipt or other appropriate documentation and approved by the Town Manager.

- B. The Town Manager may develop travel guidelines for travel expenses and employees/officials are expected to adhere to these guidelines.

8.16. Solicitations

Solicitations for private businesses or individuals, outside organizations, civic and other non-profit organizations and their fund-raising events are prohibited unless approved in advance by the Town Manager. No literature or announcements of outside organizations shall be distributed or posted without the prior approval of the Town Manager.

8.17. Outside Jobs

- A. An employee may have an outside job or engage in business activities provided that such supplemental employment or business activities do not impair job performance with the Town, is not done during work, and does not create a conflict of interest.
- B. Prior to the acceptance of outside employment, the employee must seek approval from the Town Manager.
- C. Outside employment or business activities cannot be engaged in while on sick leave or workers' compensation. An employee may be asked to terminate outside employment or business activities if such activities interfere with Town duties or represent a conflict of interest.

8.18. Personnel Files

- A. There will be one official personnel file for each employee, and such file will be maintained in the office of the Town Manager. The official personnel file may include several sets of documents, some of which are marked confidential. Medical files shall be maintained in separate files. The

official personnel file may be reviewed by the employee during normal office hours; it is recommended that an appointment be made. The official personnel file may be reproduced in Town Hall at the request of the employee.

- B. Persons, other than the employee, having access to the official personnel file will be designated by the Town Manager. If an employee is physically or mentally unable to review the file, the authorized representative of the employee may access the file. The Town Manager and Treasurer have access to all payroll and timekeeping records and may access the personnel file to submit these records into that file.
- C. An employee may request, in writing, that inaccurate or no longer timely information in the employee's personnel file be corrected or purged; if such request is denied, the employee may provide supplemental information or a statement no longer than 200 words.
- D. Information in the personnel file will be released when subpoenaed or by Court Order or pursuant to the Freedom of Information Act, as applicable.

8.19. Personal Information

Employees must notify the Town Manager of any changes in personal information, (e.g. phone and cell numbers, names of dependents, and spouse, home, and P.O. addresses, etc.). It is critical that all information be kept up to date. It is important to remember to update marital status, name of spouse, and all minor children, addresses and phone numbers. Any problems incurred by the Town's use of out-of-date information are not the responsibility of the Town.

8.20. Verification of Employment and Employment References

All requests for employment references and verification of employment or pay for current and former employees shall be referred to the Town Manager. Employees shall not supply information regarding the employment history of any former or current employee to any inquiring party.

8.21. Public Inspection of Personnel Information

The name, title, and pay of current and former employees shall be available for public inspection during business hours and in accordance with such procedures as the Town Manager may prescribe. The Government Data Collection and Discrimination and Freedom of Information Acts govern the public availability of employee records.

8.22. Destruction of Records

- A. The retention and destruction of official records, including the official personnel files shall be governed by the Virginia State Library in accordance with the Virginia Public Records Act and applicable federal laws.
- B. Personnel files and any other records may be kept longer than the minimum required under the VPRA at the discretion of the Town Manager.

8.23. Conflict of Interests

- A. All employees are subject to the State and Local Government Conflict of Interests Act, 2.2-3100 et. seq. of the Code of Virginia (the “Act”). Whenever an employee or close family member or dependent of the employee may directly or indirectly financially benefit from a transaction or a contract to which the employee has a personal interest, a potential conflict of interest may arise. An employee is subject to disciplinary action if the employee accepts gifts or gratuities from any individual, organization or business concern with whom they have official relationships in the business of Town government. These limitations are not intended to prohibit the acceptance of articles of negligible value which are distributed generally, nor to prohibit employees from accepting social courtesies which promote good public relations, nor to prohibit employees from obtaining loans from regular lending institutions. It is particularly important that inspectors, contracting officers, and enforcement officers guard against relationships which might be construed as evidence of favoritism, coercion, unfair advantage or collusion.
- B. The provisions of the Act govern the acceptance of gifts and gratuities, and Town employees should familiarize themselves with the provisions of that Act. Town-related business trips paid for by others must receive prior approval from the Town Manager, as applicable. Although certain courtesy gifts of nominal value may be accepted under law, generally employees should discourage any gifts whenever possible.
- C. A knowing violation of the Act is punishable as a Class 1 (and up to a Class 3 for certain violations by members of Town Council) misdemeanor under state law. Whenever a potential conflict arises, the employee is advised to request a written opinion immediately from the Town Attorney, Commonwealth’s Attorney or the Virginia Conflicts of Interest and Ethics Advisory Council. A copy of the Conflict of Interests Act is available from the Town Manager, or it may be found on the Internet.

8.25. General Ethical Conduct

- A. The following are general rules of ethical conduct to which employees are expected to adhere:
 - 1. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and respectful attitude toward the public;
 - 2. Be dedicated to the highest ideals of honor and integrity in all relationships in order to merit the respect and confidence of other employees and of the public;
 - 3. Maintain public confidence and trust in Town government through your actions;
 - 4. Conduct official and personal affairs in such a manner as to give the clear impression that you cannot be improperly influenced in the performance of your official duties;
 - 5. Handle all personnel matters on the basis of merit so that fairness and impartiality govern decisions pertaining to appointments, pay adjustments, promotions, and discipline;
 - 6. Not disclose to others, or use to further personal interest, confidential information acquired in the course of official duties.

Section 9. Performance

9.1. Purpose

- A. Performance conferences and annual reviews inform employees how well they are performing their work and how they can improve their work performance. The review and evaluation process is intended primarily to enhance communication on performance expectations between employees and their Department Directors and the Town Manager. The performance review is intended to:
 - 1. Determine the level of the employee's performance and inform the employee about this determination;
 - 2. Identify areas which meet or exceed expectations and those which need improvement; and
 - 3. Identify how the employee and their co-workers can best work together to achieve the department's work goals for the coming year.
- B. Performance evaluations may be used as a factor in determining pay, promotion, demotion, transfer, termination, layoff, or training.

9.2. Performance Plans

The Performance Plan sets forth the expectations for the duties and responsibilities of the position. It describes a proficient level of performance for the duties found in the position job description as well as what new skills and abilities must be attained during the next performance year.

9.3. Evaluations

All employees, except temporary and seasonal part-time workers, shall be evaluated. Evaluation shall occur after five months of the probationary period and then annually prior to the Performance Review Date. Employees who are promoted or transferred to a new position shall be evaluated after five months in the new job and annually thereafter.

9.4. Supervisor's Responsibility

Performance evaluations shall be prepared by Department Directors. The Director is expected to regularly review the performance with each employee. The Town Manager will evaluate each of the Department Directors. Each employee shall be provided with a copy of the completed annual performance evaluation form signed by the Department Director; the employee is also expected to sign the evaluation. The employee's signature acknowledges that the review has been shared and discussed and does not indicate agreement with the evaluation ratings. An employee's refusal to sign the evaluation form does not invalidate the evaluation. The reviewer shall note the refusal on the evaluation form, and sign and date the notation.

9.5. Employees' Responsibility

Every employee is encouraged to discuss openly with the Director the responsibilities and expectations for future performance. If an employee wishes to supplement or clarify the annual performance evaluation, the employee may submit a written statement within 10 calendar days following the annual performance conference with the Director.

9.6. Confidential Nature of the Evaluation

Copies of annual performance evaluations shall be maintained in personnel files. A performance evaluation shall be made available only to the employee, the Department Director, and the Town Manager. The Town Council shall maintain the evaluation records of council appointees (i.e. Town Manager and Town Attorney), and legal authorities on a need-to-know basis, and pursuant to any other local, state, or federal laws that require its release.

Section 10. Benefits

Employment benefits are presented in detail to new employees during the orientation with the Town Manager. As benefits change, employees will be notified. The information contained below is an introduction to the benefits and the requirements for obtaining such benefits. Please contact the Town Manager for complete information about current benefits. The Town Council may at any time change the eligibility and participation requirements as well as eliminate any of the following benefits.

10.1. Retirement/Disability Benefits - Virginia Retirement System

- A. The Town requires that all full-time employees participate in the Virginia Retirement System (VRS). Employees hired in a VRS covered position prior to July 1, 2010, and vested in VRS by December 31, 2012, are normally participants in Plan 1. Employees hired in a VRS covered position between July 1, 2010, and December 31, 2013, are normally participants in Plan 2. Employees hired into a VRS covered position on or after January 1, 2014, are normally covered under the VRS Hybrid Retirement Plan. Law enforcement officers covered under enhanced hazardous duty benefits are not eligible to participate in VRS Hybrid Retirement Plan and shall be participants in Plan 1 or 2, depending on date of hire into VRS covered position.
- B. The cost of the retirement system is shared between the Town and the Employee. Employees in VRS Plans 1 and 2 are required to contribute a 5%-member contribution through salary deduction on a pre-tax basis:
- C. All participants in the VRS Hybrid Retirement Plan are required to contribute 4% into a defined benefit account with VRS and 1% into a VRS defined contribution account. Hybrid participants can voluntarily contribute up to 4% into the VRS defined contribution account. The contributions shall be made through salary deduction on a pre-tax basis. The Town Manager will notify new employees of the appropriate membership plan and provide the appropriate access information for the VRS Handbook and plan information during orientation.
- D. VRS offers retirement options based on Plan designation, years of service, and age at retirement. Please refer to the Virginia Retirement System for more information (www.varetire.org).
- E. VRS benefits include disability retirement for eligible Plan 1 and Plan 2 members. VRS Hybrid Plan members may be eligible for short- and long-term disability benefits after one-year of full-time employment with the Town. Additional information is available from VRS and the Town Manager.

10.2. LIFE INSURANCE

- A. The VRS provides Basic Life Insurance benefits to all covered full-time employees. This benefit is fully funded by the Town. The insurance policy coverage amount is 2 times the employee's salary (rounded up to the highest thousand) and payable to the employee's beneficiary(ies) upon natural death. Should the death of an employee be determined accidental, the death benefit increases to 4 times the employee's salary. This policy also offers benefits for dismemberment and blindness as listed in the [Securian Financial Certificate of Insurance](#).

- B. Optional life insurance is additional coverage available to all covered full-time employees. Those electing additional coverage shall be responsible for 100% of the cost which will be deducted from the employees pay semi-monthly (twice a month).
- C. Further information regarding VRS and/or Basic & Optional life insurance may be obtained from the Town Manager or on the VRS website at www.varetire.org.
- D. Leave Without Pay Status. The Town's contribution will be discontinued if the employee is on approved Leave Without Pay for 51% or more of their working month, unless absence is due to Worker's Compensation. An employee in this situation is advised to make payment to the Town for this period of absence to ensure life insurance coverage is not discontinued. Optional life insurance premiums are the responsibility of the employee.
- E. Retirement. Coverage ends at termination of employment unless an employee elects to convert coverage to an individual whole life policy at non-group rates. Conversion coverage must be elected within 31 days of the last day in the month in which retirement occurred. Retirees may continue in the life insurance program if they meet the eligibility requirements under their plan. Such life insurance coverage is reduced over a period of time as provided by VRS. Additional life insurance through the VRS Optional Life Insurance Program may be continued at the retiree's expense.

10.3. Group Health Insurance

- A. The Town partners with Caroline County to provide health plan coverage for full-time employees and County staff manage the benefit plans. Coverage begins the first of the month following the full-time date of hire. Information concerning Group Health Insurance can be obtained from the Town Manager.
- B. Cost
 - 1. The Town pays the cost of coverage for the employee
 - 2. Changes in election can be made on the occurrence of a qualifying event (within 30 days of such an event) or during the Open Enrollment period.
 - 3. If an employee is on leave without pay status for 51% or more workdays during the pay period, the full costs of the health plan coverage will be the responsibility of the employee under the provisions described in greater detail under COBRA.
- C. Eligibility.

All employees in full-time positions are eligible for participation in the health plan. Employees may elect to include their spouses and dependent children under the health plan, at their own cost. The effective date for health insurance coverage shall be the first day of the month following the full-time date of hire. If a part-time employee converts to a full-time position the same waiting period applies.

- D. Open Enrollment. Open enrollment is the time designated by Caroline County for enrolling in the health plan and/or making changes in coverage and participants. Open enrollment usually occurs in February each year.
- E. Qualifying Event
1. After initial eligibility, changes in the health plan can only be made during Open Enrollment or when a “qualifying event” occurs. Internal Revenue Code Section 125 defines it as: 1) experienced by an employee or an employee’s eligible family members; and that 2) gives rise to the employee’s ability to change coverage levels under the plan at a time not corresponding to the Open Enrollment period. Qualifying events include but are not limited to marriage, divorce, birth or adoption of a child, death of a covered person, spouse’s or dependent’s loss of coverage or a major change to current health plan coverage.
 2. Health insurance changes due to a qualifying event must be made within 31 days of the event. Supporting documentation must be provided to show proof that a qualifying event has occurred.
- F. Separation from Employment. If an employee separates from employment, health insurance coverage will continue until the end of the month in which the employee terminated employment. Thereafter, continuation coverage will be under the provisions of COBRA described below.

10.4. COBRA

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) allows an employee and/or spouse or dependents covered by the Town’s group health insurance plan the opportunity to maintain group coverage for the following time periods (and qualifying events): 18 months (termination of employment or reduction in work hours); 29 months (qualified beneficiary is disabled at time of termination of employment or reduction in hours); and 36 months (death of covered employee, loss of dependent child status, covered employee becomes eligible for Medicare, covered employee divorces spouse). An election of continuation coverage must be made within 60 days of the qualifying event or the date notice of election was received, whichever is sooner. The Town reserves the right to charge up to a 2% administrative fee.

10.5. Retiree Health Insurance

- A. Employees applying for retirement through the Virginia Retirement System (VRS) before reaching age 65 will be considered “early retirees”. Employees (and family members of employees) with a minimum of fifteen (15) years in the VRS system remain eligible for coverage under the Town’s group health insurance policy after the federally mandated “COBRA” period expires 18 months after separation from employment. Such employees must pay for 100% of the cost of health insurance.
- B. Once the employee reaches age 65, he or she becomes eligible for Medicare coverage. If the employee wants supplemental coverage to Medicare, he or she must convert to a Medicare supplement or other plan separate from the Town’s policy.
- C. Early retirees who do not meet this requirement must choose an individual plan through the Town’s carrier or another carrier of their choice (after the 18 month “COBRA” period). Early

retirees and employees continuing coverage during the “COBRA” period are responsible for 100% of the cost. Payment of monthly premiums is due to the Town Manager on the first of every month. Non-payment of premiums will result in termination of benefits.

- D. A retiree, who does not make this election within 60 days of the effective retirement date, does not have the right to re-enter the plan at a later date. If a retiree interrupts the continuous participation in the health plan, the retiree’s right to coverage is forfeited.
- E. A retiree may change coverage level only during Open Enrollment or if a qualifying event occurs. Upon the death of a retiree, a covered spouse and/or dependent children may continue the Town’s plan at their own expense under COBRA.

10.6. Employee Assistance Program

- A. Counseling: Full-time and regular part-time employees and their family members residing in the employee’s household may participate in counseling and referral services designed to help them manage personal or job-related problems.
- B. Confidentiality: Counseling through the Employee Assistance Program (EAP) is confidential. Neither the employee’s name nor department will be released to the Town when the employee or family member seeks counseling through the EAP voluntarily.
- C. Cost: Employees should inquire upon the commencement of counseling, the number of sessions that are provided and what the cost of these sessions might be. The Town Manager should be advised of the cost of the program. Certain policies may allow the Town to permit participation in a portion of the cost of the program for employees.

10.7. Social Security and Medicare

The Town pays the employer’s share of Social Security and Medicare contributions. The employee’s share is paid through mandatory payroll deductions.

10.8. Unemployment Insurance

Former employees may file for unemployment compensation benefits through any Virginia Employment Commission (VEC) office. The VEC determines eligibility for benefits.

Section 11. Leave

11.1. Annual Leave for Employees Hired On or Before December 31, 2013

- A. Purpose. Annual leave provides paid time-off for vacation or other personal reasons. Only those employees on full-time status with a full-time hire date on or before December 31, 2013, accrue annual leave.
- B. Accrual. Annual leave is accrued on a semi-monthly basis. Employees earn annual leave and are limited to a maximum accrual based upon the employee's length of service according to the following chart. (Council Appointees may earn leave at a different rate based on an approved employment agreement).

Years of Service	Semi-Monthly Accrual Rate	Annual Accrual	Maximum Accrual/Carryover
Less than 5 years	4 hours	96 hours	192 hours (24 days)
5 to 9 years	5 hours	120 hours	240 hours (30 days)
10 to 19 years	6 hours	144 hours	288 hours (36 days)
20 or more years	7 hours	168 hours	336 hours (42 days)

- C. Accrual Based on Days of Paid Leave Status. The amount of annual leave that is accrued each month will be prorated based on the hours that the employee actually worked during that month (e.g. deductions will be taken for leave without pay or days not worked because the employee was hired or terminated from employment during the month).
- D. Maximum Accrual Limited. On July 1 of each year, all leave accrued more than the maximum accrual amount will be forfeited. Employees are expected to schedule their annual leave throughout the year so that no leave time is lost on July 1. If the excess amount of leave is scheduled to be taken prior to June 30 and circumstances beyond the employee's control prevent the taking of scheduled leave, the Town Manager may make an exception based on extenuating circumstances beyond the employee's control and that amount of leave will be carried into the next leave year. Maximum accrual limits still apply in each leave year.
- E. Notification of Leave Balance. Employee pay stubs shall include annual leave balances. Employees are responsible for checking to determine whether the information reported is accurate.
- F. Minimum Increment of Leave. Annual leave must be taken in increments of no less than 15 minutes.
- G. Request for Annual Leave. Except for Council appointees, the use of annual leave is contingent on obtaining advance approval for the time away from work. Employees are expected to request approval to use annual leave in advance of the anticipated dates to ensure staffing requirements and critical functions for the Town are covered. Every consideration will be given to an

employee's desire to use annual leave. In approving leave the Department Director is responsible for managing work schedules so that departmental services are not compromised.

H. Restrictions on Use

1. Annual leave may not be used in advance of its accrual. Annual leave is accrued but may not be used until the employee has completed the initial six-month probationary period. The Town Manager may, at his discretion, approve the use of accrued annual leave during the probationary period for extenuating circumstances.
2. The use of annual leave is not a right. Depending on the needs of the department, a leave request may be denied for business necessity or for failure to request the leave in a timely manner. Unless the leave has been approved in advance, the absence may not be charged as Annual leave.

- I. Payout for Annual Leave. Upon the termination of employment, an employee shall receive payment for the annual leave accrued as of the date of separation in an amount not to exceed the maximum accrual limit. In the event of an employee's death, the estate will receive payment for the accumulated leave balances to which the employee is entitled.

11.2. Sick Leave for Employees Hired On or Before December 31, 2013

- A. Purpose of Leave. Sick leave provides paid time off when an illness or injury of the employee or the employee's immediate family member necessitates the employee being absent from work. Sick leave is only available to full-time employees with a full-time date of hire on or before December 31, 2013.
- B. Use of Sick Leave. Sick leave may be taken for one of the following reasons:
 1. Personal Sick Leave. Personal sick leave is defined as absence for reasons of illness or injury incapacitating the employee to perform assigned duties or exposure to contagious disease such that the employee's presence on duty would jeopardize the health of fellow workers on the job.
 2. Medical Appointments. Medical, dental, and other health care provider appointments, whether for the employee or the employee's immediate family member, should be scheduled outside of work hours whenever possible. When such appointments cannot be scheduled outside of or around work hours, the employee may use sick leave provided it is approved in advance by the Department Director or Town Manager. Emergency medical appointments are an exception.
 3. Family Illness. An employee may use sick leave to care for an immediate family member who has a serious health condition or to transport such a family member to health care provider appointments. For purposes of sick leave, immediate family member is defined as child (son, daughter, adopted child, foster child, stepchild, legal ward, child of the employee standing in loco parentis), mother, father, sister, brother, grandfather, grandmother, husband, wife, mother-in-law, father-in-law, or any family member related by blood or marriage living in the employee's home.

4. **Workers' Compensation Injuries.** Employees are not compensated for the first seven (7) calendar days of workers' compensation leave unless the employee elects to use accrued leave. This seven-day period coincides with the 'waiting period' of the Virginia Workers Compensation Act in which an employee is not entitled to compensation from the County's worker's compensation insurance carrier. If a compensable illness or injury results in an absence that exceeds seven (7) calendar days the employee receives replacement income paid by the workers compensation carrier at the rate as provided in the Section 65.2-100 et seq. of the Code of Virginia, as amended. If accrued leave is used and the employee becomes eligible to receive lost wage payments from the Workers' Compensation Commission for the first seven (7) days, the Town will request from the Commission that the amount of money paid to the employee in benefits be returned to the Town and the Town will reinstate the leave used.

- C. **Accrual of Sick Leave.** Sick leave is accrued at the end of each pay period. The amount of sick leave that an employee accrues is based upon the employee's length of service as shown below:

Years of Service	Semi-Monthly Accrual
Less than 5 years	4 hours
5 but less than 10 years	5 hours
10 years and over	6 hours

- D. **Accrual Unlimited** Although there is no maximum accrual limit for sick leave, the use of sick leave for a period exceeding a continuous twelve-week period may result in separation from employment unless otherwise covered by applicable state or federal law.
- E. **Accrual Based on Days of Paid Status.** The amount of sick leave that an employee accrues each pay period shall be prorated for the hours that the employee worked during that pay period (e.g. deductions will be taken for leave without pay or days not worked because the employee was hired or terminated from employment during the pay period).
- F. **Notification of Leave Balance:** Employee pay stubs shall include sick leave balances. Employees are responsible for checking to determine whether the information reported is accurate.
- G. **Minimum Increment.** Sick Leave may be taken in increments of no less than 15 minutes.
- H. **Sick Leave Cannot be Advanced.** An employee must accrue sick leave before it can be used.
- I. **Sick Leave Request.** To request the use of sick leave, an employee must complete the appropriate leave form and submit it to the Department Director for approval. Employees must notify their Department Director as soon as the need for the leave is known; unless there is an emergency situation, such notice must be given no later than one hour before scheduled work hours. Until approval is given, the absence will be counted as leave without pay.

J. Doctor's Statement

1. The Department Director may require an employee requesting sick leave to present a physician or health care provider's statement as a condition of approving the use of sick leave. Sick leave of three days or longer requires a Doctor's statement to justify the use of sick leave or the absence. The Department Director shall notify the Town Manager to determine whether the absence is a qualifying condition under Family and Medical Leave Act.
2. Before the employee returns to work from an extended absence or from treatment for a medical condition that may limit the employee's ability to perform normal job duties, the Department Director or Town Manager may require a statement from the treating health care provider confirming the employee's ability to return to normal work duties. If there are limitations placed on an employee's ability to perform the duties of the position, the Town may consider alternative assignments as a reasonable accommodation for the employee's disability.

K. Payout for Sick Leave at Separation Termination. The Town does not pay an employee for unused sick leave upon separation from employment, regardless of the reason.

L. Transfer of Sick Leave

1. When an employee has exhausted their accrued sick leave and is incapacitated due to a serious health condition, they may request the transfer of sick leave or PTO from other Town employees. To initiate such a transfer, the employee shall submit a written request to the Town Manager, who in their sole discretion may consider notifying other Town employees of the request. With the Town Manager's approval, other employees may voluntarily transfer a portion of their leave to the requesting employee.
2. The employee requesting the sick leave shall not contact or in any manner solicit other employees for a transfer – this may only be done by the Town Manager. Upon receipt of written confirmation that an employee(s) wishes to transfer a portion of their sick or PTO leave to the requesting employee and upon the written approval of the Town Manager, an employee may transfer in writing a specific portion of their sick or PTO leave balance to the requesting employee.

11.3 Paid Time Off Leave Plan for Employees Hired On or After January 1, 2014.

- A. The Paid Time Off leave plan (PTO) is a comprehensive program that serves the diverse needs of employees for time off from work and includes short- and long- term disability programs to cover periods of extended illness or injury.
- B. The PTO leave plan covers all non-public safety full-time employees hired on or after January 1, 2014.
 1. Enrollment: All employees hired or re-hired on or after January 1, 2014, and enrolled in the VRS Hybrid Retirement Plan, shall receive benefits in accordance with this PTO plan.
 2. Paid Time Off (PTO) Accruals: Full Time employees covered under the PTO plan receive accruals based on their years of Town Service. PTO hours are accrued semi-monthly.

3. An eligible employee accrues PTO according to the rates below:

Years of Service	Semi-Monthly PTO Accrual Rate	Annual Accrual	Maximum Annual PTO Hours Carryover
Less than 5 years	5.5 hours	132 hours	192 hours (24 days)
5 - 9 years	7.5 hours	180 hours	240 hours (30 days)
10-19 years	9.0 hours	216 hours	288 hours (36 days)
20 or more years	10.5 hours	252 hours	336 hours (42 days)

4. PTO hours will not accrue during any unpaid absence of 40 hours or more, per semi-monthly pay period, including absences under the FMLA, LWOP and disciplinary suspension.
5. Employees may carry forward to a new calendar year PTO leave balances of no more than the applicable Maximum Annual Hours per Year.
6. Any scheduled holiday that falls during the employee's PTO leave will not be charged as PTO but as Holiday Leave.
7. Bereavement and Court Service leave is not deducted from PTO hours.

C. Scheduling/Use of PTO Hours

1. Paid leave may be requested by the employee only if accrued PTO hours are available for use. Employees are responsible for maintaining PTO leave balances at adequate levels to ensure that leave taken does not exceed existing balances.
2. PTO use must be approved in advance by the employee's supervisor. Scheduled PTO leave may be used for any approved purpose, and a request to use such leave should be made by the employee to his or her supervisor no less than three working days in advance. Some departments may require that employees schedule PTO leave further in advance. The three-day requirement may be waived by the supervisor in cases of illness, emergency situations or other unforeseen circumstances and will be considered unscheduled PTO.
3. Unscheduled PTO leave will be monitored. The supervisor has the right to request verification of any unscheduled absences by requiring a physician's statement. When an unforeseen need for PTO occurs, an employee shall notify the appropriate supervisor no later than the beginning of the shift. In some departments, earlier notice may be requested. Failure to provide the proper notification or excessive unscheduled leave may result in disciplinary action.
4. PTO is available for use by the employee only after leave has accrued and may be taken in 15-minute increments.

D. Termination/Retirement Payment of PTO Hours

1. Employees that leave Town service shall be paid at the employee's current regular rate of pay for accumulated PTO hours up to the maximum carry-over amount. Termination shall include retirement, voluntary resignations, death, or dismissal. The Town shall deduct all state and

federal taxes, and any outstanding amounts due to the Town for benefits received, and for rental uniforms, keys or other Town property not returned by the employee at termination.

2. Use of PTO hours during a resignation notice period must be approved in advance by the appropriate supervisor and must not interfere with the operations of the department.

E. Work Related Injuries/Illnesses: If an employee is absent due to a work-related injury, the employee must use PTO hours for the first seven calendar days of absence, if PTO is accrued. If the employee does not have PTO hours available, the employee will be placed on a leave-without pay status for the first seven days of absence only. If accrued leave is used and the employee becomes eligible to receive lost wage payments from the Workers' Compensation Commission for the first seven (7) days, the Town will request from the Commission that the amount of money paid to the employee in benefits be returned to the Town and the Town will reinstate the PTO leave used.

E. Short- and Long-Term Disability Program

1. In conjunction with the PTO Leave Plan, the Town provides Short Term Disability and Long-Term Disability benefits for non-public safety full-time employees at no cost to the employee. Coverage varies depending on the length of employment and whether the disability is work-related or non-work related. Eligibility becomes effective following one year of full-time employment. Approval for short- and long-term disability benefits is determined by the insurance carrier selected by the Town.
2. If PTO hours are available for use, the employee is required to use PTO to cover the waiting period before Short Term Disability begins. Accrued PTO leave may be used by the employee to make up the difference between 100% of the employee's normal gross wages and the benefit provided under the Short-Term Disability plan, upon mutual agreement between the employee and the Town Manager.
3. Employees are encouraged to consult the Town Manager for details on the disability benefits. Coverage continues to the last day of the month during which the employee leaves Town employment, or changes status from full-time to part-time, seasonal or temporary. Details of this plan are provided in the summary plan description provided by the insurance company selected by VRS or in the VRS Employee Manual available from the Town Manager or by visiting the VRS website at www.varetire.org

11.4. Family Medical Leave Act

The Town of Bowling Green is a covered agency under the Family Medical Leave Act, and while the Town does not have sufficient employees to require compliance, the Town is more generous than required and provides Family Medical Leave to its employees in accordance with the provisions of the Act.

1. Purpose. As provided by the FMLA, all eligible employees shall be entitled to take up to 12 weeks of job-protected family and medical leave during any twelve (12) month period for specified family and medical reasons. Employees may request or the Town may designate FMLA for qualifying absences, including work-related reasons. The purpose of Family and Medical Leave (FMLA) is to provide unpaid, job protected leave to eligible employees for qualifying reasons as mandated in

the Family and Medical Leave Act of 1993. All provisions of the Act must be complied with in terms of benefits and eligibility. Family and medical leave is normally unpaid leave and runs concurrently with sick and annual leave if the absence qualifies under the FMLA. An eligible employee is entitled to up to 12 weeks of unpaid leave during the rolling 12-month period (looking backward from the date that the leave commences).

- A. Eligible Employees. An eligible employee is one who has worked for the Town for twelve (12) months and within the twelve (12) months preceding the commencement of the leave has worked at least 1,250 hours. Part-time and temporary employees who meet these requirements are eligible for FMLA leave. Questions should be referred to the Town Manager.
- C. Types of Leave. FMLA leave may be granted for any of the following reasons:
 - 1. For birth of a son or daughter, and to care for the newborn child;
 - 2. For placement with the employee of a son or daughter for adoption or foster care;
 - 3. To care for the employee's spouse, son, daughter, or parent with a serious health condition;
 - 4. Because of a serious health condition that makes the employee unable to perform the functions of the employee's job;
 - 5. Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty (or has been notified of an impending call or order to covered active-duty status; and
 - 6. To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the covered servicemember.
- D. FMLA may be taken consecutively for twelve weeks or on an intermittent basis or part of a reduced workweek whenever it is medically necessary. When an employee's need for FMLA is foreseeable, the employee must give at least thirty (30) days written notice and must make a reasonable effort to minimize disruption of Town operations. When the need for FMLA is unforeseeable the employee must give notice as soon as practicable (within 1-2 working days) of learning of the need for leave. The Town may temporarily transfer an employee using intermittent or reduced workweek to a different position with equivalent pay and benefits if another position would better accommodate the intermittent or reduced schedule.

11.5. Bereavement Leave

- A. Upon the death of a member of the employee's immediate family which is defined as child (son, daughter, adopted child, foster child, stepchild, legal ward, child of the employee standing in loco parentis), mother, father, sister, brother, grandfather, grandmother, husband, wife, mother-in-law, father-in-law, or any person related by blood or marriage living in the employee's home, an employee may be granted up to three days of bereavement leave.
- B. If additional time is needed, other accrued paid leave time may be taken. Such additional leave time may be annual, sick, PTO, or compensatory leave time. The Town Manager must be consulted in estimating the return to work of the employee.

11.6. Court Service Leave

- A. An employee's absence from work for jury duty or for attending court as a witness shall be defined as court service leave. The employee must submit a copy of the official summons for jury duty or witness subpoena to the Town Manager, or his designee, prior to the beginning date of such service. If any employee is summoned to serve on jury duty or is subpoenaed to court to appear as a witness or who, having appeared, is required in writing by the court to appear at any future hearing, except if the employee is a defendant in a criminal case, court service leave with full pay is applicable. Any employee appearing in court either as a defendant or plaintiff in a case shall not be eligible for court service leave but may take leave without pay or use annual leave for such purpose at the employee's option.
- B. No person who is summoned and appears for jury duty for four or more hours, including travel time, in one day shall be required to start any work shift that begins on or after 5:00 p.m. on the day of his appearance for jury duty or begins before 3:00 a.m. on the day following the day of his appearance for jury duty.

11.7. Military Leave

- A. In accordance with applicable law, the Town will grant a leave of absence to any employee who enlists or is called to duty in the Armed Forces Reserve, National Guard, Naval Militia, the Virginia State Defense Force, or National Defense Executive Reserve while engaged in active duty, reserve duty, time away from a physical examination to determine fitness for duty, or periods of training that are approved by the Governor or the Governor's designee.
- B. In compliance with Article 10, Section 44-93 of the Code of Virginia, an employee engaged in military duty shall be entitled to a leave of absence with full pay by the Town for a period not to exceed 21 working days per federal fiscal year, without charging against accrued leave hours as applicable. Once military leave is exhausted, the employee may opt to use their accrued leave for other military leave absences.
- C. For full-time employees, 21 "workdays" equals 168 hours per year. For employees scheduled to work other than 80 hours per pay period, military leave will be paid in proportion to their respective work schedule. For example, if the employee's standard hours in a pay period are 112 hours, his available military leave equals 235.20 hours per federal fiscal year (1.4 times the standard 80 hours per pay period). Employees returning from reserve duty may take an 8-hour rest period between their return home and reporting to work. Where such employee returns from federally funded military duty and the eight-hour rest period required by USERRA overlaps such employee's scheduled work shift, the employee shall receive paid military leave to the extent of such overlap, not to exceed eight (8) hours per occurrence.
- D. An employee requesting leave under this policy must furnish a copy of their military orders when submitting their request for leave. If written orders are not available when the request for leave is submitted, the employee must provide a copy of their military orders upon return to work.

- E. While on military leave, an employee is entitled to continued health benefit coverage and may be eligible to continue other benefits. The employee should make arrangements with the Town Manager to continue applicable benefits before going out on leave. Continuation of benefits requiring payment of premiums must be initiated by the employee.

11.8. Leave Without Pay (LWOP)

- A. Department Directors may approve up to 3 days per month of leave without pay for an employee when circumstances justify such an absence. For any additional absences, the employee must complete the Leave Without Pay (LWOP) Request Form and submit it to the Department Director who may deny the request or recommend to the Town Manager that such leave is warranted and if given will not impede the operations of the department. All LWOP more than three days per month must be approved by the Town Manager.
- B. An employee must have exhausted all other forms of applicable leave prior to making a request for LWOP.

11.9. Administrative Leave

Administrative leave is paid leave that an employee may receive at the discretion of the Town Manager. Circumstances that may give rise to administrative leave include but are not limited to: severe weather conditions, unsanitary or unsafe working conditions, death of a Town employee, and other reasons at the Town Manager's discretion.

The administrative leave category shall be used to record employee absences due to a disciplinary action or for a pending investigation. In cases of administrative leave for non-disciplinary reasons (investigation), the leave period may be with or without pay as determined by the Town Manager.

11.10. Organ Donation/Bone Marrow Donation Leave

- A. Employees are entitled up to 60 business days per 12-month period of unpaid organ donation leave and up to 30 days per 12-month period of unpaid bone marrow donation leave. Employees may use accumulated leave balances during this time. This leave will not run concurrently with FMLA leave.
- B. To receive organ donation leave, the eligible employee shall provide written physician verification to the employer that: (i) the eligible employee is an organ donor or a bone marrow donor and (ii) there is a medical necessity for the donation of the organ or bone marrow.

Section 12. Training and Development

12.1. Purpose

Training and development opportunities are offered to employees for the purpose of acquiring new skills and abilities and improving their knowledge base to improve job performance. Training is offered through a variety of methods including, and not limited to: assessing employee training needs and developing organized training plans; developing and using internal instructors wherever possible; and encouraging employees to share training experiences.

12.2. Department Director's Responsibility

The Department Director is responsible for providing employees within their department an opportunity for meaningful training and development with the following constraints: budgeted monies available; job requirements; expected changes in services that will require additional skills and abilities; employee performance; and the recommendations of the Town Manager.

12.3. Required Certifications and Licenses

- A. When a specific certification or license is required for the position , the Town may pay or reimburse the employee, based on available funds, for the cost of the certification or licensure fee upon successful completion of the qualifying test or exam.
- B. If a payment or reimbursement is provided by the Town, the employee will be required to remain employed with the Town for a period of at least one year beyond the date the license or certification was obtained. Failure to work for this time, may result in forfeiture of payment for unused leave time as permitted by state or federal laws.
- C. When seeking reimbursement, the employee must present the Department Director with the awarded certificate or license and proof that the employee paid for the test or exam. A copy of the license or certificate shall be maintained in the employee's personal file.
- D. Town may reimburse the employee for the costs of not more than two (2) attempts at obtaining a license or certificate. The third attempt will be at the employee's expense.

12.4. Other Required Training

Employees may be required to take additional job-related training as directed by the Town Manager to fulfill their required tasks. This job-related training shall be paid for by the Town. After obtaining such training, the employee will be required to remain employed with the Town for a minimum of 90 days after obtaining each license.

12.5. Workshops, Seminars, and Conferences

Department Directors may authorize employees to attend workshops, seminars, conferences, or other training programs that would directly benefit the Town. The costs of attendance shall be paid by or reimbursed from the department's available funds.

12.6. Higher Education

- A. A Department Director may, from time to time, based on available funds, permit the reimbursement of certain expenses incurred by employees participating in courses offered by public institutions of higher education, provided such courses are directly related to the employee's job with the Town.
- B. Cost. With prior approval of the Town Manager and upon recommendation of the Department Director, an employee may be reimbursed for the basic cost of tuition for any course completed, provided such course is directly job-related and the employee works for the Town for at least one year following completion of the course.
- C. Tuition Reimbursement. The Town may reimburse an employee for the cost of job-related courses up to a maximum of three (3) courses in any fiscal year, approved by the Town Manager, under the following terms and conditions:
 - 1. Priority will be given to employees who have not been reimbursed during the current fiscal year.
 - 2. Courses are related to the employee's present position. The department director must be able to demonstrate that taking the course will maintain or improve the skills required for the employee's current job or meet express requirements of the department that are a condition of continued employment.
 - 3. Funds are available in the appropriate budget line item.
 - 4. Reimbursement is not available or is not being paid by another source.
 - 5. Reimbursement is limited to tuition and books or to those tests for certification which are required before the employee can receive a grade in the course.
 - 6. Reimbursement is on a course-by-course basis and is not available to employees in Leave Without Pay status. Auditing of courses does not qualify for reimbursement.
 - 7. Reimbursement is contingent upon receiving at minimum a "C" or its equivalent, as defined by the educational institution and credit for the course.
 - 8. Proof of grade and payment must be received by the Town Manager before reimbursement can be processed.
 - 9. Requests must be made in writing to the Town Manager at least 30 days prior to the day class starts.
 - 10. The employee must remain in the employment of the Town of Bowling Green for a least one (1) year after the last class that has been completed or will be required to reimburse the Town for the full amount paid. If the employee has not worked the required year after course completion, and if the Town has not been reimbursed for the costs paid by the Town, then the employee will forfeit all accrued leave hours.

Section 13. Safety Policies

13.1. Purpose

- A. The purpose of these Safety Policies stated herein is to provide a framework for the Town to develop a program of actions that will foster a safe place for employees to work and for the public to conduct Town business and enjoy Town-sponsored activities.
- B. Every employee should work under the safest conditions possible. Accidents which injure people or damage property cause needless personal suffering, inconvenience, and expense. Every reasonable and practical effort will be made to promote accident prevention.

13.2. Responsibilities

- A. All Employees. All employees shall be responsible for following the provisions set forth in this policy and other safety guidelines that will be established by the Town. All employees and the Town will follow generally accepted safety procedures that are applicable to their position, duties, and location. Acceptable State and Federal safety standards and requirements and regulations related to their jobs will also be followed. The responsibilities listed below are a minimum. Employees are encouraged to take additional actions over those listed below to reduce losses due to personal injury or vehicle accident. Safety and loss control is a responsibility that must be shared by all.
- B. Department Directors. Department Directors are responsible for maintaining safe working conditions within their departments. All Directors shall:
 - 1. Ensure that all employees in their department comply with appropriate policies and procedures;
 - 2. Inform employees of any initiatives to reduce unsafe conditions;
 - 3. Establish safety rules for their departments and provide and distribute these and other safety procedures that may be created and provide them as SOPs;
 - 4. Provide personal protective equipment to employees, as appropriate;
 - 5. Provide training in safety, loss prevention, and accident response.
 - 6. Correct any unsafe conditions which may exist in the work area;
 - 7. Review all accidents that occur within the department, provide accurate information on the appropriate forms, and make recommendations on ways to prevent the recurrence of a similar accident; and
 - 8. Report all accidents and injuries on the proper Virginia Occupational Safety and Health (VOSH) or Virginia Workers' Compensation (VWC) form.
- C. Employees. Employees are required to exercise due care in the course of their work to prevent injuries to themselves, their co-workers, and the general public. All employees shall:

1. Report all unsafe conditions to their supervisor;
2. Report all accidents immediately to their supervisor;
3. Obey all published safety rules;
4. Operate only machines and equipment on which they have been trained and are authorized by their supervisor to operate; and

13.3. Minimum Safety Rules

- A. The importance of the safety rules cannot be emphasized enough.
- B. The list below are the minimum guidelines that employees are expected to follow.
 1. Report all accidents to your supervisor immediately and complete the required written reports;
 2. Keep all work areas clean and orderly at all times;
 3. Wear seat belts at all times when driving or as a passenger in a vehicle;
 4. Wear protective headgear when working in areas where the potential of flying objects, head bumping, or electrical conduction exists;
 5. Wear eye protection when working in areas where the potential of airborne debris, dust, flying particles, chips, chemicals, and injurious rays exists;
 6. Wear hearing protection when working in areas where prolonged exposure to noise exceeding sound tolerance levels defined by laws exists in accordance with VOSH rules implementing the Occupational Noise Exposure Act Title 29 CFR 1910.95;
 7. Wear safety shoes when working in areas where possible injury from articles that can be dropped from vehicle wheels, machines, and nail puncture exists;
 8. Wear protective clothing such as gloves, long sleeves, aprons, and long pants when working in areas where wounds and abrasions could occur; and
 9. Refrain from engaging in horseplay.

13.4. Violation of Safety Rules

Violation of the Town safety policies may be grounds for discipline, up to and including dismissal.

13.5. Reporting Injury on the Job

All employees shall report any accident involving property or vehicle damage, injury to the public, or injury to the employee to their Department Director immediately. When injury to an employee occurs, the employee must report it on the appropriate forms provided by the Department Director no later than 48 hours after the incident.

13.6. Reporting of Other Accidents

Traffic accidents and any other accident or loss shall also be reported to the Department Director immediately. The proper forms must be completed and submitted to the Town Manager no later than 48 hours following the accident or injury.

13.7. Accident Review

The Town Manager shall review the report of investigation accomplished by the Department Director for each accident within two working days of receipt of the accident report with written recommendations on ways to prevent recurrence of similar incidents in the future.

13.8. Safety Meetings

Safety training meetings shall be held periodically throughout the year within each Department.

13.9. Record Keeping

Each department shall maintain records of accidents and employee participation in safety training in accordance with the Virginia Public Records Act.

13.10. Inspections

- A. The Department Directors and the Town Manager shall conduct regular, periodic inspections of Town offices, facilities, and work sites. Recommendations to correct any deficiencies found during inspection shall be communicated to the Town Manager for action.
- B. These inspections shall include but not be limited to the following areas, which shall be checked for safety program compliance and sound safety practices at least annually to ensure that:
 - 1. Exits are well marked and accessible;
 - 2. Presence of fire extinguishers and their last inspection date;
 - 3. Proper storage of flammable liquids;
 - 4. Posted, published safety rules;
 - 5. Good housekeeping practices;
 - 6. Equipment and vehicle maintenance records; and
 - 7. Provide Fire Extinguisher Training for employees.

Section 14. Workers' Compensation

14.1. Workers' Compensation Coverage

The Town provides Workers' Compensation insurance coverage for all employees at no cost to the employee. Eligibility for benefits is determined in compliance with the Virginia Workers' Compensation Act (Act). The Act is administered by the Virginia Workers' Compensation Commission (VWC).

14.2. Workers' Compensation Benefit

- A. Employees are entitled to receive compensation for an "injury by accident" or an "occupational disease."
- B. To be covered, an "accident" must:
 - 1. Occur at work or during a work-related function;
 - 2. Be caused by a specific work activity; and
 - 3. Happen suddenly at a specific time (injuries incurred gradually or from repetitive trauma are not covered, although certain diseases caused by repetitive trauma are covered). In order to be covered, a disease must be caused by the work and not be a disease of the back, neck, or spinal column.

14.3. Employees' Responsibility

- A. An employee shall report every accident, injury, or occupational illness, regardless of severity, to the Department Director immediately, but in no case later than 48 hours. It is the employee's responsibility to also report it to the VWC. After the report is made, the employee will be asked to complete a written statement or to assist the Department Director in completing a statement on the nature and cause of the accident (including how the injury or illness occurred and the nature and extent of the injury).
- B. The employee shall advise the healthcare provider that all medical expenses, including prescriptions, are to be submitted under Workers' Compensation and are not to be billed to the Town's health plan or to the employee personally. The injured or ill employee shall contact the Town Manager should any medical expenses resulting from a compensable occupational injury or illness be improperly billed or processed.
- C. It is expected that the employee will keep all medical appointments, medical evaluations, physical therapy, or other related treatments resulting from occupational injury or illness and accept treatment from the attending physician.

14.4. Directors' Responsibility

A. For safety purposes and to prevent future occurrences, the Department Director shall determine the causes of all occupational injuries and illnesses and take the necessary corrective actions.

B. The Department Director is responsible for completing the "Employer's First Report of Accident" form and obtaining the employee's statement. It is recommended that the employee provide a written statement on how the illness or injury occurred and the nature and extent of the injury. If the employee is unable to do so, the Department Director should write the oral statement given by the employee and have the employee sign it or affirm the accuracy of the statement.

C. Department Directors are encouraged to maintain contact with the employee during the period of incapacity to obtain a report of the progress being made. Should the employee make a request for light duty, the Department Director shall consult with the Town Manager prior to implementing modified or light duty.

D. The Department Director should ensure that the payroll timekeeper properly records the leave used for Workers' Compensation absences, medical appointments, medical evaluations, physical therapy, or other related treatments associated with an occupational injury or illness appropriately on timesheets as WC/FMLA leave.

14.5. Program Administration

A. The Town Manager has the responsibility to monitor and administer the Workers' Compensation Program.

B. The Town Manager's responsibilities include:

1. Provide appropriate forms, policies and procedures to facilitate timely and accurate reporting of all occupational injury or illness;
2. Review all medical expenses and reports and submit them to the Workers' Compensation Administrator for payment. Whether or not medical expenses are compensable under the Act is determined by the Town Manager.
3. Monitoring the progress and investigation of all Workers' Compensation claims, and where necessary, provide status reports to the Department Director;
4. Train Department Directors and employees, initiate safety orientation and distribution and posting program literature and legal notices;
5. Coordinate claims specifically pertaining to lost time or intermittent leave for payroll purposes;
6. Maintain files and reports for the occupational injuries or illnesses separate from the personal Town files.
7. Ensure all options to return the employee to work when medically released, take retirement for medical reasons, or use other options to properly address the employee's situation are discussed with the employee to prevent long term absence.

14.6. Workers' Compensation Claim Denied

If a Workers' Compensation claim is denied, an employee may forward the denial letter along with the proper forms to the Town's health plan provider. In most situations, the health plan will pay medical expenses denied.

14.7. Appeal of Claim Denial

An employee has the right to appeal the denial of the claim to the VWC. Appeal forms may be obtained from the Virginia Workers' Compensation Commission office in Richmond. For detailed information, please contact the Finance Department or the Virginia Workers' Compensation Commission, 1000 DMV Drive, Richmond, VA 23220, (877) 664-2566 (Toll Free), or at www.vwc.state.va.us.

14.8. False Claims

Any employee who falsifies an occupational injury or illness or collaborates in making a false claim of an occupational injury or illness is committing a crime. The employee may be subject to disciplinary action, up to and including dismissal, and any other legal remedies available to the Town.

Section 15. Drugs and Alcohol

15.1. Purpose

A. It is the goal of the Town to establish and maintain a safe and healthy workplace for its employees, free from drug and alcohol abuse, the effects of drugs and alcohol on work performance, and to protect the safety of the public by providing the highest quality of service.

B. The use of alcohol, illegal drugs, or misuse of prescription drugs is not tolerated in the Town's workplace. Such behavior seriously affects job performance and can create a danger to others. In addition, the use of illegal drugs is not acceptable at any time or place. The policy and regulations pertaining to a drug-free workplace must be followed by all employees in the Town.

15.2. Drug-Free Workplace

A. All Town work sites shall be maintained as drug-free workplaces.

B. 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 Schedule I through V of Section 202 of the Controlled Substances Act (21 U.S.C. § 812) and as further defined by federal regulation in 21 CFR §§ 1300.11 through 1300.15.

C. "Workplace" is defined to mean any site for the performance of work by an employee, including but not limited to any Town-owned or leased building or premise; any Town-owned or leased vehicle; any building or premise used by the Town for Town business; and any non-Town property during any Town-sponsored or Town-approved activity, event or function. "Workplace" also includes all Town-owned or leased property such as, but not limited to, offices, desks, lockers, safes, file cabinets, and toolboxes. **The Town retains the right to search, without employee consent, all Town workplaces.**

D. As a condition of employment, each employee shall:

1. Notify the Department Director of a conviction of any criminal drug charge no later than 5 days after such conviction; and
2. Abide by the terms of this Town policy and regulations respecting a drug-free workplace.

15.3. Drug and Alcohol Testing

A. Drug and/or alcohol tests will be required in the following situations:

1. Pre-employment test after a conditional offer of employment has been given to applicants for positions that are deemed to be safety sensitive, require a CDL license, require the operation heavy equipment or carrying of firearms, or other positions that the Town Manager may identify or has identified;
2. When there is reasonable suspicion that an employee, while at work, is under the influence of, or impaired by, use of illegal drugs or alcohol;

3. On a random basis for employees in positions that are safety sensitive, require a CDL license, or who have consented to random testing; and
 4. On a random basis upon the return to work and for 12 months following the return to work for employees who have tested positive on a drug or alcohol test administered under this policy and who have successfully undergone substance abuse treatment.
- B. Refusal to Submit to Test. In all cases, a refusal to submit immediately to a drug or alcohol test when requested, including failure to appear for testing or a verified positive test finding of alcohol or illegal drug use will subject the employee to the full range of disciplinary action up to and including dismissal; or in the case of an applicant, the withdrawal of a conditional offer of employment.
- C. General Test Procedures. The Town's drug and alcohol testing program will be administered as follows:
1. An evidential breath-testing device operated by a trained breath alcohol technician will be used to test for the presence of alcohol;
 2. Urinalysis will be used for the detection of controlled substances. Each sample will be screened, and if positive, then confirmed using gas chromatography/mass spectrometry (GC/MS). The panel includes screening for amphetamines, marijuana, cocaine, opium, and phencyclidine (PCP);
 3. An employee who is to be tested will be required to sign an authorization and consent form releasing the information to the Town; and
 4. The cost for all drug or alcohol tests ordered will be paid by the Town.
- D. Urine Testing Protocols
1. An employee subject to urine testing under this policy will be permitted to provide the urine specimen in a manner so that the employee is not observed while actually providing the specimen.
 2. Should the person who administers the test have reason to believe that the employee has altered or substituted the urine specimen provided a second sample will be obtained under direct observation of a same gender collection site person.
 - a. When a drug test is positive, the Medical Review Officer employed by the laboratory will allow the employee to provide medical evidence that the positive test result was due to causes other than the use of illegal drugs.
 3. If the Medical Review Officer determines there is no legitimate reason for the positive result, the result will then be considered a verified positive test result. The Medical Review Officer will timely and confidentially notify the Town Manager in writing of the verified positive test result.

E. Guidelines for Reasonable Suspicion Testing

1. When there is reasonable suspicion to believe an employee has used, is impaired by, or is under the influence of drugs or alcohol, a drug and/or alcohol test will be required. The reasonable suspicion decision must be based on “specific, contemporaneous, particular observations concerning the appearance, behavior, speech, and/or body odors of the employee.” When a Department Director has reason to believe that an employee has used, is impaired by, and/or is under the influence of drugs or alcohol, the Director should ask the Town Manager to corroborate the Director’s observations.
2. By way of example, and without limitation, any of the following observed conditions, alone or in combination, may comprise reasonable suspicion:
 - a. Unexplained inability to perform normal job functions;
 - b. Slurred speech;
 - c. Smell of alcohol or drugs on breath;
 - d. Any unusual lack of physical coordination or loss of equilibrium;
 - e. Unexplained hyperactivity or depression and withdrawal;
 - f. Unexplained inability to think or reason at the employee’s normal level; and/or
 - g. Unusual or bizarre behavior.
3. When reasonable suspicion is determined, the supervisor shall contact the Town Manager to discuss the observations and to determine whether a drug or alcohol test should be administered. Should the Town Manager not be available, the test can be ordered by the Department Director. Once a test is ordered, arrangements must be made with the Town’s designated testing center. The employee will be transported to the testing site.
4. A written report of the observations leading to the reasonable suspicion test, signed by the Department Director, who made the observation, is to be done within 24 hours of the observed behavior or before the results of the controlled substances test are released, whichever is earlier. All records should immediately be sent to the Town Manager.

F. Confidentiality of Test Results. All records and information involving an employee with a positive test result shall be maintained in confidential and secured file by the Town Manager and disseminated only to authorized individuals on a confirmed “Need to Know” basis.

G. Challenges to test results. Current employees who test positive may challenge the test results by notifying the Town Manager or his designee within three working days of receiving the test results. The original sample will then be re-tested by a laboratory other than that of the Town’s medical service provider, approved by the Medical Review Officer. All costs associated with the re-test are borne by the person raising the challenge.

H. Any employee who feels he or she has developed an addiction to, dependence upon, or problem with alcohol or drugs, legal or illegal, is strongly encouraged to seek assistance before a violation of this policy occurs. The Town is committed, through its Employee Assistance Program, to providing education, training, confidential counseling and rehabilitation programs for its employees who suffer from drug and/or alcohol abuse. However, while employees are encouraged to voluntarily seek treatment before the problem affects their employment, seeking assistance will not be a defense to the imposition of disciplinary action, up to and including termination, if the employee engages in conduct constituting a violation of this policy.

Section 16. Standards of Conduct

16.1. Purpose

- A. The Standards of Conduct are intended to promote the orderly, efficient, and effective operation of the Town's responsibilities.
- B. All Town employees shall conform to these standards and conduct themselves in a responsible and productive manner. An employee shall not violate the public trust, discredit the Town or its employees, or hinder the effective performance of the Town's governmental or proprietary functions.
- C. The Town distinguishes between misconduct and unsatisfactory performance, except for acts of gross negligence, by defining unsatisfactory performance as the failure to meet performance expectations. Unsatisfactory performance is typically addressed through the Town's performance management tools. Misconduct is generally defined as intentional and/or willful disregard for the Town's standards of conduct and/or departmental rules. Employee misconduct is typically addressed through a progressive discipline approach.

16.2. At-Will Employment

- A. The standards are guides for acceptable conduct and do not negate the employment at-will relationship. An individual's employment with the Town is entered into voluntarily and the employee may resign at any time and for any or no stated reason.
- B. Similarly, the Town may end the employment relationship at any time and for any or no stated reason. Such termination of employment must comply with Section 18 of these Policies.

16.3. Director's Responsibility

Department Directors shall be responsible for administering disciplinary measures consistent with the procedures set forth in this section. If the appropriateness of specific conduct or discipline is in question, the Department Director should consult with the Town Manager to determine the proper disciplinary action. Written notification of the disciplinary measure shall be delivered to the employee as prescribed herein and a copy forwarded to the Town Manager for placement in the employee's personal Town file.

16.4. Disciplinary Measures

- A. Department Directors are to apply disciplinary measures fairly and consistently. Disciplinary measures of less severity than discharge shall generally be taken to correct inappropriate conduct; however, under certain circumstances, discharge may be appropriate for first incidents of misconduct.
- B. Communication. Regular communication between the Director and the employee about the expected performance and behaviors tends to foster greater teamwork and productivity; it also results in performance issues being identified and corrected early.

C. Corrective Measures

1. Any corrective measure shall take into consideration the mitigating or aggravating circumstances surrounding the misconduct, the employee's history, and the impact of the misconduct on the effective operation of the Town. Progressive discipline is encouraged but not required. A verbal reprimand or warning is usually the first step. Should the conduct be repeated, a written reprimand typically follows. However, depending upon the conduct and the circumstances in which it occurred, termination may be an appropriate consequence for the first incident. In lieu of termination, less severe action such as a suspension without pay or a demotion may be an alternative.
2. Before an employee is suspended or dismissed, the Department Director should meet with the employee to discuss the misconduct and to find out if there are any mitigating circumstances. The employee shall be provided an opportunity to respond.

D. Types of Disciplinary Actions

1. Verbal Warning. An informal verbal communication from a Director or the Town Manager to an employee explaining exactly what conduct is unacceptable and how similar conduct shall be avoided in the future.
 2. Written Reprimand. The formal written communication to an employee for the purpose of addressing the unacceptable conduct.
 3. Suspension. A separation from employment without pay for the purpose of disciplining an employee for unacceptable conduct. An employee who is suspended without pay shall not accumulate sick or annual leave during the pay periods in which the suspension occurred.
 - a. Exempt Employees: In compliance with FLSA, unpaid disciplinary suspensions, employees designated as exempt must be suspended for one or more full days, imposed in good faith for workplace conduct rule infractions.
 4. Disciplinary Demotion. A disciplinary demotion is the assignment of an employee to a lower-classified position for inappropriate conduct. Demotion may not be used as a disciplinary measure if the employee does not qualify for the position in the lower pay grade, or if the demotion would displace another employee. A disciplinary demotion shall be accompanied by a reduction in pay grade and pay.
 5. Dismissal. A termination of employment for unacceptable conduct. An employee who is dismissed forfeits all payment for any accumulated annual, PTO, and sick leave.
- E. Notification of Suspension, Demotion, or Dismissal. The written notification concerning an employee's suspension, demotion, or dismissal, shall be delivered in person to the employee while the employee is at work or sent by certified mail to the employee's last known address.

F. Authority to Issue Disciplinary Action

1. The types of disciplinary actions and the level of authority to administer the actions are listed below.

Type of Action

Authority to Approve

Verbal Warning	Department Director
Written Warning	Department Director
Suspension	Town Manager
Demotion	Town Manager
Dismissal	Town Manager

2. Whenever the Department Director is absent or not available, disciplinary measures may be taken by the Town Manager during the period of absence.

G. Criminal Charges

1. If charged with a felony or other criminal offense, an employee shall report such criminal charge to the Department Director within one (1) workday of receipt of notice of the charge. The Department Director shall contact the Town Manager who shall have the matter investigated.
2. If the criminal offense is of such nature that the employee's continued performance of Town duties poses an immediate threat to co-workers or impairs the effective performance of the employee's duties, the Town Manager may indefinitely suspend or terminate the employee.
3. The conviction of a felony offense is immediate grounds for termination. The conviction of lesser crimes may be grounds for termination. However, the outcome of the criminal case shall not necessarily affect the outcome of an administrative investigation. The fact that a person is acquitted of the charge does not necessarily mean disciplinary action, up to and including termination, will not be imposed or that disciplinary action will be revoked. Regardless of the status of any criminal investigation, process or outcome, management may determine at any time to institute disciplinary action against the employee, up to and including termination.

16.5. Types of Misconduct

- A. Types of misconduct are outlined to assist Department Directors in administering discipline in a fair and consistent manner and to inform employees of the more frequently encountered misconduct.
- B. The following examples of misconduct are neither all-inclusive nor in order of severity.
 1. Rudeness, offensive, hostile, obscene language used while at work or while engaged in Town business;
 2. Careless or negligent maintenance, handling, or use of Town property;
 3. Excessive absences, tardiness, or abuse of time while at work, including excessive personal telephone calls or personal visits;
 4. Unjustified absence from the workstation or department without notice and/or appropriate permission;

5. Stopping work before the specified end of a working day or starting work after the specified beginning of the work day without prior approval;
6. Horseplay, pranks, or non-work related activity in the workplace;
7. Posting or removal of notices, signs, or other writing in any form on any Town bulletin boards without permission;
8. Unauthorized solicitation of employees or others in the workplace or on Town property;
9. Unauthorized distribution of literature or any other material in the workplace or on Town property;
10. Conviction of a moving violation while operating a Town vehicle or item of equipment which is operated on a public road;
11. Refusal to follow a supervisor's instructions or perform assigned work;
12. Violation of safety rules;
13. Sleeping on the job;
14. Reporting to work under the influence of alcohol or unlawful controlled substances;
15. Failure to report to work without proper notice to and approval from your supervisor;
16. Unauthorized use of Town vehicles or equipment or unauthorized removal of such from Town property;
17. Use of sick leave for any purposes other than as outlined in this Manual;
18. Threatening or otherwise interfering with the work of fellow employees or supervisors;
19. Acceptance of gifts or gratuities from any person, company, corporation, or any other act that constitutes a conflict of interest under the State and Local Government Conflict of Interest Act;
20. Failure to report known work-related illegal activity of any employee;
21. Unauthorized non-Town employment or activity, which interferes with the performance of an employee's assigned duties and responsibilities;
22. Unlawful use of alcohol, use of illegal drugs, or unlawful possession of controlled substances on Town property;
23. Discrimination or harassment of a protected class, whether an employee or a member of the general public;

24. Falsification of Town records, including, but not limited to vouchers, time records, leave records, insurance claims, or the application for employment;
25. Two or more garnishments involving more than one creditor during any 12-month period;
26. Theft or unauthorized removal or use of Town property or employee property;
27. Unauthorized possession of firearms or other weapons in the workplace or on Town property or vehicles;
28. Participation in any kind of work slowdown, sit down, or similar concerted interference with Town operations;
29. Unauthorized use of Town documents, records, or confidential information;
30. Dishonesty, lying, stealing, or cheating, including lying on one's Town employment application;
31. Failure to report being charged with a felony or other criminal offense within one workday of notification of the offense;
32. Unauthorized access or use of Town documents, records, or confidential information that does not fall into the category of public information and for which specified steps are not followed;
33. Any criminal conviction for an act occurring in the workplace or outside of the workplace which is related to job performance, or is of such a nature that to continue the employee in the assigned position could constitute negligence on the part of the Town in regard to the Town's duties to the public or other employees, or which adversely affects the reputation of the Town, or is conduct unbecoming of an employee;
34. Any conduct having adverse effect on the employee's work responsibility in the conduct of Town business;
35. Boisterous or disruptive activity, fighting, or threatening violence in the workplace;
36. Unauthorized use of telephones, mail system, credit cards, computer systems including peripheral equipment, or other Town-owned or leased property;
37. Violation of Town rules, policies, ordinances, procedures, or applicable federal/state regulations; and
38. Improper use of authority or position.

16.6. Other Reasons for Dismissal

Dismissals may be warranted in other circumstances where the employee does not meet the conditions of employment for the position, such as unsatisfactory job performance, failure to maintain valid licenses or other qualifications necessary to perform the job, or inability to perform the work required.

Section 17. Separation From Town Employment

17.1. Resignation, Layoff, Dismissal, or Retirement

- A. An individual's employment with the Town is entered into voluntarily and the employee is free to resign at any time and for any or no stated reason. Similarly, the Town may end the at-will employment relationship at any time and for any reason. No notice is required.
- B. Employment may be terminated through one of the following personnel actions:
 - 1. Resignation. Voluntary termination of employment initiated by an employee.
 - 2. Reduction In Force (Layoff). An involuntary separation of employment due to temporary or indefinite reduction in workforce caused by economic conditions, lack of work, reorganization, insufficient funds, change in operational and manpower needs, or other appropriate reasons.
 - 3. Dismissal. An involuntary termination of employment initiated by the Town as a result of an employee's unsatisfactory work performance, misconduct, or inability to perform the job.
 - 4. Separation Without Prejudice – the separation of an employee due to circumstances beyond their control such as an incapacitating medical condition that is not or cannot be resolved; the loss of a required license; circumstances causing conflict with Town Policies, such as the employment of relatives' policy; incarceration; or similar situation. Departments shall resolve such separations in a timely manner and shall normally provide employees with seven calendar days advance written notice of the separation without prejudice
 - 5. Abandonment of Position. An employee in an unauthorized absence status who fails to contact his or her supervisor for three consecutive workdays shall be deemed to have abandoned his or her position and to have voluntarily resigned.
 - 6. Retirement. The termination of employment for the purpose of receiving VRS annuity retirement benefits.

17.2. Resignation

- A. To resign in good standing an employee must submit a signed written letter of resignation to the Department Director or Town Manager at least 14 days before the effective resignation date. Department Directors should give the written notice at least 30-days in advance. The resignation notice shall be signed by the employee and include the last date of employment, and the date the notice is submitted. The Department Director and the resigning employee, by mutual consent, may waive or modify the advance notice requirement. The Town Manager and Department Director, by mutual consent, may waive or modify the advance notice requirement. Failure to give appropriate notice may be grounds for refusal to re-employ the individual and/or a forfeiture of money owed for accrued leave.
- B. Department Directors shall immediately forward resignations to the Town Manager for processing and so that an exit interview may be scheduled.

- C. An employee may rescind the resignation provided the resignation has not been accepted. Once the resignation has been accepted, the resignation may only be rescinded with the approval of the Town Manager.

17.3. Retirement

- A. Eligible employees who are planning to retire shall submit written notice to their Department Director or Town Manager at least 4 months prior to the effective retirement date, to ensure sufficient time to process all retirement benefits with VRS and to assure that retirement benefits commence at the desired retirement date.
- B. Retirement benefits are offered through the Virginia Retirement System (VRS) and outlined in the VRS Handbook for Members.
- C. Payment for any leave balance for which the employee is eligible shall be paid in a lump sum. It is not permissible to delay the effective date of retirement by using accrued paid leave or compensatory time.
- D. There is no mandatory retirement age. An employee's ability to perform work is evaluated without regard to age.

17.4. Dismissal

An employee may be involuntarily dismissed for any reason, in compliance with applicable state and federal law.

17.5. Separation Date

Whenever an employee separates from Town employment, the effective date of separation will be the last day that the employee is physically on the job unless the employee was on pre-approved leave.

17.6. Exit Interview

- A. All employees who resign are requested to complete an exit interview. During the interview, the reasons for resignation and the timing for the return of Town property will be discussed as well as what benefits the employee may expect to receive. The employee's viewpoints on subjects such as pay, benefits, training, and working conditions can provide valuable information for the Town.
- B. Some benefits may be continued at the employee's expense if the employee so chooses. The Town Manager will conduct the exit interview during the employee's last week on the job. Completed exit interviews are kept separate from an employee's official personnel file.

17.7. Return of Town Property

Employees are responsible for returning all Town property, materials and written information issued to them. Items to be returned include, but are not limited to, keys to buildings, offices, files, desks, equipment, and vehicles; uniforms; safety equipment; tools; credit cards; and manuals. It is the responsibility of the Department Director to forward a list to the Town Manager's office of any

property held by the separating employee or a statement that all such property has been returned. If an employee fails to return Town property as stated in this policy, the employee's final check may be held by the Town Manager's office until all such property has been returned and the Town may pursue all legal remedies to recover the property and seek compensation for its corresponding value if such property has been destroyed.

17.8. Final Paycheck

Subject to section 17.7 above, as applicable, payment for any compensatory time and/or accrued paid leave to which the employee is eligible shall be paid in a lump sum on the payday following the date of separation or the subsequent payday depending on the date payroll is processed. For the purpose of unemployment compensation, the payment for the accrued leave shall be allocated to future pay periods. Final leave payout may be delayed until all Town-furnished equipment has been returned.

17.9. Layoff Procedure

1. The Town Council and the Town Manager have the right and obligation to manage the workforce in a manner that best serves the interests of the Town. Because of reduced appropriations, lack of sufficient work or funds, or Town-wide or departmental reorganization, lay-offs may be necessary to reduce positions allocated to a department. A lay-off or a reduction in force (RIF) shall be approved by the Town Council.
2. Unless the Town Council instructs differently, the following is the general procedure and order for a layoff:
 1. A layoff will be managed on an individual department basis. The Town Manager and the Department Director will identify those organizational sections, job classifications, positions, and individuals affected;
 2. Upon identifying the specific classifications requiring reduction in personnel, the layoff will follow this order:
 - a. Temporary or Seasonal part-time employees;
 - b. Regular part-time employees;
 - c. Probationary employees ; or
 - d. Full-time employees
 3. To provide for a uniform, fair, equitable, and effective determination of the individuals to be laid off within each of the classes listed above, other factors to be considered shall be:
 - a. Performance; or
 - b. Length of service.
 4. Insofar as practical, all employees to be laid off shall be provided with a written notice at least 14 calendar days in advance.
 5. Employees who are laid off under a reduction in force are eligible to immediately apply to the Virginia Employment Commission for unemployment compensation.

Section 18. Grievance Procedure

18.1. Purpose

The purpose of the grievance procedure is to afford an immediate and impartial method for the resolution of disputes which may arise in the workplace.

18.2. Coverage of Personnel

- A. Eligible Personnel. Employees who have completed the probationary period and are in full-time and regular part-time positions may utilize the grievance procedure.
- B. Ineligible Personnel. The following classes of employees are not eligible to utilize the grievance procedure:
 - 1. Seasonal, Temporary, or Limited term positions
 - 2. Officials and employees who by charter or other law serve at the will or pleasure of the Town Council.
 - 3. Deputies and executive assistants to the Town Manager.
 - 4. Department Directors.
 - 5. Contract employees
 - 6. Appointees of elected officials or elected groups.
 - 7. Law enforcement officers who have elected to proceed pursuant to the procedural rights afforded in 9.1-500 et seq. of the Code of Virginia.

18.3. Definition of Grievance

A grievance is a complaint or dispute by an employee relating to his or her employment, including, but not limited to:

- 1. Disciplinary actions, including dismissals, demotions and suspensions, provided that such dismissals result from formal discipline or unsatisfactory job performance;
- 2. The application of personnel policies, procedure, rules and regulations including the application of policies set forth in ordinances and statutes;
- 3. Retaliation as a result of using this Procedure or participating in the formal grievance of another Town employee under this Procedure, or complying with the laws of the United States or the Commonwealth of Virginia as well as reporting any violation of such laws to a governmental authority, or seeking any change in law before the United States Congress or the Virginia General Assembly; and
- 4. Discrimination on the basis of race, color, religion, age, disability, national origin, gender, marital status, and/or political affiliation.

18.4. Complaints That Shall Not Be Grieved

The Town Council reserves the exclusive right to manage the affairs and operations of the Town government. Therefore, the following complaints cannot be grieved:

1. Establishment and revision of wages and salaries, including position classification and performance evaluations and/or concomitant pay increases, or general benefits;
2. Work activity accepted by the employee as a condition of employment or which may reasonably be expected to be a part of the job content;
3. The contents of adopted ordinances, adopted statutes, adopted personnel policies, or established procedures, rules and regulations;
4. Failure to promote, except where the employee can show that adopted personnel policies or established procedures were not followed or fairly applied;
5. The methods, means and personnel by which work activities are to be carried out, some examples are:
 - a. The provision of equipment, tools, and facilities necessary to accomplish tasks except where condition or unavailability creates an unsafe or hazardous situation;
 - b. The scheduling and distribution of manpower/personnel resources; and
 - c. Training and career development
6. Termination, layoff, demotion or suspension from duties because of lack of work, reduction in force, or job elimination except where such action affects an employee who has been reinstated within the previous six months as a result of the final determination of a grievance. In any grievance brought under the exception to this paragraph, the action shall be upheld upon a showing by the Town that:
 - a. There was a valid business reason for the action, and
 - b. The employee was notified of the reason in writing prior to the effective date of the action.
7. The hiring, promotion, transfer, assignment, and retention of employees within the Town service; and
8. The relief of employees from duties, or action necessary to carry out such duties, during declared emergencies by the Town, County, State or Federal Government.

18.5. Town Manager's Responsibilities

The Town Manager shall:

1. Open a file and assign a number to each written grievance;
2. Ensure that all parties are aware of the process;

3. Monitor procedures and adherence to time frames;
4. Notify either party of noncompliance;
5. Maintain appropriate documentation, and
6. Perform all other responsibilities as specified in the Grievance Procedure.

18.6. Procedure for and Conduct of Grievance Meetings

- A. **Time Limits.** For purposes of this Procedure, the term “days” shall be defined as calendar days and time periods shall commence on the day following the day on which triggering action was taken. When a deadline falls on a Saturday, Sunday, or Town holiday, the next calendar day that is not a Saturday, Sunday, or Town holiday shall be considered the deadline.
- B. **Mutually Agreed Extension.** Time limits established under this Procedure are intended to be strictly followed and enforced. However, in the interest of fairness, a time limit may be extended if both parties agree to such extension in writing.
- C. **Forms.** All stages of the Grievance Procedure beyond the First Step shall be put in writing on forms available from the Town Manager.
- D. **Employee Expectations.** When an employee submits the grievance in writing on the appropriate form, he or she shall specify the specific relief expected by using the Grievance Procedure. The grievant shall be entitled only to the relief specifically requested if the grievant prevails.
- E. **Hearings During Business Hours.** Insofar as practical, all grievance meetings shall be held during normal Town working hours.
- F. **Witnesses.** The grievant and Town Manager may call witnesses at any step of the Grievance Procedure. All witnesses, including the grievant, if the grievant should testify, shall be subject to examination and cross-examination. Witnesses shall be present only while providing testimony.
 1. **Lost Wages.** 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 attendance at such hearings.
 2. **Representatives.** At the Step Three meeting, the grievant, at his option, may have a representative of his choice present. If the grievant is represented by legal counsel, the Town has the option of being represented by legal counsel. A person shall not serve as both a representative and a witness.
- G. **Recording.** The use of recording devices or a court reporter is not permitted at the Step One, Two, and Three meetings.
- H. **Appeal.** When a grievant has obtained partial relief at one level of the Grievance Procedure and decides to pursue to the next higher level, the appeal shall be on the original grievance and the relief requested. An appeal constitutes a rejection of the partial relief that was offered at the previous level.

- I. Rules of Evidence. Hearings are not intended to be conducted like court proceedings and the rules of evidence do not necessarily apply.
- J. Presentation and Examination. Except in cases involving disciplinary action, the grievant shall present his evidence first. All witnesses, including the grievant, shall be subject to examination and cross-examination.

18.7. Grievability

A. To Determine Grievability

- 1. Decisions regarding grievability (whether the grievance falls within the definition of a grievance), including the question of access to the Grievance Procedure, shall be made by the Town Manager pursuant to procedures set forth below. Decisions shall be made at the written request of the grievant or the Department Director within 10 days of such request. A copy of the ruling shall be sent to the grievant and to the grievant's Department Director. The issue of grievability may be raised at any time prior to the Step Four grievance panel hearing. Once raised, the issue of grievability and/or access shall be resolved before further processing for the grievance.
- 2. A request that grievability be determined shall freeze the time limits under this Procedure. Time limits shall begin to run again the day after the decision on grievability made by the Town Manager or the Circuit Court is received by the grievant.

B. To Appeal Grievability Decision

- 1. Decisions by the Town Manager that an issue is not grievable may be appealed by the grievant to the Circuit Court of Caroline County. Proceedings for the review of the decision of the Town Manager shall be instituted by filing a notice of appeal with the Town Manager within 10 calendar days after the date of the decision by giving a copy of such notice to the Department Director.
- 2. Within 10 calendar days after receiving the notice of appeal, the Town Manager shall transmit to the Clerk of Circuit Court of Caroline County a copy of his decision, a copy of the notice of appeal, and any exhibits, which may have been provided in connection with the resolution of the issue of grievability. A list of the evidence furnished to the court shall also be furnished to the grievant. The failure of the Town Manager to transmit the record within the time allowed shall not prejudice the rights of the grievant. If the Town Manager fails to transmit the record within the time allowed, the Circuit Court, on motion of the grievant, may issue a Writ of Certiorari requiring the Town Manager to transmit the record on or before a certain date.
- 3. Within 30 calendar days of receipt of the record by the Clerk of Court, the Court, sitting without a jury, shall hear the appeal on the record transmitted to the Court and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The Court may receive such other evidence as the ends of justice may require. The Court may affirm, reverse, or modify the decision of the Town Manager. The decision of the Court is final and is not appealable. All matters, from the institution of a request that the Town

Manager determines grievability through notation of appeal of an adverse decision by the Town Manager, shall be recorded on forms provided by the Town Manager.

- C. If Determined Non-Grievable. The determination that is a complaint is non-grievable or that the employee does have access to the grievance procedure, by either the Town Manager or the Circuit Court of Caroline County shall not be construed to restrict an employee's right to seek, or management's right to provide, customary administrative review of complaints outside the scope of the Grievance Procedure.

18.8. Consolidation of Grievances

If more than one grievance is filed arising from the same factual circumstances, the Town Manager may, at any time prior to the grievance panel hearing, consolidate those grievances for joint processing. If the grievances are consolidated, all time limits set forth in this Grievance Procedure shall thereafter be calculated from the date of the consolidation. Once consolidated, the grievances shall be processed as a single matter.

18.9. Procedure

With the exception of the final hearing, the only persons who may be present in the management step meetings are the grievant, the appropriate Town official at the level at which the grievance is being heard, and the appropriate witnesses for each side. Witnesses shall be present only while actually providing testimony. Grievances, as defined above, shall be processed as enumerated herein.

18.10. Step One: Employee Actions

- A. Employee. An employee who believes he or she has a grievance and wishes to utilize this Grievance Procedure shall discuss the grievance informally with his or her immediate supervisor within 20 calendar days of the occurrence of the incident giving rise to the grievance. At this time, the grievance need not be submitted or resolved in writing. Within 5 days of such discussion, the immediate supervisor shall respond to the employee with respect to the particular grievance.
- B. Mutual Agreement. The employee and the immediate supervisor may arrive at a mutually satisfactory resolution during their discussion. Either party may contact the Town Manager for consultation in doing so.
- C. Complaints regarding Discrimination or Retaliation. If the grievance alleges discrimination or retaliation by the immediate supervisor, the grievant is not required to present the grievance to or meet with the person who allegedly took the discriminatory or retaliatory actions. In such instance, the grievant may present the grievance to the Department Director or the Town Manager, as applicable.

18.11. Step Two: Department Director Level

- A. Notify Department Director. If the grievant is not satisfied with and does not accept the Step One response, and the grievant wishes to advance to Step Two of the Grievance Procedure, the grievant must file a completed Grievance Form, (available from the Town Manager) identifying specifically and in detail the nature of the grievance and the desired relief. The grievant must

present the Grievance Form to the Department Director within 10 calendar days of the immediate supervisor's reply to Step One.

- B. Director Meets with Grievant. Within 10 calendar days of the receipt of the grievance, the Department Director shall hold a meeting with the grievant to review the grievance. The meeting may be adjourned to another time and place by agreement of both parties. The grievant and Department Director may discover and agree on a mutually satisfactory resolution. A written reply to the grievance shall be provided by the Director to the grievant within 10 calendar days after meeting.
- C. Director is the Immediate Supervisor. If the grievant's immediate supervisor is also the Department Director, the grievant shall pass by the second Step of this Procedure and proceed immediately to Step Three.

18.12. Step Three: Town Manager Level

- A. Notify Personnel. If the grievant is not satisfied with the Step Two written response, or the grievant's immediate supervisor is his or her Department Director, the grievant may advance to Step Three of the Grievance Procedure. The grievant shall notify the Town Manager by indicating on the Grievance Form, a request for a meeting with the Town Manager. The request shall be submitted to the Town Manager within 10 calendar days of receipt of the Step One or Step Two response, whichever applies.
- B. Town Manager. Within 10 calendar days of receipt of the Grievance Form, the Town Manager shall schedule and hold a meeting with the grievant to review the grievance. The meeting may be adjourned to another time or place by agreement of the parties. A written reply to the grievance shall be provided to the grievant by the Town Manager within 10 calendar days after the meeting.

18.13. Step Four Final Hearing: The Grievance Panel or Administrative Hearing

- A. Notify Town Manager. If the grievant is not satisfied with the Step Three written response and wishes to advance to Step Four of the Grievance Procedure, the grievant shall notify the Town Manager indicating on Grievance Form the request for a grievance panel hearing. The request shall be submitted to the Town Manager within 10 calendar days of receipt of the Third Step response. If the grievant and the Town agree, the final hearing will be heard by an administrative hearing officer, appointed by the Executive Secretary of the Supreme Court of Virginia. The Town shall pay the cost of the administrative hearing officer's services.
- B. Composition of the Grievance Panel.

In the event that the grievant and the Town do not agree to have an administrative hearing officer appointed to hear the grievance, a three-person grievance panel shall be selected to hear the grievance at the final hearing, as set forth below:

1. The Grievance Panel shall be composed of 3 members who shall be chosen in the following manner:
 - a. One member shall be appointed by the Town Manager
 - b. One member shall be appointed by the grievant;

- c. The third member shall be chosen by the members appointed by the Town and the grievant. If unable to agree on a third member, the chief judge of the Circuit Court of Caroline County shall select the third Panel member.
 2. Eligibility to Serve on Grievance Panel. The Grievance Panel shall not be composed of any persons having direct involvement with the grievance being heard by the Panel, or with the complaint or dispute giving rise to the grievance. Managers who are in a direct line of supervision of a grievant, persons residing in the same household as the grievant and the following relatives of a participant in the grievance process or a participant's spouse are prohibited from serving as Grievance 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 Grievance Panel member.
 3. Grievance Panel Selection Timeframe. Both the grievant and Town Manager shall make their appointments to the Grievance Panel within 10 calendar days after the request for a panel hearing is received. The two members shall select the third member within 10 calendar days and shall notify the Town Manager and the grievant of their decision.
 4. Chairperson of Grievance Panel. The third Grievance Panel member shall chair the hearing. After consulting with the Town Manager and the grievant, the Chairperson shall set the time for the hearing. Notice shall be given to the grievant and the Town Manager. The hearing shall be held as soon as possible, but no later than thirty (30) calendar days from the date the third panel member is selected. .
- D. The following rules apply to Step 4 final hearing before an administrative hearing officer or a grievance panel:
1. The administrative hearing officer or Grievance Panel shall promptly set the date, time, and location for hearing the final hearing and shall notify the parties.
 2. Attendance. At the request of either party the hearing shall be private and limited to the grievant, the Grievance Panel members or administrative hearing officer as applicable, legal counsel or other representative of the grievant and the Town, witnesses as they are called to testify, and official recorders. However, the panel reserves the right to determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing.
 3. The Grievance Panel, or administrative hearing officer, may at any time ask parties or their representatives for statements clarifying the issues involved in the grievance.
 4. Exhibits, when offered by the grievant or the Town, may be received as evidence by the Grievance Panel, or administrative hearing officer, and when so received shall be marked and made a part of the record.
 5. The parties may offer evidence and cross-examine witnesses and shall produce such additional evidence as the Grievance Panel, or administrative hearing officer, may deem necessary to an understanding and determination of the dispute. The formal rules of evidence do not apply.

6. The Grievance Panel, or administrative hearing officer, shall be the judge of relevancy and materiality of any evidence offered without regard to the burden of proof, or the order of presentation of evidence, so long as all parties shall be afforded a full and equal opportunity for the presentation of their evidence. All the evidence shall be taken in the presence of the Grievance Panel, or administrative hearing officer, and the parties, except by mutual consent of the parties.
7. At the conclusion of the presentation of the evidence, the Chairperson of the Grievance Panel or the administrative hearing officer, shall specifically inquire of all parties whether they have any further proof to offer or witnesses to be heard. Upon receiving a negative response, the Chairperson, or administrative hearing officer, shall permit the parties to summarize their cases and shall then declare the hearing closed.
8. Costs of Panel or Administrative Hearing Officer.
 - a. No person shall receive any compensation, whether monetary or otherwise, for time spent in serving as a member of a grievance panel. Notwithstanding this prohibition, a Town employee serving as a member of a grievance panel may receive the usual Town salary for the period spent in serving on such a panel.
 - b. Regardless of the outcome of the grievance, each party shall bear the costs and expenses of his or its legal counsel or representative, if any.
9. Information about Grievance. The Town shall provide the Grievance panel, or administrative hearing officer, with copies of the grievance record prior to the hearing and shall provide the grievant with a list of documents furnished to the Grievance Panel, or the administrative hearing officer, and the grievant and his attorney, at least 10 days prior to the scheduled hearing, shall be allowed access to and copies of all relevant files intended to be used in the grievance proceeding.
10. At least 10 calendar days prior to the scheduled hearing before the grievance panel or the administrative hearing officer, the grievant and the Town shall exchange all documents to be introduced at the Grievance Panel hearing or to the administrative hearing officer.
11. A potential witness list must also be produced and shared. The parties have the right to supplement the list of potential witnesses and documents until 3 days prior to the hearing or at a later date if the Chairperson, or administrative hearing officer, so allows.
12. Representation. Both the grievant and the Town may be represented by legal counsel or other representative at the hearing before the grievance panel or administrative officer. 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 the provisions of the Virginia Code Section 54.1-3904. A person shall not serve as both a representative and a witness for the grievant.
13. Other Procedures. In all matters not otherwise covered by this Section, the Grievance Panel, or Administrative Officer, shall determine the procedures to be followed.

18.14. Decision of the Grievance Panel or Administrative Hearing Officer

- A. General. The decision of the Grievance Panel, or administrative hearing officer, shall be in writing and mailed by the Chairperson of the Grievance Panel, or the administrative hearing officer, to the Town Manager and the grievant not later than 10 days after the completion of the hearing. The decision shall summarize the grievance and the evidence, shall make specific findings of fact, and shall state in full reasons for the decision, and the remedy to be granted. If the hearing is conducted by a grievance panel, the decision shall be by majority vote of the entire Grievance Panel. The decision of the Grievance Panel, or the administrative officer, shall be final and binding and shall be consistent with law and written policy.
- B. In Favor of Grievant
 - 1. If the Grievance Panel, or the administrative hearing officer, finds based on the greater weight of the evidence, that the grievant has been denied a benefit or wrongly disciplined, it shall have the authority to reverse, reduce, or otherwise modify such action and, where appropriate, to order the reinstatement of such employee to his former position with back pay.
 - a. Back pay shall not exceed pay for time actually lost due to such suspension or dismissal, in an amount the Grievance Panel, or administrative hearing officer, determines to be equitable.
 - b. Any award of back pay shall be offset by interim earnings the grievant earned during the period of separation.
 - c. Restoration of annual and sick leave shall not exceed leave actually lost due to such suspension or dismissal, in an amount the Grievance Panel, or administrative hearing officer, determines to be equitable.
 - d. The administrative hearing officer or panel also has the power to sustain the Town's action.
- C. The Grievance Panel, or Administrative Hearing Officer Authority. The Grievance Panel, or the administrative hearing officer, shall not have the authority to do any of the following:
 - 1. Formulate policies or procedures;
 - 2. Alter existing policies or procedures;
 - 3. Grant relief greater than that which the grievant has requested on the Grievance Form.

18.15. Implementation of Final Hearing Decision

- A. Administrative Hearing Officer or Grievance Panel Decision. The decision of the panel or hearing officer shall be final and binding and shall be consistent with provisions of law and written policy. The question of whether the relief granted by a panel or hearing officer is consistent with written policy shall be determined by the Town Manager, or their designee, unless such person has a direct personal involvement with the event or events giving rise to the grievance, in which case the decision shall be made by the attorney for the Commonwealth or for the County of Caroline.

- B. Implementation. The grievant or Town Manager may petition the Circuit Court of Caroline County for an order to implement the decision of the Grievance Panel or the administrative hearing officer.

18.16. Compliance

- A. Notification. After the initial filing of a written grievance, failure of either part to comply with all substantial procedural requirements of the Grievance Procedure, including the Grievance Panel Hearing, without just cause shall result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the noncompliance within 5 workdays of receipt of written notification by the other party of the compliance violation. Such written notification by the grievant shall be made to the Town Manager.
- B. Extensions. The Town Manager may require a written explanation of the basis for just cause extensions or exceptions. The Town Manager shall determine compliance issues. Compliance determinations made by the Town Manager shall be subject to judicial review, which shall be initiated by the grievant by filing a petition with the Circuit Court within 30 calendar days of the compliance determination.

18.17. Assistance with Grievance Procedure

Assistance in the use of the Procedure and forms to be used are available from the Town Manager or their designee.