



PERSONNEL POLICIES

Town of Onancock

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PURPOSE

The objective of these Personnel Policies ("Policy") is to provide a uniform system of personnel administration for the staff of The Town of Onancock ("Town"), based on merit principles, equitable compensation, open competition in hiring and advancement, and equal employment opportunities.

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

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

The Town Council of Onancock reserves the right to modify, amend, or rescind these policies in whole or in part without prior notice.

DEFINITIONS

Whenever responsibilities fall to the Town Manager under these Policies, he or she may designate another to fulfill his or her responsibilities after informing the Town Council.

Exempt Employee – Employees whose compensation is not subject to the overtime requirements of the Fair Labor Standards Act and the Virginia Overtime Act.

Non-Exempt Employee – Employees whose compensation is subject to the overtime requirements of the Fair Labor Standards Act.

Full-time Employee – Employees in positions that work a minimum of 40 hours a week.

Part-time Employee – Employees who are expected to work an established period that is less than 40 hours per week.

Probationary Employee – a full-time or part-time employee who has worked for the Town for less than six months.

Police Probationary Employee - A full-time or part-time employee that reports to the Chief of police and has worked for the Town for less than one year.

Secondary Employment - Employment in any capacity outside of the Town other than the employee's primary job.

Temporary Employee – A full-time or part-time employee hired for a designated time not to exceed six months. Temporary employees are not eligible for benefits.

Manager – the Town Manager.

EQUAL EMPLOYMENT OPPORTUNITY

Policy Statement

It is the policy of the Town to provide equal opportunity in employment and to administer employment policies without regard to race, color, religion, sex, age, national origin, or disability. This policy applies to every aspect of employment practices including, but not limited to the following:

- Recruiting, hiring, and promoting in all job classifications without regard to race, color, religion, sex, age, national origin, political affiliation, or disability, except where such a factor can be demonstrated as a bona fide occupational qualification.
- All decisions for hiring or promotions shall be based solely upon each individual's qualifications for the position to be filled.
- Other personnel actions such as compensation, benefits, transfers, layoffs, training, and assignments, will be administered without regard to race, color, religion, national origin, sex, age, political affiliation, or disability.

Harassment

The Town is committed to having a diverse workforce with all employees being valued for their individual capabilities and contributions, complying with all federal, state, and local laws on equal employment opportunity, and providing a workplace free from intimidation, abuse, or coercion in any form.

Harassment based on race, sex, color, national origin, religion, age, or disability will not be tolerated and is subject to disciplinary action, up to and including termination. Harassment arises from the dynamics of the workplace and can be based on nuances, subtle perceptions, and implicit communications. 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.

Sexual Harassment

Sexual harassment is unwelcome advances, requests for favors, or other verbal or physical conduct of a sexual nature when:

- Such conduct is either explicitly or implicitly made a term of condition of employment;
- Submission or rejection of such conduct is used as a basis for employment decisions;
- The conduct is severe or pervasive enough to create an intimidating, hostile, or offensive work environment.

Examples of sexual harassment are:

- Physical acts of sexual assault
- Subtle or overt pressures or direct requests for sexual favors
- Inappropriate displays of sexually suggestive objects or pictures, or unwanted sexually explicit photos, emails, or text messages
- 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.
- Sexual harassment may involve individuals of the same or different gender.

No supervisor or coworker shall intimate either explicitly or implicitly 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.

Workplace Harassment

It is the policy of Town that all employees have a right to work in an environment free of discrimination, which includes freedom from harassment whether that harassment is based on gender, gender identity, age, race, national origin, religion, sexual orientation, marital status, disability, or membership in other protected groups. The Town prohibits harassment and bullying of its employees in any form by supervisors, co-workers, customers, residents, or suppliers. Employees violating this policy will be disciplined, up to and including termination. A supervisor or manager will speak with persons who are not employees who engage in offensive and/or harassing behaviors or language.

The Town defines bullying as:

- repeated, health-harming mistreatment, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment; and/or
- conduct that is intimidating, threatening, humiliating, malicious, or abusive or involves the abuse or misuse of power.

Legitimate, reasonable, and constructive criticism of a worker's performance or behavior or reasonable instructions given to workers in the course of their employment will not amount to bullying on its own.

Accommodating Individuals with Disabilities

The Town provides equal employment opportunities to qualified individuals with disabilities. Reasonable accommodations, that do not create an undue hardship, will be provided to a qualified employee or applicant with a disability when that employee or applicant requests accommodation. A qualified employee or applicant is one who can perform the essential functions of the job with or without accommodation.

Violations

An employee who believes that any personnel policy is being violated may (1) inform the offending person(s) that the conduct is unwelcome and should cease and (2) should report it immediately to the Town Manager, or to a member of the Town Council who is on the Personnel Committee if the conduct involves the Town Manager. If a complaint is against a Council Member, then the complaint should be received by the Mayor. The report should be made in writing; however, a report will also be accepted by phone or in person, and should be documented by the direct supervisor, Manager, Mayor, or Personnel Committee Council Member after the report is received. If, for any reason, the employee does not feel comfortable notifying his or her direct supervisor or if that person is not available, the employee should immediately report the matter to the Mayor or Personnel Committee Town Council member.

Accusations will be promptly, and thoroughly investigated and corrective actions taken if the charge is confirmed. 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.

A non-employee who subjects an employee to harassment in the workplace will be informed of the Town's policy and appropriate actions will be taken to protect the employee from future harassing conduct.

In all cases, the Town shall make follow-up inquiries to ensure that the harassment has not resumed. The employee who brought the complaint will be provided information on the outcome of the investigation.

A complaint of harassment, its investigation, the outcome of the investigation, and any action(s) taken relating to a specific employee or employees shall be kept confidential to the extent possible. Dissemination of information will be limited to persons on a need-to-know basis to investigate or to implement disciplinary or corrective action.

Retaliation

Retaliation by an employee against anyone who complains about harassment, identifies potential violations, or participates in any investigation concerning harassment shall be prohibited. If an employee believes that he or she is being retaliated against, a written report should be made to the Town Manager or to a member of the Town Council who is on the Personnel Committee if the conduct involves the Town Manager. Those who are found to be acting in a retaliatory manner will be disciplined, up to and including termination.

RECRUITMENT AND SELECTION

Open Positions

All positions shall be open to all individuals who meet the minimum requirements for the position. The recruitment objective is to obtain well-qualified applicants for all vacancies and selection shall be based on the best-qualified person available at the salary or hourly rate offered for the position.

First consideration will be given to current employees who desire to fill an open position if the current employee is qualified for the position and if the placement best serves the needs of the Town. The Town Manager may carry out open competition to fill any vacancy but only after soliciting interest from within the pool of existing Town employees.

Employment decisions shall be handled in a manner consistent with the Virginia Conflict of Interests Act.

Background Checks

All employees are required to undergo background investigations at the time of hire. The Town has determined that such investigations are imperative to maintain our independence and integrity, and may be required by law or contract, therefore Town employment and continued compensation are contingent upon meeting the job requirements and passing all requisite background investigations. Investigations may include but are not limited to: Driver's License and Motor Vehicle Records, Criminal History, Court Records, and any other checks that management may deem necessary, in accordance with applicable law.

Following a provisional offer of employment, the Town Manager will request criminal records check of the prospective employee from the Department of State Police. Upon receipt of information which indicates a prior criminal conviction, the Town Manager will consult with the appropriate department head to determine if there is a connection between the crime involved and the job sought. In cases where the Town Manager determines that the criminal record is incompatible with the nature of employment, the provisional employment offer shall be withdrawn. The decision of the Town Manager shall be final. An explanation shall be provided to the applicant that is denied employment. Criminal history records shall be kept confidential.

Employees are required to complete an annual background form questionnaire and to report sudden changes that may affect your annual background check immediately, unless otherwise required by applicable law. Failure to timely report may result in disciplinary action up to and including termination.

Criminal record checks must be destroyed by shredding or pulping after notation that they were received and that they were acceptable.

Probationary Period

All new full-time and part-time employees shall serve a 6 (six) month probationary period. During this period the employee must show that he or she is capable and willing to perform the job satisfactorily. During the probationary period, the supervisor will evaluate the individual's performance in the position. A formal evaluation may be conducted but it is not required. During the probationary period, the employment may be terminated at any time without employee recourse through the grievance procedure.

If satisfactory performance is attained, the employee will be entitled to all the benefits of non-probationary status. Continued employment following the probationary period is contingent on acceptable job performance and compliance with these Policies.

Police Department Probationary Period

All new full-time and part-time employees shall serve a 12 (twelve) month probationary period. During this period the employee must show that he or she is capable and willing to perform the job satisfactorily. After 6 (six) months the employee will be evaluated to determine performance. During the probationary period, the supervisor will evaluate the individual's performance in the position. A formal evaluation may be conducted but it is not required. Continued employment following the probationary period is contingent on acceptable job performance and compliance with these Policies.

Hiring Authority

The Town Manager has complete authority for hiring, promoting, and discharging employees in accordance with these policies except the Police Chief and Town Attorney. The Town Council has authority to hire the Police Chief and Town Attorney. The Police Chief is hired by the Town Council but is a direct report of the Town Manager. The Town Council has sole responsibility for oversight of the Town Attorney. The Town Manager has the responsibility and authorization for administering the personnel system established by these policies.

EMPLOYEE COMPENSATION

The total compensation of employees consists of the regular salary and authorized overtime pay for full-time nonexempt employees, the employer's contributions to employee benefits, holiday pay, and various forms of leave with pay. Part-time and temporary employees may also be given leave in certain circumstances. Leave policies should be reviewed.

Paid Time Off, Bereavement, Holiday, and any other non-worked paid or unpaid time off hours will not count as time worked when calculating the 40-hour workweek threshold for the purposes of receiving overtime pay.

It is the employee's responsibility to provide the Town Manager with correct and up-to-date information to keep personnel records accurate. If at any time an employee changes address, name, phone number, or other pertinent information, please inform the Town Manager immediately.

Pay and Classification

The compensation plan for employees of the Town shall consist of:

- A classification system for all classified jobs adopted by the Town Council
- Pay bands for all classified jobs giving the minimum and maximum rates of pay for each classified position or groups of positions. Pay bands must be adopted by the Town Council.

The specific pay within each pay band for each employee shall be set by the Town Manager.

The compensation plan may be amended by the Town Council provided that the adjustment does not exceed amounts appropriated by the Town Council.

Town employees are required to use direct deposit to have paychecks automatically deposited in a checking or savings account on pay day. It will be set up when employment is onboarded. It is the employee's responsibility to notify the Town Manager if the employee needs to make a change to his/her direct deposit account.

Hours of Work

The Department Heads shall establish the workdays and hours of work for their own department employees. The standard scheduled workweek for which salary is paid consists of (40) hours from Monday through Sunday. Hours worked remotely must be approved by the direct supervisor in advance. The Police Department also has a standard workweek of Monday through Sunday but work hours and overtime hours are calculated based on 80 hours in a pay period due to varying work schedules.

Employees shall have two 15-minute rest breaks per day, which are included within the paid total required hours of work. These breaks may be used in conjunction with a 30-minute meal break but may not exceed 60 minutes per workday.

Flexible work scheduling may be used for the purpose of extending a meal break with the employee's start time being advanced or end time being extended, however, this shall be approved by his supervisor. If 15-minute breaks are used, that time counts as hours worked for FLSA. Flexible work scheduling may be considered within the standard workweek, Monday through Sunday, so long as the standard hours in a workweek, normally 40, are not altered.

Some examples of flexible scheduling are:

- Arrive earlier in the morning and leave earlier in the afternoon.
- Arrive later in the morning and leave later in the afternoon.
- Work 4 10-hour days.
- Work four 9-hour days and one 4-hour day.
- Work some other similar permanent or seasonal scheduling option(s)
- Add time to meal break and arrive earlier and leave later.

Flexible working hours are considered on a case-by-case basis. Other temporary or occasional flexible work schedules may include some combination of altered work start and stop times to allow employees to have medical appointments or take care of personal business during work hours without

being charged leave. If flexible work scheduling or compressed workweeks are instituted on an ongoing basis, the supervisor may approve such only after consultation with the Town Manager. Flexible work scheduling must not interfere with or disrupt normal Town operations. The Town office must be staffed when it is open to the public.

If an employee is unable to report for work or expects to be late, the employee must contact his supervisor as soon as possible but no later than the beginning of his or her scheduled work period, giving the reason for his absence or tardiness. Paid leave may or may not be approved. If an employee has difficulty reaching his supervisor, he should leave a message reporting his absence but continue to attempt to contact his supervisor. The responsibility to notify a supervisor(s) about absences or about tardiness always rests with the employee. Failure to contact a supervisor can lead to disciplinary action.

Hours of work, schedules, and duty assignments of short duration of individual employees or work units may be altered under authorization of the department head or his designee within the established workweek and schedule of the department as conditions warrant. Schedules may also be adjusted to meet FMLA and ADA requirements.

Outside Employment or Business Interests

Employees may not engage in any other business endeavor, employment, or interest unless:

- It is disclosed in writing to the Town Manager or hiring authority on the "Outside Employment" form; and
- Such outside employment or business interests are approved in advance by the Town Manager or hiring authority.

Outside employment or business interest means any income derived from any source other than compensation from the Town. This definition does NOT include your participation in volunteer, civic, educational, and humanitarian organizations, which is encouraged. It also does NOT include interest paid by banks and income or capital gains paid by publicly held corporations or mutual funds. It is the employee's duty to update such a form immediately if the employee's outside employment status changes.

Outside activities that constitute a conflict of interest are prohibited. Employees must avoid giving any impression that their participation in these activities is contingent upon or in any way related to his/her work in the Town. Participating in an outside activity that competes directly or indirectly with Town interests is strictly prohibited.

If the Town Manager or hiring authority determines that an employee's outside activities interfere with performance or the ability to meet the Town job requirements as they are modified from time to time, the employee may be asked to terminate the outside activities if he or she wishes to remain with the Town, even if they were previously approved. Failure to disclose outside employment or business interests can result in disciplinary action up to and including termination of employment.

Performance Increases

The Town promotes excellence in its workforce. Salary or hourly wage increases within budget constraints may be given to that end. Each employee's performance will be reviewed annually in April and based on satisfactory performance and contributions to the organization, pay increases may be given. Pay increases are not automatic or guaranteed.

Overtime

Employees who are not exempt under the Fair Labor Standards Act (non-exempt) will be paid at the rate of time and a half for hours worked above forty (40) hours in a work week. Unless authorized by a department head or the Town Manager, employees should not work over forty (40) hours during a workweek.

The Police Department will be paid at the rate of time and a half for hours worked above eighty (80) hours in the same bi-weekly the pay cycle. Unless authorized to do so beforehand, employees should not work over eighty (80) hours during a biweekly pay period.

Retirement

The Town participates in the Virginia Retirement System (VRS) for all employees eligible for retirement benefits pursuant to the rules and policies of VRS.

HOLIDAYS AND LEAVE

Holidays

The following holidays are observed by the Town. Full-time and part-time salaried employees shall be granted time off for these days without charging the time against leave balances:

New Year's Day	January 1
Martin Luther King Jr Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 20
Independence Day	July 4
Labor Day	1st Monday in September
Indigenous Person's Day	2nd Monday in October
Election Day	Tuesday after 1st Monday in November
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	4th Friday in November
Christmas Eve	December 24
Christmas Day	December 25

When an employee is required to work on one of these holidays, flexible scheduling may be allowed with the same pay cycle. Employees who are not exempt under the Fair Labor Standards Act (non-

exempt) will be paid at the rate of time and a half for all hours worked. Holidays falling on Saturday or Sunday shall be taken on Friday or Monday respectively as announced by the Town. Each non-exempt employee of the police department shall be paid the equivalent of one (1) shift per holiday. Each Police Officer shift is 10 hours.

Inclement Weather Policy

It may be necessary to delay the opening of the Town Office, close the Town office early, or close the Town Office all together due to weather conditions. This decision will be made by the Town Manager, or in his or her absence, the Mayor. The Town Manager will notify all department heads and department heads will notify their employees. The closings and delays will also air on WESR and be placed on the Town’s Facebook page and website. Employees for the Town should assume that normal operations exist unless directly contacted by a supervisor, the Town Manager, or the Mayor.

In the event of office closure, the hours of leave will not be deducted from leave balances for employees on pre-approved leave.

Administration staff will be paid at a normal workday rate for the office being closed. Nonexempt personnel required to work will be paid time and half for those hours worked. Exempt personnel will be flexible scheduling time with the same pay cycle for those hours worked.

Leave

Paid Time Off (PTO)

Full-time employees earn paid time off for personal purposes at the following rates and shall be used on an hour-for-hour basis.

Paid Time Off Accrual

Length of Service	Earned per Pay Period	Earned Annually
Date of Hire to Two Years**	3.08	80
Two Years to Nine Years	4.62	120
Nine Years to 16 Years	5.54	144
Sixteen Years Plus	6.15	160

** PTO is accrued from the date of hire but may not be used until after 6 months of continuous employment.

Paid Time Off shall be approved in advance by the Town Manager or department head. PTO is not always available: the manager and department heads have a primary obligation to ensure that the

Town's service to the citizens is carried out. No employee may take more than 80 consecutive hours of PTO at any given time.

Each employee may accumulate a maximum of 240 hours of Paid Time Off. Hours above that amount shall expire and may not be accumulated or used. Any hours above 240 at the employee's anniversary date are lost.

Upon separation, an employee shall be entitled to payment for all unused paid time off based on the employee's current rate of pay at the time of separation. In no instance will the Town pay unused PTO for employees who worked for less than six consecutive months or more than 240 hours of paid time off. No sick time is paid. In the event of the death of an employee, the employee's estate shall be entitled to payment for any unused balance of paid time off at the time of death. Probationary employees are not entitled to payment of any unused PTO.

Sick Leave

Sick leave shall accrue at the rate of 8 hours per month, and, when taken, shall be used on an hour for hour basis. Sick leave shall be used for:

- Illness or injury incapacitating the employee and preventing the employee from performing assigned duties.
- Doctor or dental appointments during working hours.
- Medically necessary care of family members, such as a spouse, child, parents, siblings, or in-laws, living in the same household as the employee.

Employees are required to notify their direct supervisor within 1 hour of normal business hours if taking sick leave.

Sick Leave is a privilege not a right that is provided by the Town. Abuse of sick time shall not be tolerated and shall be subject to disciplinary action. Examples of this abuse shall include but not be limited to failure to notify a supervisor in advance of taking sick leave or falsifying the reason for the use of sick time.

Employees out due to a work-related injury and have an approved outside employment are prohibited from working their second job if the physical functions of the job are similar in nature to their Town position.

An employee away from work for medical conditions which require absence in excess of five (5) consecutive days or for FMLA purposes is required to (1) submit to the department head a written statement from the attending physician or health care provider, stating the earliest approximate date of return to duty and advising on the ability of the employee to perform the essential functions of his or her job with or without reasonable accommodations, and simultaneously (2) apply for leave under the Family and Medical Leave Act. The department head or Town Manager has the prerogative of requiring a physician's or health care provider's letter with the above content prior to an absence of

five (5) consecutive days if in his or her judgment this information is necessary. Medical information and the personnel needs of the Town will be considered in determining the holding of the employee's position or placement in another position for which the employee qualifies. All medical information will be kept confidential and will be made a part of a file separate from the employee's personnel file.

Bereavement Leave

An employee may take up to three (3) days of bereavement/funeral leave for the death of an immediate family member or the spouse's immediate family or any other relative of the employee living in the employee's household. The employee shall immediately notify their department head or the Town Manager of their intent to use bereavement leave. The immediate family is defined as spouse, parent, mother and father-in-law, son, daughter, brother, sister, grandparents, grandchildren. The employee may also be granted other bereavement leave under extenuating circumstances subject to approval of the department head or the Town Manager.

Military Leave

An employee who is a member of a reserve force of the United States or of the Commonwealth of Virginia and who is ordered by the appropriate authorities to attend a training program or who is called into emergency active duty for the purpose of aiding civil authority under the supervision of the United States or the Commonwealth of Virginia shall be granted a leave of absence with full pay during the period of such activity,

Military Leave without Pay

An employee who leaves the employ of the Town to join the military forces of the United States during the time of war or other declared national emergency or who is called to service in the Virginia Militia by order of the Governor shall be placed on military leave without pay commencing on the first business day following the last day of active employment with the Town. The employee on such leave is entitled to be restored to the position he or she vacated, provided the employee makes an application to the Town not later than 90 days after the date of honorable discharge or separation under honorable conditions. Job restoration is further conditioned on the position still existing and the employee being physically and mentally capable of performing the work of the vacated position.

Civil Leave

An employee will be given time off without charge to leave or loss of pay for (a) performing jury duty, (b) when subpoenaed as a witness to appear before a court, public body or commission, (c) serving as a blood donor, or (d) performing emergency civilian duties in connection with national defense or (e) for the purpose of voting in a national, state, or local election. The period of such leave shall not exceed the time necessary to perform the activity, plus any travel time.

Jury Duty or Court Service Leave occurs when an employee is absent from work for jury duty or for attending court as a witness. The employee must submit a copy of the official summons for jury duty or witness subpoena to the Human Resources Department 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 paid time off for such purpose at the employee's option.

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.

Leave without Pay

The following are the situations for which an employee may be on leave without pay status:

A. Extended Leave without Pay

When special circumstances require an extended leave, the Department Head has the authority to grant an employee leave without pay for an excused absence for up to five days when the employee does not have sufficient paid time off to cover an absence during a given pay period if the leave of absence is requested in writing by the employee. The Town Manager may grant leave without pay to employees for periods beyond five consecutive workdays until the operations of the Town's program(s) are adversely affected, at which point the employee must return to work or resign his or her position. Leave without pay is at the discretion of the Town and may be refused at any time.

Annual and sick leave credit shall not accrue during leave without pay. Further, all annual and sick leave balances must be exhausted before leave without pay can be approved, with sick leave being used only for absences that qualify under that policy. At the expiration of leave without pay, the employee shall be reinstated in the position vacated or in any other vacant position in the same class, if possible.

If the employee is on leave without pay, continuation in the health care plan is permitted, provided that the employee continues to pay for his or her share of the premiums. If the employee fails to make his premium payments, the employee will be provided written notice of this failure and will be given an additional fifteen days to make payment in full. If payment is not made after this notice, health benefit coverage will cease.

An employee returning from leave of absence without pay during or at the end of the period for which the leave was granted is entitled to reinstatement; however, if he/she fails to return at the end of the period for which the leave was granted, he/she shall be treated as having resigned.

B. Leave without Prior Approval

An employee who is absent from work without prior approval may be subject to disciplinary action which may include dismissal. If extenuating circumstances exist for the unauthorized absence, due consideration will be given. In addition, an employee may be placed on suspension without pay for disciplinary reasons.

Workers' Compensation

If an employee is unable to report to work because of a compensable Workers' Compensation injury or disease, the employee will be paid as provided by law. Workers' Compensation payments for lost work time do not begin until after the first (7) seven calendar days; if the disability continues for three weeks, the employee will be compensated for the first seven days of lost salary or wages.

To avoid loss of pay, an employee absent on Workers' Compensation may use accrued sick and paid leave to cover the first seven days. If the employee receives compensation for the first seven days, and has used leave balances for that period, the employee can have the leave balances restored by paying the Town the full amount of the hours used.

FAMILY AND MEDICAL LEAVE (FMLA)

Family & Medical Leave

FMLA is a federal law that requires employers with 50 or more employees to provide unpaid, job-protected leave for eligible employees for certain family or medical reasons. While the Town is not legally required to offer FMLA, we make every effort to comply with its guidelines and intent.

The Town requires an employee to use accrued paid leave concurrently with FMLA leave. If an employee has accrued paid leave of less than 12 weeks, the employee must use sick and PTO leave first and take the remainder of the 12 weeks, if any, as Family Medical Leave without pay. Any paid leave used for a FMLA qualifying reason will be charged against and employee's entitlement to FMLA leave. The substitution of paid leave for unpaid leave does not extend the leave period.

Eligible Employees

To be covered under the FMLA, an employee must have worked for the Town for twelve (12) months and must have worked at least 1,250 hours within the twelve (12) months preceding the start of the leave. The 12 months of employment are not required to be consecutive in order for the employee to qualify for FMLA leave. Part-time and temporary employees who meet these requirements are eligible for FMLA leave.

Purposes for Which FMLA Leave May be Taken

FMLA leave may be used:

- to care for an employee's child after birth, or for the placement with an employee of a child for adoption or foster care (provided that the leave is requested and used within twelve (12) months of the birth, placement, adoption, or foster care);
- to care for an employee's spouse, child, or parent (does not include in-laws) who has a serious health condition, including incapacity due to pregnancy and for prenatal medical care;

- When the employee is unable to work because of their own serious health condition, including incapacity due to pregnancy and for prenatal medical care;
- 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 call to covered active-duty status.

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

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

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

Procedures for Requesting Leave

An employee is required to request FMLA leave in writing at least thirty days before the leave is to commence if the need for the leave is foreseeable. In circumstances when the leave is not foreseeable thirty days in advance, an employee must request the leave as soon as practicable. An employee's failure to give timely notice could delay confirming eligibility for FMLA leave. The Town may designate leave as FMLA leave without a request from an employee.

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

FMLA leave taken for birth, adoption, placement, or foster care cannot be taken intermittently unless approved in advance. If both spouses work for the Town, the total FMLA leave that may be taken for this event by both employees is limited to a combined total of 12 workweeks of leave. FMLA leave taken for the birth, adoption, placement, or foster care of a child must be taken within the twelve months following the event.

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

Job Restoration

Upon return from FMLA leave, an employee is entitled to be restored to the same position that was held before the start of the FMLA leave, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

Key employees are entitled to FMLA leave but are not entitled to job restoration if re-employment after the conclusion of the leave will cause a substantial and grievous economic injury to the Town. A key employee is a salaried employee who is among the highest paid ten percent of the Town's workforce. A key employee will be notified in writing of his or her status in response to the employee's notice of intent to take FMLA leave unless circumstances do not permit such notice.

The Town Manager will inform the employee of the potential consequences with respect to reinstatement and maintenance of health benefits if the employer should determine that substantial and grievous economic injury to the Town's operations will result if the employee is reinstated from FMLA leave.

If a key employee is already on FMLA leave when s/he receives notice that s/he is a key employee, the employee will be given a reasonable time to return to work before losing the right to job restoration.

Continuing Health Benefits

If paid leave is used for FMLA purposes, an employee will maintain the same benefits as if working. If the employee is on leave without pay, continuation in the health care plan is permitted, provided that the employee continues to pay for his or her share of the premiums. If the employee fails to make his premium payments, the employee will be provided written notice of this failure and will be given an additional fifteen days to make payment in full. If payment is not made after this notice, health benefit coverage will cease.

EMPLOYEE DEVELOPMENT

Education Leave – For pursuit of courses of study

It is the policy of the Town to encourage employees to obtain training designed to develop the employee's value to the organization.

Education leave is discretionary and is normally taken with accrued leave or leave without pay. The conditions of such leave shall be subject to a case-by-case determination based on factors which include, but are not limited to, the nature of the education or training, length of the absence, work record of the employee, work requirements at the time of the request, and value of the education or training to the Town.

The cost of training and related expenses required by the Town Manager or Town Council must be paid in full by the Town. In such a case, the hours of training count as hours worked. For training requested by an employee, the employee may receive reimbursement of tuition costs if the training was approved in advance by the manager and the employee shows successful completion of the course. If

the training was not required by the Town, the hours do not count as hours worked and no costs will be reimbursed.

PERFORMANCE APPRAISALS

The work of employees will be evaluated annually by the Town Manager or department heads. The supervisor will meet with the employee to discuss performance. A written report of the evaluation will be prepared with a copy provided to the employee being evaluated and a copy for the personnel files. If the employee believes that the report is unfair, he or she may prepare comments to be attached to the supervisor's evaluation report. The goal of the evaluation is to improve an employee's performance and assist the employee in correcting any deficiencies.

HEALTH AND SAFETY

Injury at work

Any job-related accident or workplace injury, no matter how insignificant, must be reported to the supervisor as soon as possible, but within 24 hours, or in the case of injury on weekends and holidays, by the next workday. If medical attention is required, please refer to the section on Worker's Compensation.

Occupational Safety and Health

The Town attempts to provide a safe and healthy work environment for all employees by providing the necessary safety education and training. Employees shall follow all prescribed safety procedures when performing their daily activities and shall further exercise all reasonable and prudent judgment to ensure safety. Employees are directed to utilize all applicable safety procedures and to perform all work in a safe manner. Employees are responsible for bringing to the department head or Town Manager's attention any potential hazards that might exist at their work site.

Each employee has the responsibility for ensuring that the various work centers are free from any recognized hazards that might lead to death or injury, and it is also the responsibility of each employee to perform all work in a safe manner. Supervisors and the Town Manager must also immediately address any safety issues or concerns to prevent further accidents.

Threats and Workplace Violence

The Town will not tolerate any form of workplace violence by or against an employee, client, vendor, or business associate. For purposes of this policy, workplace violence includes:

- Making threatening remarks (written or verbal)
- Aggressive or hostile acts such as throwing objects at another person, use or threatened use of a weapon, fighting, or intentionally damaging a co-worker's or Town property
- Bullying, intimidating, or harassing another person (for example, obscene phone calls or texts, or using threatening body language or gestures, such as standing close to someone or shaking a fist at them)
- Assault

Indirect or direct threats of violence, incidents of actual violence, and suspicious individuals or activities must be reported, as soon as possible, to the Town Manager. When reporting a threat or

incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

The Town will promptly and thoroughly investigate all reports of threats of violence, incidents of actual violence and reports of suspicious individuals/activities. The identity of the individual making the report will be protected, to the maximum extent possible. Retaliation against employees making good-faith reports of violence, threats or suspicious individuals/activities is prohibited. To maintain workplace safety and the integrity of its investigation, the Town may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation.

Anyone found to be responsible for threats of or actual violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment, and criminal prosecution.

Employees should promptly inform the Town Manager of any protective or restraining order that you have obtained that lists a town site as a protected area. Employees are encouraged to report safety concerns about violence from an abusive personal relationship, and such concerns will be treated confidentially.

ELECTRONIC COMMUNICATIONS AND TOWN PROPERTY

Internet

The Town may provide electronic, digital and wire communications equipment for business purposes. The primary purpose of this equipment is to assist with Town operations. Employees may use electronic equipment for personal use on a very limited basis. Messages received, sent, and stored on this equipment are subject to monitoring and during this monitoring may be read for content. Employees should be aware that there are stored records of all communications. An employee has no right to confidentiality, or expectation of privacy, of their use of the Internet on computer tools and software that is the property of the Town.

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

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

Employees must not share their passwords with any other individuals, including other employees or outsiders. Nor is it appropriate to attempt to subvert network security either by accessing the Internet without using your password or by seeking to discover other passwords to gain access. Employees are representatives of the Town when using the Town's Internet account. Accordingly, they are expected to act and to communicate professionally on the Internet. Employees are prohibited from using equipment to view pornography or obscene material; to operate a personal business or participate in illegal activities.

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

Town Property

Employees do not possess an expectation of privacy in any Town property which includes, but is not limited to: rooms, desks, lockers, files, computers, electronic equipment or Town vehicles.

ALCOHOL AND DRUG FREE WORKPLACE

The Town is committed to the safety and well-being of its employees and the public it serves. It is the Town's intent to establish and maintain a workforce and work environment free from the adverse effects of drugs, alcohol, and other controlled or mood-altering substances.

- No employee shall unlawfully manufacture, dispense, possess, use, or distribute any controlled substance, medication, or alcohol unless authorized by a department head or the Town Manager;
- Any employee convicted under a federal or state statute regulating controlled substances shall notify their department head and the Town Manager within five days after the conviction.
- No employee shall consume alcoholic beverages immediately before work, during work hours, or while at work during breaks or lunches.
- No employee shall be impaired immediately before work, during work hours, or while at work during breaks or lunches.
- No employee shall represent the Town in an official capacity while impaired by alcohol, illegal drugs, or medication.
- No employee, using medication that may impair performance may be on duty for the Town.

- If an employee is using a prescription or non-prescription medication that may impair performance of duties; the employee shall report that fact to his or her supervisor.
- An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, and/or medication shall immediately notify the department head or Town Manager.

Disciplinary Action.

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

Drug & Alcohol Testing

To achieve a drug-free workplace, all employees and applicants for employment shall be required to participate in all the following alcohol and controlled substances testing:

- When an applicant for a position has been extended a conditional offer of employment but before beginning work.
- When there is a reasonable suspicion to believe that the employee is in an impaired state.
- When the employee has been involved in an on-duty accident or has endangered others in the workplace.
- On a random basis if there is reasonable suspicion that the employee is impaired or at any time for Law Enforcement Officers, or employees who work with heavy equipment of safety sensitive areas.
- As a condition for return to duty after testing positive for controlled substances or alcohol.
- As part of follow-up procedures to return-to-duty related drug or alcohol violations.

No employee shall be disciplined for the appropriate use of non-prescription or prescribed medication in the treatment of illness or injury provided that the employee is capable of adequately performing the functions of his/her position.

Procedures for Completing Drug or Alcohol Testing

The employee will provide a urine sample or blood sample at the facility for testing. The Department Head shall have the authority to place on administrative leave with pay, or to temporarily reassign, an employee tested for reasonable suspicion while awaiting the results of the test when such action is appropriate under the circumstances and in the best interests of the Town.

The results of the test shall be reported to the employee, the Department Head, and the Town Manager.

If a drug test is positive, the Department Head will meet with the employee. The employee will be given an opportunity to explain the test result. The employee may request, at his own expense, the split specimen taken during the initial testing be sent to a different certified lab for testing within 2 to 3 weeks. If the second drug test is negative, the Town will reimburse the employee's share of the screening test costs to the employee, up to the normal cost that the Town pays for its screening tests; and all test-related records will be purged. For employees who do not pay any required additional testing costs directly to the testing facility, such costs may be covered by the Town through an employee payroll deduction, should the Town initially incur the cost.

If an alcohol test is positive, meaning more than 0.02 concentration, a second alcohol test will be performed to confirm the results of the initial test.

All written requests and test results will be placed in a separate, medical, and confidential file in the Human Resources Office, which will be kept separate from the official personnel file of the employee.

Disciplinary Actions

If any employee refuses to consent to a drug/alcohol screen, it shall be considered a positive test and the employee may be subject to disciplinary action up to and including termination.

Any alteration detected in a specimen, substitution of a specimen or otherwise tampering with a specimen by the employee to be tested or by another Town employee may be grounds for discipline, up to and including, termination. In the event of alteration, substitution or tampering, a new test will be completed at the time of initial testing.

A positive drug/alcohol test that confirms that an employee: (1) has a detectable presence of illegal drugs in his system or has an alcohol concentration of 0.02 or greater, or (2) has his ability to perform job duties impaired by alcohol or any other drug, whether legal or illegal, during work hours, or when on-call, may result in appropriate disciplinary action. If an employee is called into work while they are not on-call status, the employee should let his/her supervisor know that he/she is unable to drive and should decline the call-out.

POLITICAL ACTIVITY

An employee shall not be coerced to support a political activity, whether funds or time are involved.

An employee shall not engage in political activity on work premises during work hours.

An employee shall not use Town-owned equipment, supplies or resources, and other attendant material (paper, computer online and paper or printers, etc.) when engaged in political activities.

An employee shall not use, discriminate in favor of or against, any person or applicant for employment based on political activities.

An employee shall not use the employee's title or position while engaging in political activity.

DISCIPLINE

Town employees are expected to conduct themselves in a professional and courteous manner, as representatives of the Town. Employees are expected to avoid any action, which might result in giving preferential treatment to any organization or person, losing independence or impartiality of action, or adversely affecting the integrity of the Town.

Disciplinary Actions

If an employee's work performance or behavior is deemed unsatisfactory, the following kinds of disciplinary action may be taken, depending upon the circumstances: oral coaching/warning, written warning, suspension, demotion, or termination. Other types of discipline may be used in addition to those listed. The Town reserves the right to administer disciplinary action appropriate to the behavior and will consider the overall situation before a decision is made.

The following are examples of misconduct that may result in discipline. The list is not all-inclusive and other conduct may be subject to disciplinary action:

- Conviction of a felony or of a misdemeanor.
- Willfully falsifying Town records (including time records, leave records, job applications, or pay or reimbursement vouchers).
- Gross negligence with Town property or misuse of Town property.
- Violating any workplace rule.
- Performing official duties in a rude and discourteous manner, threatening co-workers, or using physical violence while on duty.
- Violating any lawful official regulation or order or willfully failing to obey a proper direction of a supervisor or the Town Manager.
- Using, or being impaired at work by intoxicants, drugs, or alcohol including a positive blood test for illegal drugs, or possessing illegal drugs or open alcoholic beverages at work that are being consumed by an employee.
- Grossly neglecting duty or continually being unable or unwilling to render satisfactory performance.

- Taking property of the Town for one’s personal use, for sale to another or for a gift to another.
- Inducing, or attempting to induce, an officer or employee in the service of the Town to commit an unlawful act or to act in violation of any lawful or official regulation or order.
- Accepting a bribe, gift, token, money, or other thing of value intended as an inducement to perform or refrain from performing any official acts, or engages in any action of extortion or other means of obtaining money or other things of value through his/ her position as an employee of the Town.
- Failing to report for work or being absent without prior notice to supervisor.
- Unsatisfactory attendance, excessive absences, or excessive tardiness.
- Harassing, bullying, or committing violence towards other employees or the public.
- Violating the sick leave policy.
- Willfully providing false statements in carrying out job related duties or functions.

Notification

Prior to imposing disciplinary action, including termination, the supervisor shall inform the employee of the reason for the discipline in writing, and the employee shall have the right to comment on the discipline. However, the supervisor may have the employee removed from the workplace prior to being given an opportunity to comment if the employee’s continued presence poses a safety danger or is disruptive to the workplace.

TERMINATION OF EMPLOYMENT

Resignation

To resign in good standing, an employee must give at least two weeks advance notice. If special circumstances exist, the notice requirement may be waived by the Town Manager. Failure to return to work at the expiration of an approved leave of absence shall be interpreted as a resignation.

Lay off

The Town reserves the right to dismiss or lay off employees for lack of available work or funds. In such cases the employees affected will be given a minimum of two weeks’ advance notice (Alternatively – two weeks’ pay in lieu of notice).

Termination for Inability to Perform

An employee may be terminated if he or she becomes physically or mentally unable to perform the duties of the position. However, prior to any such action, the Town will comply with the requirements of the Americans with Disabilities Act.

Termination for Cause

Violation of any Town policies contained in this handbook may result in disciplinary actions up to and including termination.

MODIFICATION OF POLICIES

These policies do not constitute a contract of employment. The policies, individually or by section, may be modified, amended, or rescinded at the sole discretion of the Town without notice.

GRIEVANCE PROCEDURE

General Information

Employees are encouraged to resolve problems and complaints through informal means by discussing concerns with their colleagues, immediate supervisors, or management. However, to the extent such concerns cannot be resolved informally, the Town has a grievance procedure that affords an immediate and fair method for the resolution of disputes which may arise between the Town and its employees.

In compliance with Section 15.2-1506 and 1507 of the Code of Virginia, the Town Council establishes the following procedures for the hearings of grievances of eligible Town employees.

Coverage of Personnel

All non-probationary permanent full-time and part-time employees are eligible to file grievances with the following exceptions:

- Appointees of the Council or elected individuals if employees of Constitutional Officers may only be included if such Constitutional Officers and the Council have concurred in the use of the procedure.
- Officials and employees who serve at the will or pleasure of the Council.
- Employees whose terms of employment are limited by law.
- Temporary, limited term and seasonal employees.
- Any employee electing to proceed pursuant to any other existing procedure in the resolution of his grievance.

- The Town Manager shall determine the employees excluded from the grievance procedure and shall be responsible for maintaining an up-to-date list of the affected positions.

Definition of Grievance

A grievance is a complaint or dispute relative to an employee's employment including:

- Disciplinary actions including dismissals, disciplinary demotions, and suspensions, or if the dismissal is subject to grievance from formal discipline or unsatisfactory job performance.
- The application of personnel policies, procedures, rules, and regulations.
- Discrimination based on race, color, creed, religion, political affiliation, age, disability, national origin, or sex.
- Acts of retaliation as the result of the use of or participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, has sought any change in law before the Congress of the United States or the General Assembly, or has reported an incidence of fraud, abuse, or gross mismanagement. There is a rebuttal presumption that increasing the penalty that is the subject of the grievance at any level of the grievance shall be an act of retaliation.

Matters Not Subject to Grievance

The Town government shall retain the exclusive right to manage the affairs and operations of the Town. Accordingly, the following complaints are not subject to grievance:

- Establishment and revision of wages or salaries, position classifications, or benefits.
- Work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the job.
- The contents of ordinances, statutes or established personnel policies, procedures, rules, and regulations.
- Failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly.
- The methods, means, and personnel used to conduct work activities.
- Termination, layoff, demotion, or suspension from duties because of lack of work, reduction in work force, or job abolition. An exception is for an employee who has been reinstated within

the previous six months as the result of the final determination of a grievance, in which case the action shall be upheld upon a showing by the Town that:

- There was a valid business reason for the action and the employee was notified of the reason in writing prior to the effective date of the action.
- The hiring, promotion, transfer, assignment, and retention of employees within the Town.

Grievances

Decisions to file a grievance and access the procedure shall be made by the Town Manager at any time prior to the panel hearing, or at the request of the person who is the subject of the grievance or the grievant, within 10 calendar days of the request. The Town Attorney shall not be authorized to decide the applicability of the grievance policy. A copy of the ruling shall be sent to the grievant. Decisions of the Town Manager may be appealed to the circuit court for a hearing on the issue of whether the grievance qualifies for a panel hearing. Proceedings for review of the decision of the Town Manager shall be instituted by the grievant by filing a notice of appeal with the Town Manager within 10 calendar days from the date of receipt of the decision. Within 10 calendar days thereafter, the Town Manager shall transmit to the clerk of the circuit court a copy of the decision of the Town Manager, a copy of the notice of appeal, and the exhibits. 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 shall not prejudice the rights of the grievant. The court, on motion of the grievant, may issue a writ of certiorari requiring the Town Manager to transmit the record on or before a certain date.

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

Procedure

A grievance shall be processed in the following manner:

Step 1 - Supervisor level.

An employee who has a grievance shall initially discuss the complaint or dispute directly with his immediate supervisor. The employee shall state that he is initiating Step 1 of the grievance procedure at the beginning of the conversation. The employee may not have witnesses and/or representatives at this step.

The grievance need not be reduced to writing at this time; however, the grievance must be reported to the employee's immediate supervisor within 20 calendar days of the event giving rise to the grievance.

The supervisor shall give the employee a verbal reply or answer within 5 calendar days after the employee reports the grievance to the supervisor. Failure to initiate the grievance within the 20-day period may result in the grievance being denied.

Step 2 - Town Administrator level

If the reply or answer of the supervisor does not resolve the grievance, the grievant may file a written grievance statement with the Town Manager by completing a grievance form within 5 days after the supervisor’s oral reply. Such grievance shall include a description of the complaint or dispute which constitutes the grievance, a description of the attempts that have been made to resolve the grievance, and the specific relief which the grievant expects to obtain.

The Town Manager shall meet with the grievant within 5 days of receipt of the written grievance. The grievant may have one representative of his choice present at this meeting. If such a representative is an attorney, the Town Attorney should also be present. Witnesses shall be present only while providing testimony. A written reply shall be sent or delivered to the grievant within 5 calendar days following the meeting.

Step 3 - Panel hearing

If the reply or answer of the Town Manager does not resolve the grievance, the grievant may request a panel hearing. The panel shall consist of one person appointed by the grievant, one person appointed by the Town Manager, and a third member selected by the first two. If agreement cannot be reached as to the final panel member, the chief judge of the circuit court shall select the third panel member. The third member shall be the chairperson of the panel. The panel shall not be composed of any persons having direct involvement with the grievance being heard by the panel, or with the complaint or dispute giving rise to the grievance. Managers who are in a direct line of supervision of a grievant, persons residing in the same household as the grievant and the following relatives of a participant in the grievance process or a participant’s spouse are prohibited from serving as panel members: spouse, parent, child, descendants of a child, sibling, niece, nephew and first cousin. No attorney having direct involvement with the subject matter of a grievance, nor a partner, associate, employee, or co-employee of the attorney shall serve as a panel member.

Rules for Panel Hearing

Both the grievant and the Town may call upon appropriate witnesses and be represented by legal counsel or other representatives at the hearing. Such representatives may cross- examine, question and present evidence on behalf of the grievant and the Town without being in violation of Section 54.1-3904 of the Code of Virginia. The panel hearing is not intended to be conducted like proceedings in court, and the rules of evidence do not apply.

The panel has the discretion to determine the propriety of attendance at the hearing of people not having a direct interest in the hearing, and, at the request of either party, the hearing shall be private. The panel has the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence. All evidence shall be presented in the presence of the

panel, except by mutual consent of the parties. Documents, exhibits, and lists of witnesses shall be exchanged between the parties at least 5 days in advance of the panel hearing.

The Town shall provide the panel with copies of the grievance record prior to the hearing and shall provide the grievant with a list of the documents furnished to the panel. 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.

The panel shall give both parties a written decision within 30 days of the conclusion of the hearing. The decision shall be final and binding, subject to and consistent with existing written policies, procedures, and law. The panel does not have the authority to formulate policies or procedures or to alter existing policies or procedures.

Either party may petition the circuit court for an order requiring implementation of the hearing decision.

Additional Provisions

Time frames can be extended by mutual agreement of the Town and the grievant.

After the initial filing of a written grievance, failure of either party to comply with all substantial procedural requirements of the grievance procedure, including the panel, 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.

The Town Manager may require a clear 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 by filing a petition with the circuit court within 30 days of the compliance determination.

All time frames refer to calendar days unless specifically stated otherwise. In the event the last day of any time frame falls on a Saturday, Sunday, holiday observed by the Town or a day the Town offices are closed, the time frame shall be extended until the next day the Town offices are open.

End of Personnel Policies