

Cumberland County

Employee Manual



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Purpose and General Principles

I. Purpose

The objective of the Cumberland County Employee Manual is to provide a uniform system of personnel administration for the employees of Cumberland County, based on merit principles, equitable compensation, open competition in hiring and advancement, and equal employment opportunities. It is the policy of Cumberland County to provide a clear statement of policies, rules, regulations and standards that govern all County employees. The Employee Manual defines the rights and responsibilities of all County employees who are not otherwise exempted from these policies.

II. Authority

The Board of Supervisors is empowered under the Code of Virginia to establish departments, to employ personnel and to set salaries. These regulations are intended to cover all facets of the County's Employee Manual in accordance with that authority. It is recognized that such authority has been delegated to the County Administrator. Under the direction of the County Administrator, another employee may be delegated the daily administration of these policies. The Constitutional Officers, including the Treasurer, Commissioner of Revenue, Clerk of Court, Commonwealth's Attorney, and Sheriff, shall retain authority over their respective employees as defined by these policies.

These policies are intended to cover most personnel situations and actions for which the County Administrator is responsible. Those not specifically covered shall be interpreted by the County Administrator or his/her designee in keeping with the intent of these policies.

III. General Principles

The personnel policies of Cumberland County will contain policies and procedures governing employees of the County. It will state the County's policies and procedures with regard to employment, dismissal, and other activities dealing with personnel which is deemed necessary in order to clarify the County's or the employee's position in the personnel system. It is the fundamental policy of Cumberland County that a fair and uniform personnel management system be established for its employees in order to ensure the most effective provision of services to the citizens of the county.

- A. Applicability of this Policy: The rules, regulations, and other administrative provisions established within this policy shall apply to all County employees, except for employees specifically exempted by action of the Board of Supervisors. Participation in this personnel policy by appointees of Constitutional Officers is by no means a contract and County paid positions under the supervision of a Constitutional Officer are governed by the policies of their respective offices.
- B. Dissemination of the Rules in this Policy: Any changes to the rules and regulations of this policy will be communicated to the employees of the County within thirty (30) days of the changes being adopted by the Board of Supervisors.

IV. Definitions

Employee: for purposes of this policy, employee is interpreted to mean both employees reporting to the County Administrator as well as appointees of the Constitutional Officers.

Exempt Employee: a salaried employee who performs executive, administrative or professional duties and certain computer professionals as defined under the Fair Labor Standards Act and its regulations and is exempt from the overtime provisions of the Fair Labor Standards Act. Exempt employees work whatever amount of time is necessary to perform their duties.

Essential Employee: an employee, as determined by the department head and/or County Administrator, whose function is considered essential to the operation of County services and who is required to report to work during adverse conditions.

Oral Reprimand: a conversation between the supervisor and the employee in which the employee is advised and cautioned with reference to unsatisfactory work performance and/or misconduct.

Probationary Period: at least six (6), but not more than twelve (12), initial calendar months of employment during which an employee is required to demonstrate, by actual performance, his/her ability for the duties to which he/she is appointed, and his/her suitability as a public employee.

Non-Exempt Employee: an employee whose compensation is subject to overtime requirements of the Fair Labor Standards Act.

Resignation: a voluntary separation from employment through written notification to the immediate supervisor and the personnel department. The written letter of resignation shall indicate the actual date the resignation is to become effective and must be signed by the employee.

Suspension: temporarily prohibiting an employee from performing his/her duties. The suspension period is without pay.

Seasonal Employees: employee hired on a term basis, i.e. day, week, period of months.

Written Reprimand: a written documentation to the employee from the supervisor wherein the employee is advised and cautioned with reference to his/her unsatisfactory work performance or conduct. A written reprimand becomes a part of the employees' personnel file.

1. Employment Policies

1.1 Code of Ethics

The top priority of the Cumberland County government is to further the public trust and be good stewards of public resources. Employees have a responsibility to encourage honesty, integrity, and ethics. The County will take disciplinary action up to and including termination if an employee's behavior exhibits a lack of integrity or ethics. In order to encourage the delivery of quality services, each County employee is expected to accept certain responsibilities, adhere to accepted business principles, and demonstrate a high degree of personal integrity at all times. This demands that in both business and personal life, each employee should refrain from any behavior that might be harmful to oneself, co-workers or the County, or that might be viewed unfavorably by the public.

In order to further these objectives, all County employees shall:

1. Uphold the Constitution, laws, and regulations of the United States and of all governments therein and never knowingly be a party to their evasion;
2. Give a full measure of effort and service to the position of trust for which stewardship has been granted; giving earnest effort and best thought to the performance of duties;
3. Seek to find and use the most equitable, efficient, effective, and economical means for getting tasks accomplished;
4. Support the rights and recognize the needs of all citizens. Avoid engaging in activities that discriminate against or offend individuals because of race, color, gender, sexual orientation, age, religion, creed, national origin, marital status, pregnancy or disability;
5. Avoid discrimination through the dispensing of special favors or unfair privileges to anyone, whether for remuneration or not. An employee should never accept for himself or herself or for family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties;
6. Make no private promises of any kind binding upon the duties of any office, since a public servant has no private word which can be binding on public duty;

7. Engage in no business, either directly or indirectly, which is inconsistent with the conscientious performance of government duties except as may be consistent with the conflict-of-interest statutes in the Code of Virginia;
8. Never use any information gained confidentially in the performance of governmental duties as a means of making private profit;
9. Expose through appropriate means and channels, corruption, misconduct, or neglect of duty whenever discovered;
10. Adhere to the principle that the County's business should be conducted in the public view by observing and following the letter and spirit of the Freedom of Information Act; and
11. Pledge to honor and uphold these principles, ever conscious that public office is a public trust.

1.2 Employee Code of Conduct

The employees of Cumberland County are entrusted to be good stewards of public resources. All employees are expected to accept certain responsibilities, adhere to acceptable business principles in matters of personal conduct, and exhibit a high degree of personal integrity at all times. Employees are to refrain from any behavior that may be harmful to themselves, co-workers, citizens or the County. Employees that do not adhere to the County's Code of Conduct are subject to disciplinary action which could include termination of employment.

Conduct that the County deems inappropriate includes, but are not limited to, the following:

1. Not reporting to work on time (i.e. unexcused absence and tardiness);
2. Unauthorized use of County time, including: abuse of sick leave, conducting personal business while on County time, unauthorized time away from designated work area; personal use of cell phone during working, non-break hours;
3. Inadequate or unsatisfactory work performance;
4. Violation of safety protocol;
5. Using harsh or abusive language or rude behavior or treatment towards co-workers, supervisors, citizens, or others;
6. Insubordination or refusal by an employee to follow the instructions of a supervisor in a work-related matter;
7. Possession, sale or use of a controlled substance other than a prescription drug written to the employee;

8. Consumption of alcoholic beverages while on County property or while driving or operating County equipment;
9. Moving violation while operating a County owned vehicle;
10. Sexual, discriminatory, or other unlawful harassment of another employee or visitor to the County;
11. Providing falsified or misleading information to a supervisor;
12. Theft, misuse or unauthorized removal or possession of County property;
13. Not adhering to the County dress code; or
14. Willfully or negligently damaging County property

1.3 Equal Employment Opportunity

1.3.1 Diversity Statement

We encourage and welcome diversity. By creating a supportive environment that allows everyone to perform to their potential, we achieve success, and that success reflects the quality of our employees.

The value of different backgrounds and perspectives should not be overlooked. Having a diverse workforce assists us in looking at all situations from a variety of angles and coming up with innovative ideas and solutions. Embracing and understanding what each employee's background and perspective can contribute allow us to progress more quickly than other localities.

Some types of diversity are as follows: Life experiences, Work experiences, Perspectives, Cultures, Ethnicity, Gender, and Age.

Respecting each individual and recognizing the value that they bring to our diverse team is essential.

1.3.2 Policy

It is the policy of Cumberland County to provide equal opportunity in employment and advancement and to administer its employment policies without regard to race, color, religion, sex, age, national origin, political affiliation, handicap or any other characteristic or status that is protected by federal or state laws. This policy applies to every aspect of employment practice's including, but not limited to the following:

1. Recruiting, hiring and promoting in all job classifications, except where such a factor can be demonstrated as a bona fide occupational qualification.
2. All decisions for hiring or promotion shall be based solely upon each individual's qualifications for the position to be filled.

3. Other personnel actions such as compensation and benefits, transfers, layoffs, training and assignments.

1.3.3 Harassment

Cumberland County strives to provide a workplace that is free from hostile and interpersonal conduct. The County will provide an equal employment opportunity that complies with federal and state laws. In particular, a hostile atmosphere created by remarks and/or animosity based on ethnic, racial, sexual, gender, national origin, marital status, disability, religious affiliation, pregnancy, unwelcome sexual advances, or other similar conduct is strictly prohibited. Harassment can include verbal remarks such as derogatory statements, slurs, and jokes. Harassment is also physical contact such as assault or inappropriate touching as well as visual displays.

1.3.4 Sexual Harassment

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

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

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.

1.3.5 Individuals with Disabilities

The County provides equal employment opportunities to qualified individuals with disabilities. Reasonable accommodations will be provided to a qualified employee or applicant with a disability when the employee or applicant requests an accommodation. A qualified employee or applicant is one who is able to perform the essential functions of the job with or without accommodation. A request for an accommodation will be denied if the accommodation is not shown to be effective, if

the request places an undue burden on the County, or if the requests is a direct threat to health or safety.

1.3.6 Violations

An employee who believes that the Equal Employment Opportunity policy is being violated should:

1. Inform the offending person(s) that the conduct is unwelcome;
2. Should report the conduct immediately to their supervisor and Human Resources. The report should be in writing; however, a report will be accepted by phone or in person.

Charges will be thoroughly investigated and corrective actions taken if the charge is founded. If it is determined that a violation of the policy has occurred, appropriate disciplinary action, including discharge, against the person(s) who violated the policy will be imposed.

1.3.7 Retaliation

Retaliation is illegal and contrary to the policy of the County. Persons 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. If an employee believes that he or she is being retaliated against, a report, preferably in writing, should be made to the Director of Human Resources. Those who are found to be acting in a retaliatory manner will be disciplined for such conduct.

2. Recruitment & Selection

2.1 Hiring Authority

The County Administrator has complete authority for hiring, promoting and discharging employees in accordance with these policies.

2.2 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 offered for the particular position.

2.3 Recruitment and Hiring Practices

The Human Resources Department is responsible for centralized recruitment for Cumberland County. Human Resources shall be responsible for receiving, processing and maintaining applications for County employment. The Human Resources Department will determine the methods by which recruitment is conducted for approved vacant positions. Any tests administered as a condition of employment or to aid in making a selection shall be approved by the Human Resources Department prior to use. No selection device will be used without the prior approval of the Human Resources Department. No person will be hired or appointed into a position unless that position is a vacant funded position. Final commitments of a job offer, appointment to new position, beginning salary and starting date are made only by the Human Resources Department. An appointment to a new position is not effective until approved by the Human Resources Department and must begin at the beginning of a pay period unless otherwise approved by the Human Resources Department.

Any interested individual (including County employees) may apply for a posted job vacancy in accordance with normal procedure. Job announcements will be posted on the county website as well as in newspapers and/or professional and trade websites as approved by the Human Resources Department.

2.4 Procedures for Hiring

For the purposes of this section, a vacant position is defined as any Board approved position which is not presently filled.

Each time a vacancy occurs and the department head supports the need for filling such a vacancy, the department head shall submit a request to the Human Resources Department. The department head, in authorizing the position to be filled, is certifying the availability of funding for the position.

The Human Resources Department will determine the appropriate method of attracting a qualified pool of applicants for the vacant position. Human Resources is not required to conduct open competitive recruitment programs for those classes of positions for which recruitment programs have already been conducted within the last 90 days. Sufficient qualified applicants for employment consideration in that class of position must remain in that applicant pool.

The department head shall review the qualifications of all applicants. It shall be the responsibility of the hiring department to maintain supporting documentation on the

methodology used to determine those applicants to be given further consideration for the vacant position. This process shall be reviewed and approved by Human Resources.

The department head shall submit a list of the applicants interviewed and a recommendation as to an offer of employment. The department shall maintain appropriate documentation of the screening and interview process.

Should post selection, pre-employment information, including criminal records check, drug test or physical examination results be required, a provisional offer of employment will be made to the applicant. Execution of a provisional employment contract may be required.

2.5 Employment Date

Employment shall become effective as of the date on which the employee officially begins the performance of the duties of the position. This shall include new employee orientation and training. So far as is practical, effective dates shall be established at the beginning of regular pay periods.

2.6 Seasonal Hiring

This section covers employees who are hired for seasonal positions. Once they compete for initial employment and are employed, they may remain on the payroll until such time as the seasonal assignment is concluded. The department, if the performance of the employee has been acceptable and the employee wants to remain as a seasonal employee, may place the employee in leave without pay (LWOP) status until such time as the services are again required for the previous position or similar position in the same classification. At this time the department may reactivate the payroll status of the employee.

If, at the end of the original appointment or any subsequent appointment the department no longer requires the services of the employee, the employee's performance was unacceptable, or the employee no longer desires seasonal employment, the department may terminate the employee. Thereafter, the terminated employee would need to submit a new application for future employment consideration with the County.

Employees in seasonal positions are not eligible for employee benefits and do not earn leave.

2.7 Emergency/Temporary Hiring

There may be instances where the orderly operation of government may necessitate the hiring of personnel outside of the normal procedure for filling vacancies. Authority from the County Administrator to hire on an emergency basis shall be requested in writing by the department head, stating the circumstances and the process to be followed in the emergency hire. To the extent practicable, the usual employment procedures shall be followed. No employment under this provision can be committed prior to the approval of the County Administrator.

2.8 Provisional Hiring

The Human Resources Department shall review any proposed provisional hiring. The hiring of personnel on a provisional basis may be accomplished with the recommendation of the department head in writing to, and approval of, the County Administrator. A provisional hire is the employment of an individual with certain provisions spelled out as a condition of employment that may or may not adhere strictly to the County Human Resources Policies regarding employment, classification and compensation. A provisional agreement may be required pending receipt of physical evaluations, drug screening or criminal records information.

2.9 Standards for Pre-Employment Inquiries: References, Credit, and Background Checks

Cumberland County has very high standards for its employees and candidates for employment with the County. The county takes seriously the need to foster and promote the public's trust in government. Moreover, the County wants to select individuals with the highest chance of success in completing their training and continuing employment; accordingly, these standards are designed to identify the kinds of behaviors which are required of employees serving the citizens of Cumberland County. Each candidate's past choices, judgments, and behaviors will be compared to these standards and candidates who fall short of demonstrating consistently sound decision making, maturity, and responsibility will not be further considered for employment.

Candidates for all positions will be subjected to a check of their employment history, references, criminal record, and military record, if any. All candidates for full-time employment with the County, as well as certain part-time candidates, will be required to pass a pre-employment drug screen. Driving records will be reviewed and evaluated for candidates for positions involving driving a County vehicle. In addition, Animal Control Officers, uniformed employees of Fire/EMS, and other "Security Sensitive Positions" may also undergo a credit check and background investigation which typically involves an in-person interview.

The County reserves the rights to make other, informal inquiries about potential employees. These standards apply to any pre-employment information we obtain about a candidate, whether learned through a formal check or an informal inquiry. It is in every candidate's best interest to be completely forthcoming and truthful during any preemployment inquiries. Purposeful omission of information may result in removal from the selection process.

The failure to provide complete, accurate, and honest information is interpreted as dishonesty and lack of integrity about one's character. Some examples of potentially disqualifying behavior are identified below. These examples are designed to give candidates a sense of what behavior will be judged as inappropriate, and are not designed to be an all-inclusive listing of disqualifying behavior. Candidates are asked to critically assess their own background in light of these standards before beginning the employment process.

The Standards

Interpersonal Skills, Sensitivity, and Respect for Others

Examples of Potentially Disqualifying Behavior - Incidents of domestic violence; use of verbal or physical abuse or violence toward others indicating a lack of self-control; inability to get along with others in work or personal life; failure to listen effectively; use of derogatory stereotypes in jokes or daily language; making rude and/or condescending remarks to or about others; use of physical force to resolve disputes; demonstrated overreaction to criticism; inability to work effectively as a "team player"; disruptive/challenging to authority; use of harassment, threats, or intimidation to gain an advantage.

Decision Making and Judgment

Examples of Potentially Disqualifying Behavior - making poor choices given known circumstances; indecision when options are not clear-cut; failure to take action when appropriate or demonstrating insecurity about making a decision ; behavior indicating poor judgment or failure to consider appropriate options; failure to learn from past mistakes; inability or unwillingness to modify a position; rigid adherence to rules without consideration of alternative information; failure to see or consider all options; or succumbing to peer pressure.

Maturity and Discipline

Examples of Potentially Disqualifying Behavior - use of illegal drugs; abuse of alcohol or prescription medications; failure to follow all laws and common rules of conduct; associating with individuals who break the law; being argumentative, defensive, or blaming others (or circumstances) for mistakes made; past behavior which indicates a tendency to resort to use of force to gain objectives; overbearing in approach to resolving problems; unnecessarily confrontational; taking unnecessary personal risks; placing others at risk through one's own actions; reacting childishly or with anger to criticism or disappointment.

Honesty, Integrity, and Personal Ethics

Examples of Potentially Disqualifying Behavior - makes false and/or misleading statements or intentionally omits relevant information; purposefully withholds information; minimizes past mistakes or errors; blames others/makes excuses for mistakes; attempts to induce others to give false information; "bends" the rules or uses a position of authority for personal gain; refuses to accept responsibility for improper actions; condones the unethical behavior of others through silence; engages in illegal or immoral activities of such a nature that would be offensive to contemporary community standards of propriety; theft; fraud.

Criminal Convictions

As an applicant for a County position, you shall be subject to a check of your criminal history as recorded by federal, state, county, city, foreign or other government body. For purposes of employment consideration, a plea of no contest or nolo contendere will be considered a conviction. The following guidelines are being provided to allow you to determine your likelihood of success in the employment process, but in all instances, the nature and gravity of the offense or conduct, the time that has passed since the offense, the completion of the sentence and any probation, and the nature of the position the candidate seeks will be considered in evaluating candidates for employment and a candidate with more than the following is unlikely to be hired:

- Felony conviction – more than 1, none in the prior 5 years;
- Misdemeanor conviction – more than 1 in the prior 5 years;
- Theft conviction – not within prior 2 years
- Misdemeanor conviction for drug use, possession, or sale – not within prior 3 years
- Driving/Boating under the influence conviction – not within prior 3 years
- A history of use of marijuana or alcohol that displays a pattern of abuse, as determined by the County

- Any convictions for felony possession, use, or sale of controlled substance
- Any convictions for any offenses involving disrespect for law enforcement or authority, animal cruelty, neglect or abandonment, or aggravated crimes involving sexual offenses, domestic violence, or against children.

Employment History

Applicants should have a stable employment history. The quantity and type of employment history required is position-dependent. You may be disqualified from consideration for a position with the County if any of the following statements is true:

- You have been terminated for cause from a place of employment more than one time within the five-year period preceding the start of your hiring process.
- You have been terminated for cause by a federal, state, county, or municipal civil service or merit system
- You have been dishonorably discharged from the military.
- Reprimands or counseling for poor work performance.

Financial Standing – Only for Security-Sensitive Positions

Applicants for Security-Sensitive Positions must be in good credit standing with a history of credit stability. The County is unlikely to hire any candidate who has a current garnishment, bankruptcy (unless only within the repayment plan), or debt currently assigned to collections, but the county will review the circumstances to determine the suitability of the candidate for the particular position sought. Further, applicants must not have filed bankruptcy more than one time within the ten-year period immediately prior to applying.

Driving History – Only for Positions Requiring the Use of County Vehicles

Applicants whose positions require use of County vehicles shall have a valid Virginia driver's license and must provide proof of the license required for the type of vehicle driven. Applicants who have within their driving history convictions (including pleas of no contest or nolo contendere) for the offenses of hit-and-run (or similar statute), or felony eluding within the prior seven years, shall not be eligible for employment. An applicant shall not have a negative point balance on his or her license at the time of application. For the purpose of this section, the points shall be computed by standards set forth by the Virginia Code. The County will review the circumstances of an applicant's inability to meet any of these standards. A candidate's license cannot contain restrictions which would hinder or limit his or her

ability to operate vehicles in accordance with the policies of his/her department and the Virginia Code. No applicant may have a driving history which reflects a recurring pattern of traffic violations which may represent a perpetual disrespect for traffic laws. Driving records may be required to have on record. Employees are held to the same standards during their employment with the county.

Pre-Employment Drug Screens

A pre-employment drug screen will be required of all full-time employees and part-time Safety Sensitive Employees, in **Appendix A**. An applicant who tests positive may result in the conditional offer of employment being withdrawn.

Volunteers

All volunteers are subject to criminal background checks. Volunteers who have access to vulnerable populations (i.e., minors), must pass a criminal background check prior to being placed into service. Volunteers shall be required to undergo a criminal background check on an annual basis, at a minimum. All criminal arrests, charges, or convictions must be reported to the Department Head/Constitutional Officer within twenty-four (24) hours or at the earliest available opportunity.

2.10 Probationary Period:

- a. A probationary period is required for all full-time and part-time positions. The probationary period will be a twelve (12) month period.
- b. The probationary period shall be utilized to determine the effectiveness of the employee's work, the duties and specifications for the position, and pay for such position. At the end of the probationary period, the employee shall be evaluated to determine satisfactory performance.
- c. A probationary employee may be terminated at any time if the employee is not suited for the position.
- d. The probationary period may be extended for all leaves without pay that were taken during the period.
- e. All employees who apply for and obtain another position within the County are subject to a twelve (12) month probationary period.
- f. Employees who are transferred, demoted, or who are otherwise placed in a new position by the direction of the County Administrator are also subject to a twelve (12) month probationary period.

- g. During, or at the conclusion of the probationary period, the employee's services may be terminated without access to the grievance procedure. At the conclusion of the probationary period, or the extension of the probationary period, if applicable, the Department Head and/or County Administrator must make one of the following determinations:
1. The employee has successfully completed the probationary period and probationary status is to be removed. Written notification must be sent to Human Resources.
 2. The employee has **not** successfully completed the probationary period and the probationary period is to be extended up to six (6) months. Written notification must be sent to Human Resources.
 3. The employee has successfully completed the probationary period and in addition to the probationary status being removed, the Department Head and County Administrator is recommending an increase to reflect the quality of work shown. A salary adjustment is subject to budgeted funds being available. Written notifications must be sent to Human Resources.
 4. The employee has **not** successfully completed the probationary period and the employee shall be dismissed. Written notification must be sent to Human Resources.

2.11 Other Requirements for Employment:

Where other standards or requirements for a particular position are established which adhere to federal and state guidelines, all applicants shall be required to adhere to those standards and qualifications. The County Administrator may establish and must approve any tests to examinations which are developed and which are warranted to determine whether or not an applicant to employee meets established standards.

2.12 Nepotism

The Conflict of Interests Act in the Code of Virginia prohibits an employee from supervising members of his/her immediate family. Immediate family is defined here to include spouse, and the mother, father, sister, brother, children or grandparent of the employee or spouse of the employee. It also includes other relationships established by blood, marriage, or intimate co-habitation or other legal actions.

2.13 Personal Appearance and Attire

All personnel must dress in a manner that is suitable to their place and type of work. Office workers generally dress in business or business casual attire. Department Heads are responsible for making judgment calls as to the appropriateness and compliance with dress code. Maintenance and Public Utilities employees must dress in county uniform and safety toe shoes.

3 Employment Types

All employees of the County are divided into two categories: exempt or non-exempt status as it relates to the Fair Labor Standards Act. The policies within this manual applies to both classifications, unless specifically noted.

Exempt Employees – The designation of exempt is only as it relates to the Fair Labor Standards Act:

1. All Elected Officials
2. Members of Boards and Commissions
3. Volunteer personnel and personnel appointed without pay
4. Consultants and counsel rendering professional services
5. Employees whose positions fall within the definition of being exempt under the Fair Labor Standards Act §541, Executive, Administrative, and Professional are as follows:
 - ❖ Building Inspector
 - ❖ Constitutional Officers – Clerk of Circuit Court, Commissioner of the Revenue, Commonwealth’s Attorney, Sheriff, and Treasurer
 - ❖ County Administrator
 - ❖ Director of Economic Development
 - ❖ Director of Finance
 - ❖ Director of Information Technology/IT Administrator
 - ❖ Director of Maintenance
 - ❖ Director of Planning and Zoning/Planning & Zoning Administrator
 - ❖ Director of Utilities
6. Such other positions as may be designated by the Board of Supervisors

Non-Exempt Employees – all employees that do not fall under the exempt employee status are classified as non-exempt employees

- A. Full-Time Employee – personnel who regularly works 8 hours or more per day, 40 hours or more per week, for not less than 50 weeks per year. Annual leave, sick leave and holidays will count as timed worked for this purpose.

- B. Part-Time Employee – personnel who works less than 30 hours per week, for not less than 50 weeks per year. Such employees are not eligible for and do not earn annual, sick, or holiday leave. Part-time employees are not eligible for health insurance, retirement benefits, life insurance, or any benefits provided by the County.
- C. Hourly employee – personnel who works less than 8 hours per day, or less than 40 hours per week, or are employed to work less than 50 weeks per year. Such employees are not eligible for and do not earn annual, sick, or holiday leave. Hourly employees are not eligible for health insurance, retirement benefits, life insurance, or any benefits provided by the County.
- D. Seasonal Employees – employees hired for seasonal positions. After initial employment, the employee will remain on the payroll until such time as the seasonal assignment is concluded. If the performance of the employee is deemed acceptable by the department and if the employee would like to remain a seasonal employee, the employee may be placed on leave without pay (LWOP) status until such time as the services are again required. At that time, the department may reactivate the employment status of the seasonal employee.

4 Compensation and Payroll Procedures

4.1 Pay Procedures

It is the policy of the County to pay employees on a regular basis and in a manner so that the amount, method, and timing of wage payments comply with all applicable laws and regulations. Employees will receive a statement that shows gross pay, deductions and net pay. All applicable state, federal, and Social Security taxes will be deducted automatically. No other deductions will be made unless required or allowed by law, contract, or employee obligation. Employees may elect to have additional voluntary deductions taken from their pay only if they authorize the deduction in writing.

4.2 Pay & Classifications

A classification plan for employees shall be established, reviewed regularly and shall consist of:

1. A classification system for all regular positions; and
2. A paygrade that sets a salary range for each classification.

The salary for each employee within a paygrade shall be set by the County Administrator.

4.3 Pay Dates

Pay day occurs twice a month with paychecks issued on the 15th and the last day of the month. When a pay day occurs on a County holiday, employees are paid on the day prior to the holiday. If a pay day occurs on a weekend, employees are paid on the Friday before.

4.4 Direct Deposit

Direct Deposit is mandatory for all employees. The employee must complete a Direct Deposit Authorization Form with the Payroll Department. Any changes to direct deposit/bank account must be made with an updated Direct Deposit Authorization Form and submitted to the Payroll Department.

4.5 Timesheets

All employees are required to complete time sheets for hours worked. The accuracy of the time records is the responsibility of the employee. All timesheets must be completed and signed by the employee and then signed by the employee's supervisor/Department Head/Constitutional Officer before being submitted to the Payroll Department. For full-time employees, timesheets must be submitted to the Payroll Department within five (5) business days following the last day of the month and must have the required signatures. For part-time and seasonal employees, timesheets must be submitted to the Payroll Department within five (5) business days following the pay period ending date and must include the required signatures. Timesheets must reflect an accurate accounting of hours worked. An employee that reports to work late, must accurately report the time of arrival on their timesheet.

4.6 Hours of Work

County offices shall generally be opened as follows:

County Administration Office Personnel and Maintenance Department: 8:30 a.m. to 4:30 p.m.; Monday through Friday. Utility Department: 7:30 a.m. to 3:30 p.m.; Monday through Friday.

Exceptions: The above hours may vary based on the discretion of the County Administrator or Constitutional Officer based on the specific demands of work assigned to various departments. In all cases, full-time employees work eight (8)

hours per day or forty (40) hours per week as calculated on an hourly basis. Full-time employees have a one hour paid lunch break.

Employees of the Sheriff's Department and Refuse Disposal have varying schedules and the same hours of operation do not apply.

4.7 Standard Schedule

The standard scheduled work week for which salary is paid consists of forty (40) hours during a seven (7) day work period. Most schedules are Monday through Friday, but schedules may be adjusted to include weekend or evening hours as necessary.

4.8 On Call

Some employees will be required to be on-call. Any employee whose job requires that they be on call is required to be available and in county uniform or proper work attire and equipment and county vehicle ready to report to duty. All calls must be answered and responded to within one (1) hour of dispatch. Failure to do so will result in written reprimand.

4.9 Compensatory/Flex Time Policy

In accordance with the Fair Labor Standards Act Provision (FLSA), overtime hours for all eligible employees shall be defined as work hours exceeding forty (40) hours in a one (1) week work period. The official work week shall be Sunday through Saturday for all county departments. The maximum amount of compensatory time allowed to accumulate is forty (40) hours.

Employees must have actually worked forty (40) hours within one (1) work week to earn compensatory time. Hours worked past the normal work day/week will accrue hour for hour until the forty (40) hour threshold is reached. This could occur if there has been a paid County holiday or leave time used during that week. At the discretion of the Department Head, flex time may be implemented to avoid employees exceeding a forty (40) hour work week.

A. Salaried Non-Exempt Employees

Compensatory time, for salaried employees who are not exempt from the Fair Labor Standards Act, is earned at time and one-half rate for any work hours exceeding forty (40) in any one work week. Additional work hours shall be

required only to relieve specific occasional workloads and not to provide for additional compensation. Once the employee has reached the forty (40) hour per week threshold, they will receive compensatory time at a rate of one and one-half hours per one hour exceeding the forty (40) hour per week threshold.

1. Hourly Employees: The authorization of overtime work is the responsibility of the Department Head. All overtime work must be approved by the Department Head in advance of the work performed and in writing. Overtime assignments are permitted only when required by operational necessity, and without which the normal functioning of the department would be adversely affected. Department heads must assure adequate funds are available for any payment of overtime work.

2. Part-time Employment: If a County employee undertakes, on occasion or sporadic basis, solely on his/her own option, part-time employment for the County which is different from his or her regular employment, the hours of different employment shall be excluded from the calculations of overtime compensation.

It is the responsibility of the Department Head to provide the employee opportunities to use earned compensatory time in order to avoid exceeding the allowed maximum accrual of eighty (80) hours.

B. Salaried Exempt Employees

Salaried exempt employees are not subject to the Compensatory Time Policy. An exempt employee is one who works whatever amount of time is necessary in order to perform the duties of their job. Eight (8) hour work days and forty (40) hour work weeks are not break points for exempt employees. Exempt employees do not accrue “earned” time for hours worked over forty (40) hours per week, nor is that time owed to the employee in any way. Flex time may be allowed to exempt employees at the sole discretion of the County Administrator/Constitutional Officer and should only be taken when doing so will not interfere with necessary work or deadlines.

4.10 Late Arrivals

If an employee is unable to report to work or expects to be late, the employee must contact his/her immediate supervisor as soon as possible, but no later than their scheduled work hour and provide the reason for his/her absence or tardiness. The responsibility to notify a supervisor about absences or tardiness always rest with the

employee. The employee's timesheet must reflect the actual time the employee reported to work.

4.11 Absence without Approved Leave

Absence without approved leave is defined as failure to report for work without the approval of the employee's Supervisor or Department Head. It also includes the failure of an employee to report for work as expected following an authorized leave. Absence without approved leave may result in disciplinary action, up to and including termination. All absences without approved leave will result in an hour for hour deduction in salary for non-exempt employees in addition to disciplinary action. Exempt employees may receive a one (1) day suspension without pay in addition to appropriate disciplinary action.

5 Leave Time and Benefits

5.1 Annual Leave

- A. Full-time County employees receive paid annual leave which can be taken for any purpose.
- B. Except in cases of illness or emergency, annual leave must be approved in advance.
- C. A Leave Request Form must be completed by the employee. The supervisor or Department Head must approve the requested leave and sign the Leave Request Form and submit a copy to Human Resources.
- D. Annual leave is earned during each pay period and may be used at any time following the pay period in which it was earned.
- E. Annual leave cannot be taken in less than fifteen (15) minute intervals.
- F. Employees retain all benefits and seniority while on paid, approved annual leave.
- G. New employees begin to earn annual leave during their first pay period.
- H. Upon separation or retirement from County employment, full time employees shall be paid for accrued annual leave up to the accrual limit.
- I. In the event of the death of an employee, the employee's estate will be paid for the amount due under this policy.
- J. The maximum number of hours that each employee can carryover from one calendar year to the next is 160 hours. For good cause shown, the County Administrator may extend the carryover period, not to exceed four (4) months. All requests for extensions should be remitted to the Human Resources department by November 1st in order to be considered for an extension.
- K. Full-time employees will earn annual leave as follows:

Years of Service	Hours Earned per Month	Days Earned per Year	Carryover Maximum Hours
0 through 4	8	12	160 hours
5 through 9	10	15	160 hours
10 through 14	12	18	160 hours
15 and over	14	21	160 hours

- L. Annual leave accrued above the maximum carryover hours of 160 hours will be lost by the employee at the beginning of the new calendar year.
- M. Annual leave balances for Cumberland County employees who move from one county department or Constitutional Office to another, will have those balances transferred in their entirety.

5.2 Sick Leave

A. Earning Sick Leave

1. Full-time employees earn sick leave with pay at a rate of eight (8) hours per month.
2. Sick leave may be carried over from year to year without limit.
3. Sick leave is not earned when an employee is absent for a period exceeding his/her earned leave balances.

B. Use of Sick Leave

1. Full time employees may use sick leave for absences related to illness, injury, other personal or immediate family health-related problems, medical or dental appointments, pregnancy, childbirth, or a death in the immediate family (in addition to bereavement leave that may be authorized).
2. Employees shall notify their supervisor in advance of sick leave use whenever possible.
3. Upon return to work following any planned or unplanned sick leave period of three (3) or more consecutive work days, employees shall provide Human

Resources with a written statement from their treating health care provider that includes:

- a. General nature of the employee's condition that kept them from work;
 - b. Any limitations on the duties/schedule for the employee;
 - c. Expected date employee can return to full duties/schedule.
4. At any time, an employee's Department Head or Human Resources may require an employee to submit a doctor's statement certifying the reason for the employee's absence.
 5. All employees on approved sick leave shall be paid their current pay rate.
 6. Employees shall retain all benefits and seniority while on approved sick leave.
 7. Sick leave balances for Cumberland County employees who transfer from one county department or Constitutional Office to another, will have those balances transferred in their entirety.
 8. Employees may not use sick leave in lieu of annual leave. Employees found to be using sick leave inappropriately are subject to disciplinary action up to and including dismissal.
 9. Upon separation from county employment (by retirement, resignation, termination or death), employees are paid at the rate of \$15 per eight (8) hours of accumulated sick leave, not to exceed 180 days.

5.3 Bereavement Leave

A. Bereavement leave is designed to provide employees with paid time away from work to grieve and to handle matters related to a death in their immediate family. All full-time staff are eligible for paid leave upon the death of an immediate family member.

B. Immediate Family Defined

❖ Spouse

- ❖ Child (natural/step/adopted/foster)
- ❖ Parent (natural/step/adoptive)
- ❖ Sibling (natural/step/adopted)
- ❖ Immediate in-laws (father, mother, sister, brother, son, daughter)
- ❖ Grandparents (immediate or spousal)
- ❖ Legal Guardian

C. Other relationships may also be approved on a case-by-case basis by the County Administrator or Constitutional Officer without setting precedent.

D. Length of Leave: Bereavement Leave is granted for up to three days. If additional time is necessary, the employee may elect to use other available leave with the approval of his/her supervisor.

E. Notification: Employees taking Bereavement Leave will notify their supervisor as soon as possible of the funeral arrangements, anticipated length of leave, where the employee can be reached during the Leave, and other appropriate information. In no case will Bereavement Leave begin before the Supervisor is notified.

If the employee requires more than 3 days leave in the event of a death in the immediate family, vacation, personal, compensation, sick, or leave without pay may be requested for the additional days. An employee may request leave for the death of a non-immediate family member or a friend. In this case, vacation, personal, comp or leave without pay may be requested.

5.4 Court Leave

- A. An employee's absence from work for jury duty or for attending court in a non-official capacity as a witness shall be defined as "court leave". Only full-time employees are eligible for court leave.
- B. Before court leave is granted, the employee must submit a copy of the official summons for jury duty or witness service to the Department Head or Constitutional Officer prior to the beginning date of service.
- C. Any employee appearing in court as either a plaintiff or a defendant is not eligible for court leave.
- D. A full-time employee shall be granted time off without charge to other leave balances or a decrease in pay while performing jury duty, or when subpoenaed as a witness on behalf of the County, or in a proceeding in which the employee

is not a party. The period of granted leave shall be only as necessary for the court appearance, plus the necessary travel time.

5.5 Leave without Pay

- A. Leave of absence without pay may be granted for:
 - 1. Family Medical Leave Act (FMLA) – [See Family Medical Leave Act](#)
 - 2. Use of annual and sick leave which exceeds the amount of leave earned requires specific advance approval of the County Administrator/Constitutional Officer **and** Human Resources. Leave without pay is not guaranteed.
- B. Any employee that abuses the leave without pay policy will be subject to disciplinary action, up to and including termination. Leave of absence without pay shall not be allowed until all balances of applicable leave with pay have been used. Except for [FMLA](#), a leave of absence without pay shall not be granted for more than one calendar month.
- C. Any employee returning from leave of absence without pay, during or at the end of the period for which the leave was granted, will be reinstated. If he/she fails to return at the end of the period for which the leave was granted, he/she will be considered to having resigned from their position of employment with the County.
- D. Leave Accrual: During the period for which the leave was granted, employees will not accrue annual or sick leave hours.
- E. Benefits: Retirement contributions will not be made for any pay period in which no qualifying compensation has been received by the employee (i.e., if the employee was on leave without pay for the entire pay period).
- F. Health Insurance: For an employee granted leave without pay status under the [Family Medical Leave Act \(FMLA\)](#), the County will continue to pay the employer portion of the premium. For an employee granted leave without pay status who does not qualify for [FMLA](#), the employee will have to pay the employer and the employee portions of the premium in order to maintain coverage.

5.5.1 Family and Medical Leave Act (FMLA)

It is the policy of the County to grant up to twelve (12) weeks of family and medical leave (twenty-six weeks in the case of service member leave) during any rolling 12-month period for eligible employees, in accordance with the Family and Medical Leave Act of 1993 (FMLA). The leave will generally be unpaid, unless paid sick leave or annual leave is available to the employee. In that case, all sick and annual leave must be utilized during the FMLA period of incapacity. Under FMLA, the employee will return to his/her original position or to a position with similar pay upon their return from leave. All sick leave and annual leave used during the FMLA period is included in the total twelve (12) and twenty-six (26) weeks.

Eligibility

In order to qualify to take family and medical leave under this policy, the employee must meet **all** of the following conditions:

1. The employee must have worked for the County at least 12 months.
2. The employee must have worked at least 1,250 hours during the 12 months before the start of the leave.

The required 1,250 hours do not have to be worked during consecutive months. However, the 1,250 hours of work requirement applies to the 12 months immediately preceding the start of the leave.

Type of Leave Covered

Eligible full-time employees may take up to twelve (12) workweeks of Family and Medical Leave (FMLA) in a twelve (12) month period.

In order to qualify for FMLA leave under this policy, the employee must be taking leave for one of the following reasons:

1. The birth of a child in order to care for that child. The leave must be taken during the 12-month period following the birth or placement. If a husband and wife both work for the County, they are entitled only to a total of 12 weeks combined;
2. To care for a spouse, child, or parent with a serious health condition;

3. The serious health conditions of the employee. A serious health condition is one in which the employee is either ill for more than 5 consecutive days under the continuous care of a health care provider, or requires in-patient care in a hospital, hospice or residential medical care facility. The employee must provide certification from a health care provider to verify the existence of the condition.
4. For a “qualifying exigency” arising out of the fact that an employee’s spouse, parent, son or daughter is on covered active duty or has been called to active duty in the Armed Forces (as described below).

“Qualifying Exigency” means one or more of the following circumstances:

- A. Short-notice deployment – to address any issues that may arise due to the fact that Covered Military Member received notice of the deployment seven (7) or less calendar days prior to the date of deployment;
- B. Military events and related activities – to attend any official ceremony, program, or event sponsored by the military that is related to Covered Military Member’s active duty; or to attend family support or assistance programs and informational briefings sponsored by the military;
- C. Child care or school activities – to arrange for alternative childcare; to provide childcare on an urgent or immediate basis; to enroll or transfer a child to a new school; and to attend meetings with school staff that are made necessary by the Covered Military Member’s active duty or call to active duty.
- D. Financial and legal arrangements – to make or update financial or legal arrangements related to the Covered Military Member’s absence while on active duty; and to act as the Covered Military Member’s representative in regard to obtaining, arranging, or appealing military benefits;

For purposes of the above, a “Covered Military Member” means the employee’s spouse, son, daughter, or parent on covered active duty or call to active-duty status.

Procedures

Employees are required to provide the County with sufficient information to make it aware that the employee needs FMLA qualifying leave and the anticipated time and duration of the leave. Sufficient information may include the following: that the

employee is unable to perform his/her job functions; that the employee's family member is unable to perform his/her daily activities; that the employee or his/her family member must be hospitalized or undergo continuing treatment; or the circumstances supporting the need for military family leave.

If the need for FMLA leave is foreseeable, the employee is required to provide, in writing, such notice to Human Resources at least 30 days before the commencement of the leave. When the need for FMLA leave is unforeseeable, the employee must give notice, in writing, as soon as practicable (within 1 or 2 days) of learning of the need of leave. The employee must provide reason for leave and anticipated start and duration of leave.

Request

To request leave under this policy, you should obtain, complete, and sign a [Family/Medical Leave Request Form](#) and submit to Human Resources.

Benefits during Leave

During Family Medical Leave, the County will maintain the employee's group health insurance coverage at the same level and under the same conditions of coverage as existed before the employee took FMLA leave. The County will continue to pay its portion of the group health insurance coverage. It is the responsibility of the employee to maintain his/her portion of the health insurance premium, either through payroll deduction if the leave is with pay, or by payment submitted to Human Resources by the 15th of the month. If the employee's portion of the health insurance premium is more than 15 days late, the County will notify the employee in writing. Health care coverage may cease if the premium is more than 30 days late.

If the employee elects not to return to work, the employee will be liable to the County for the cost for the premiums paid by the County during the Family Medical Leave, unless the employee cannot return to work due to serious health conditions or circumstances beyond their control.

VRS retirement benefits will be paid by the County as long as the employee receives a paycheck.

Employees will not accrue sick leave or annual leave if the leave is without pay for one or more pay periods.

FMLA: False Claims

An employee who fraudulently obtains FMLA leave from the County is not protected by the Act's restoration or maintenance of health benefits provisions and will be subject to appropriate disciplinary action including discharge.

5.6 Holidays

The County observes the holiday schedule adopted by the Commonwealth of Virginia, as well as other holidays authorized by the Board of Supervisors. Full time employees are entitled to holiday pay for those that fall on a regularly scheduled workday. Non-exempt, full-time employees that are required to work on a scheduled holiday, will earn compensatory time on an hour for hour basis. The following is a list of regularly observed holidays:

New Year's Day	January 1
Martin Luther King, Jr. Day	3 rd Monday in January
President's Day	3 rd Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19 th
Independence Day	July 4 th
Labor Day	1 st Monday in September
Columbus Day	2 nd Monday in October
Election Day	1 st Tuesday in November
Veteran's Day	November 11
Thanksgiving Day	4 th Thursday in November
Day after Thanksgiving	4 th Friday in November
Christmas Eve	December 24 th
Christmas Day	December 25 th

The Board of Supervisor's may authorize additional holidays. The County may follow other holidays and early and special closings as announced by the Governor. When a holiday falls on a Saturday, the preceding Friday will be observed as the holiday. When a holiday falls on a Sunday, the following Monday will be observed as the holiday.

5.7 Benefits

5.7.1 Group Health, Dental and Vision Insurance

Employee group health insurance is provided to full-time employees who request coverage. Coverage is available for employee as well as a family plan. A portion of the cost is paid for by the County. Costs of the group health insurance may vary from year to year.

5.7.2 Retirement Benefits

Retirement benefits are provided through Virginia Retirement System. This benefit applies to full-time employees.

5.7.3 Group Life

A group life insurance policy is available to full-time employees through the Virginia Retirement System. This life insurance provides employees with group life insurance without a medical examination; natural death benefits; double indemnity for accidental death; and dismemberment payments for accidental loss of one or more limbs, or eyesight.

The amount of employee life insurance is equal to their annual salary, rounded to the next highest thousand, and then doubled. The portion of the total cost of the employee's life insurance is paid by the County. Employees may also purchase additional life insurance coverage for the employee, spouse and children. This coverage is also available through the Virginia Retirement System.

5.7.4 Worker's Compensation

If an accident or illness arising from, and occurring in the course of an employee's job, causes him/her to miss work, the employee may be entitled to worker's compensation to help offset the loss of wages during the period he/she is unable to work. The employee must report any work-related accident to his/her supervisor or Department Head immediately. A report of injury should be made to Human Resources as soon as possible after the accident.

5.7.5 Unemployment Benefits

Unemployment benefits are required by Virginia law and are provided by the County at no cost to the employee.

5.7.6 Benefits upon Separation

Upon leaving employment, the employee has the option to extend health insurance coverage under COBRA provisions. Other benefits may be converted after the employee leaves the County. Human Resources will go over such benefits with each individual before their last day with the County.

6. Performance Evaluation

6.1.1 Policy: The Human Resources Department will maintain an employee performance evaluation system to be used for the evaluation of employee performance. Constitutional Officers may utilize their own format. Constitutional Officers themselves are not subject to evaluations.

6.1.2 Purpose: The primary purpose of the employee performance evaluation is to inform employees of how well they are performing their work and the ways in which they can improve their work performance, according to their supervisor. The performance evaluation may also be used to determine promotion, demotion, transfers, dismissals, pay increases, and/or training opportunities.

6.1.3 Annual Evaluations: From the date of hire, all employees (except seasonal employees) will have at least one evaluation during and/or following the probationary period and then annually thereafter.

6.1.4 Procedure: Evaluations will be performed by the immediate supervisor, Department Head, or Constitutional Officer.

6.1.5 Confidentiality: Performance evaluations for departments other than Constitutional Offices will be confidential and will be made available only to: (1) the employee; (2) supervisor or Department Head; (3) Human Resources; (4) County Administrator; or (5) Board of Supervisors (if required in closed session). Performance evaluations for employees of Constitutional Officers will be confidential and will be made available only to: (1) the employee; (2) the Constitutional Officer; (3) the Board of Supervisors, if required, in closed session. The employee's completed evaluation, along with any additions to the evaluation, will be maintained in the employee's personnel record.

6.1.6 Review of Employee: Each employee will have the opportunity to review every evaluation made of him/her. Upon a review of the evaluation, the employee shall note in writing his/her comments concerning the evaluation. The evaluation will be signed by the supervisor or Department Head and the employee.

6.1.7 Performance Increases: The County promotes excellence in its workforce. Salary increases may be given if budget constraints allow and the employee is in good standing. Each employee's performance will be reviewed annually. Pay increases are not automatic or guaranteed.

6.2.1 Professional Certification

A full-time employee who received a professional certification related to the employee's duties while in the employment of Cumberland County shall receive a one-time bonus in the amount of \$600.00. Renewal of a certification already received and previously compensated under this section shall not entitle the employee to an additional bonus.

The bonus will be included in the employee's direct deposit.

The Department Head or Constitutional Officer must request the one-time bonus and the request must be approved by the County Administrator.

7. Separations and Separation Procedures

7.1 Resignation

An employee who resigns from Cumberland County is required to give a two (2) week notice, at a minimum, and a signed, written notice must be given to the Department Head and Human Resources. A Department Head is required to give a four (4) week notice, at a minimum, and a signed, written notice must be given to the County Administrator and Human Resources. The notice should include the reason for resignation and the actual date of resignation.

7.2 Dismissal/Termination of Employment

Dismissals will be made for inefficiency, insubordination, misconduct, or other just cause. The County Administrator, or his/her designee, may dismiss an employee. The County Administrator, or his/her designee shall give the employee written notice of dismissal, including the reasons for dismissal and will send a copy to Human Resources.

A. Unsatisfactory Work Performance or Misconduct – Each need for discipline has varying circumstances and requires the exercise of discretion on the part of the Department Head. Disciplinary action may be taken against an employee for any of the following examples of unsatisfactory work performance and misconduct. These

examples are not a comprehensive listing of possible violations nor are they to be considered as rigid guidelines:

- ❖ Recurring tardiness without reasonable explanation
- ❖ Absence without leave or abuse of Leave policy
- ❖ Violation of policy on drug and alcohol use
- ❖ Serious neglect of work
- ❖ Neglect of duty or refusal to comply with instructions of a supervisor/Department Head
- ❖ Insubordination
- ❖ Deliberate or careless conduct endangering the safety of oneself, other employees, or the public
- ❖ Negligence in the care and handling of County property
- ❖ Theft or misuse of County property or another employee's property
- ❖ Incompetence or inefficiency on the performance of required job duties
- ❖ Use of offensive, abusive, threatening, coercive, indecent or discourteous language
- ❖ Intentional falsification of personnel records, time records, or any other County records or reports
- ❖ Provoking, instigating, or participating in a fight while on duty or on County property
- ❖ Any violations of County policies including sexual harassment
- ❖ Being charged with or convicted of criminal activity
- ❖ Dishonesty of any kind, including falsifications of employment application or history

B. Dismissals for Circumstances that Prevents Employee from Performing their job duties – Employees unable to fulfill their job duties due to circumstances such as those listed below may be removed under this policy. Examples of such circumstances:

- ❖ Loss of driver's license which is required for the job
- ❖ Incarceration for an extended period of time
- ❖ Loss of certificate or license required for the job

7.3 Reduction in Work Force

1. Introduction

There may be a time when the County needs to adjust the size of the work force. Such reduction in the County work force may result from adverse economic conditions, reduction in services, programmatic changes, reorganization, or position abolishment.

The Code of Virginia preserves as a nongrievable management right the ability of the County to define its method of reducing its work force. The County Administrator has the right and obligation to manage the County work force. In determining how a reduction in work force will be implemented, the procedures set forth below shall apply.

2. Procedures

Unless specific instructions to the contrary are received from the Board of Supervisors, the following will serve as a general procedure for a reduction in work force for County employees.

- a. A reduction in work force will be managed on an individual department basis. The County Administrator and the department head together with the Director of Human Resources will identify those organizational sections, job classifications, positions and individuals affected.
- b. Employees of selected classification or positions will be separated based upon a combined criteria of quality of performance on the job, years of service and ability to satisfactorily perform in newly configured position. An employee's total performance record with the County will be reviewed (including performance evaluations, completion of continuing education and education qualifications) to determine if performance is meeting expectations. Those employees achieving less than a Satisfactory rating on their last performance evaluation will be the first considered for reduction in work force. Extraordinary circumstances may cause other considerations to be the basis for determining order of reduction in work force as approved by the County Administrator. Such considerations may include, but are not necessarily limited to, the essential nature of the position and workload.
- c. Whenever possible employees affected will be considered for transfers to a comparable position in their department.
- d. Insofar as is practical, all employees to be separated from employment due to a reduction in work force will be provided with a minimum of two (2) weeks written notice.
- e. Employees separated as a result of a reduction in work force who are designated as eligible for rehire on their separation forms will be given first preference consideration in any reinstatement, reemployment or transfer to a vacant position of the same or lesser classification, provided the individual meets the minimum qualifications for that position. New hire processes must be followed for

reemployment in a position of a higher classification. This preference for reinstatement or reemployment shall be limited to twelve (12) months from the official date of separation due to reduction in work force.

f. Any employee who may be in the process of another administrative procedure (i.e. grievance, EEO complaint, disciplinary action, etc.) is still covered under this procedure. If such an employee is separated from employment due to a reduction in work force, he or she will be entitled to continue, to pursue the other administrative procedure if he or she so chooses. However, it will be done in the status resulting from the effect of the reduction in work force procedure.

3. Department Reorganizations

Notwithstanding anything to the contrary herein, separations from County employment due to departmental reorganizations in which responsibilities, duties and/or lines of authority are changed for more effective operation are not covered by these procedures.

7.4 Exit Interviews

The Human Resources Department may conduct exit interviews of separating employees when it deems necessary, or upon request by employee, supervisor, or County Administrator. Such interviews become a part of the employee's official personnel file and the employee's signature is required to acknowledge the correctness of the information on the interview form.

7.5 Final Settlement

When an employee leaves employment with the county, for whatever reason, he/she shall receive their final paycheck on the next payroll date. Employees, whether probationary and non-probationary, will receive payment for all annual leave up to the maximum number of hours that can be carried forward at the end of the current calendar year, based on length of service. The employee will also be paid for their sick leave balance at a rate of \$15 per eight (8) hours of sick leave. The employee also will be paid for any compensatory leave balance.

Employees who separate from County service must account for and turn in all County equipment or other property in his/her possession or for which they are responsible, including keys, uniforms, tools, equipment, purchase cards, identification cards, books, computers, cell phones, papers, etc. to the Department Head. It is the responsibility of the

Department Head to forward a list to the Human Resources Department of any property held by the separating employee or a statement that all such property has been returned.

Any County property that is not returned upon leaving County employment, will result in having the value of the property deducted from any pay due the employee.

8. Use of County Purchase cards

The County offers a purchase card/purchase card to pre-approved full-time personnel and elected officials who are required to travel or expend on behalf of the County. The employee's Supervisor must give pre-approval to utilize the County purchase card. The County purchase card is designed to provide employees with a convenient method to account for County approved travel and other business expenses without impacting the spending limits of their own personal cards. Employees that are entrusted with County purchase cards maintain the responsibility to care for the cards and secure the cards at all times. It is expected that use of these cards and generated receipts are to be turned in for accounting purposes **immediately** within 1 business day upon return from the business attended. In addition, the employee's Supervisor will also be agreeing to the fact that funds are budgeted for such expenditures. Should an employee not meet the above requirements or misuse County issued purchase cards, they are subject to possible penalties including discipline, legal prosecutions, and termination. [See County Purchase Card Policy.](#)

9. Telecommuting

Telecommuting shall be only through the approval of the County Administrator. The nature of County government business is constituent service. This service is best conducted in person at a designated County location.

10. Health and Safety

10.1 Occupational Safety and Health Act (OSHA)

The County seeks to provide an environment for employees, citizens, and visitors that is compliant with applicable OSHA standards and one in which recognized hazards are corrected. To achieve this goal, every employee is responsible for being safety conscious and conducting themselves in a manner that maximizes safety. Hazardous and unsafe conditions should be reported to Department Heads immediately and efforts should be made to address such hazards as soon as possible.

Each employee is responsible for the safe operation of all County property (equipment, vehicles, etc.) in his/her charge. Employees should be familiar with, and observe at all times, the OSHA requirements and other safety ruled applicable to their jobs.

In the case of an accident on the job resulting in a personal injury or illness, regardless of the severity, employees should notify their Department Head immediately. Failure to report such accidents can result in a violation of legal requirements and can lead to difficulties in processing insurance and benefit claims. The County carries worker's compensation insurance and will assist employees in obtaining all benefits in which the employee being legally entitled to.

If an employee observes unsafe behavior in others, they should promptly report the situation to the Department Head.

10.2 Drug and Alcohol Policy

10.2.1 Drug and Alcohol-Free Workplace

All County property shall be maintained as drug and alcohol-free workplaces. The County forbids any employee or volunteer to unlawfully manufacture, dispense, possess, use, or distribute any controlled substance or alcohol on County property or during working hours. A "controlled substance" is any illegal drug or any controlled substance listed in Schedule I through V of Section 202 of the Controlled Substances Act (21 U.S.C. § 801). Employees and volunteers of the County shall not be involved with activities involving the unlawful application, possession, market, or transfer of controlled substances in any manner. An employee or volunteer must:

1. not have his/her ability to perform job duties impaired by alcohol or any drugs, either legal or illegal, while on active duty or on call, while on County property, or at any time while operating a County vehicle or equipment.
2. not use or possess illegal drugs or alcohol under any circumstances during working hours, while on call, or while operating County vehicles or equipment
3. not use, possess, sell, distribute, or manufacture illegal drugs at any time, or assist another in such acts at any time.
4. report to the Department Head if the employee is using prescription or non-prescription medication that may impair performance of duties or create safety concerns.

5. report all license suspension and revocations and all traffic and motor vehicle related charges and convictions, if the employee operates any County vehicles.
6. submit to alcohol and drug testing when requested to do so by the County Administrator under this policy and in compliance with state and federal laws. Refusal to be tested is grounds for immediate termination.
7. immediately notify the Department Head, Human Resources, or County Administrator if he/she has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs and/or medication.

In compliance with state and federal law, Cumberland County reserves the right to search all County workplaces and County property for the purpose of maintaining a workplace free of drugs and alcohol.

Violation of this policy and regulations will result in appropriate disciplinary action, up to and including dismissal.

10.2.2 Drug and Alcohol Testing

A. Drug and/or alcohol testing may be required in the following instances:

1. **Pre-employment Drug Testing:** A pre-employment drug test may be administered prior to any applicant's duties for employment with the County will begin. Applicants will be notified of such testing no later than the interview phase and will be required to sign a consent form. Any applicant who fails a pre-employment drug test or refuses to consent or take a test will be denied employment and become ineligible for hire by and County department. (See section 2.9 of this policy)
2. **Reasonable Suspicion:** Any employee may be required to submit to a drug and/or alcohol testing within two (2) hours when there is reasonable suspicion an employee is under the influence of drugs and/or alcohol.
3. **Random:** The County Administrator may conduct random unannounced testing of employees at such times as deemed appropriate. No employee shall be removed from the random sampling pool for any period of time.
4. **Post-accident:** When an employee is involved in an accident while utilizing County vehicle or equipment, or is injured on the job, the County

Administrator may require drug or alcohol testing within two (2) hours of the incident.

B. Results

When a controlled substance or alcohol test is positive, or when the employee engages in the prohibited conduct in this policy, the employee shall be disciplined for such conduct. The discipline may be up to, and including, termination. Discipline action may include suspension without pay. Employees in suspension without pay status or who have tested positive for drugs may not have the same FMLA job status protection as other employees.

C. Prescription Drugs

An employee will not be subject to disciplinary action if he/she tests positive for legal drugs as long as they can provide a valid prescription or a medical explanation stating the drug was prescribed and is valid and lawful.

D. Confidentiality

All testing information specifically relating to employees and applicants is confidential and should be treated as such by anyone authorized to review such information. All records and information of any personnel actions involving an employee with positive test results shall be maintained in confidential and secured filed in the Human Resources Department and disseminated only to authorized staff members. Drug and/or alcohol testing shall not be conducted for the purpose of gathering evidence for use in criminal proceedings.

E. Testing for Volunteers

Volunteers shall be subject to the County's Drug and Alcohol Policy. Any volunteer who fails a drug or alcohol test or refuses to submit to such test will be denied the opportunity to volunteer for the County.

11. Vehicle Use Policy

This section applies to all County employees and applicants for employment, who may be required to operate a vehicle on either a full-time or part-time basis in the performance of their duties for the County.

Sheriff's office employees shall comply with the policies of their department.

11.1 County Vehicles

1. County vehicles are to be used for County business only.
2. Drivers of County vehicles must have a valid driver's license issued by the Commonwealth of Virginia.
3. Drivers of County vehicles must have a valid commercial driver's license (CDL) if required for their position.
4. Personal passengers are prohibited in County vehicles.
5. Prior approval from the County Administrator is required to transport anyone other than a County employee.
6. Prior approval from the County Administrator is required prior to driving a vehicle outside of the County unless the employee is conducting County business (i.e., prior to the employee driving a vehicle home)
7. The Driver and all passengers in the County vehicle must obey all motor vehicle laws, including wearing a seatbelt.

11.2 Take Home Vehicle Procedures

County Administrator must approve the vehicle before it can be used for take home use. One of the three following requirements must be met to obtain approval:

1. The employee is required to answer emergency calls or perform work-related functions outside of regular working hours (on-call);
2. There is a need for the employee to have access to a specially equipped vehicle in order to fulfill departmental needs;
3. There is an immediate response time requirement for the employee's service.

If an employee is scheduled to be out of work, the Department Head may require that the County vehicle assigned to the employee be returned to the County grounds for use during their absence.

11.3 Qualifications of Drivers

1. Prior to being hired, all applicants who are required to drive County vehicles must have a valid driver's license issued by the Commonwealth of

Virginia. The applicant may be subject to their driving record being checked by Human Resources.

2. An applicant who has no current license, or whose license is suspended or revoked, shall not be eligible for consideration for hire in any position requiring driving a County vehicle.

3. All drivers must immediately report any change in their license status to their Department Head.

4. Drivers must notify their Department Head within twenty-four (24) hours of any charge and/or conviction of the following violations: any driving related offense; driving under the influence of drugs or alcohol; refusal to submit to a blood or breath test for determination of drug or alcohol content; reckless driving; leaving the scene of an accident; eluding police; committing a drug offense, regardless of whether or not a motor vehicle is involved; committing a felony involving the use of a motor vehicle, or any other serious offense involving a vehicle. Failure to make this notice will result in disciplinary action by the County.

5. A driver who is involved in any accident with a County vehicle, regardless of how minor, must notify the local law enforcement authorities and obtain a police report of the incident.

6. If an employee or volunteer fails to meet driving standards and is in a position where operating a vehicle is essential to the County, appropriate action will be taken up to, and including, termination. Failure to comply with the standards shall be considered cause for dismissal, or other disciplinary measures. A driver receiving a ticket for failing to adhere to driving standards, is solely responsible for the cost(s) associated with such violations.

11.4 Cell Phone Use While Driving

Employees whose job responsibilities include regular or occasional driving must refrain from using a cell phone while driving. Texting on either a personal or County issued device is strictly prohibited while operating a County vehicle. Employees who are charged with traffic violations resulting from the use of their cell phone or other mobile devices while operating a County vehicle will be solely liable for all liabilities that results from such actions. Violators of this policy are subject to discipline, up to and including termination.

11.5 Mileage Reimbursement

Employees shall use the most cost effective means of transportation. Employees are strongly encouraged to use a County vehicle for necessary travel. If it is not practical to

use a County vehicle for travel, employees may seek advanced approval to use a personal vehicle for necessary travel and be reimbursed for mileage. An employee who voluntarily chooses to use his/her personal vehicle for required travel without prior authorization will not be reimbursed for mileage. When available, employee carpooling is encouraged. The Department Head or Constitutional Officer reserves the right to specify that a County vehicle must be used for certain types of travel. Employees may not use County vehicles when combining work related travel and personal leave. County employees who are required to use their personal vehicle to conduct County business will be reimbursed by the County at the Internal Revenue Service mileage rate. Employees request mileage reimbursement by submitting the Reimbursement Form provided by the Finance Department. This form must be filled out, signed by the employee and signed by the Department Head. The Reimbursement Form is then submitted to the Accounts Payable Department and the reimbursement will be issued to the employee. Tolls and reasonable parking fees are also reimbursable expenses and can be submitted on the same form. Parking and moving violations are the responsibility of the employee, whether driving a County or personal vehicle.

12. Secondary Employment

County Employment for full-time staff is considered primary employment.

County employees may not engage in outside businesses or professional activities or accept employment in private enterprises if such activities or employment will:

- A. Be in conflict with the interests of the County Government;
- B. Interfere with the performance of job, work schedule, or official duties; or
- C. Use or appear to use information obtained in connection with official duties which is not generally available to the public

All secondary employment must be approved in advance by the County Administrator.

13. Computer, Phone, and Mobile Device Acceptable Use Policy

13.1 Purpose

This policy establishes the minimum standards for all County employees and volunteers to ensure the appropriate, responsible, and safe use of electronic communications, regardless of the system utilized.

13.2 Applicability

This procedure applies to all full-time, part-time regular and part-time County employees, contractors, interns, on-call workers, and volunteers connecting to the County resources.

13.3 Responsibilities and Requirements

All County employees and volunteers must comply with this policy. Any work-related posting to the facsimile, internet or intranet or E-mail system is a professional communication in your capacity as a County employee or volunteer. The tone must be professional, and the content must be accurate.

Inappropriate or unauthorized use, including using the facsimile, network, internet, intranet, or e-mail system in any fraudulent manner will result in disciplinary action.

A. Retention of Electronic Communication

Electronic communications shall be archived and retained as defined by the Virginia Public Records Act and managed by the Library of Virginia.

B. Acceptable Use

County issued electronic communication tools are provided to facilitate effective and efficient County operations. Authorized purposes may include occasional personal communications from the employee's workplace, when such communications are of short duration, and whenever possible, made before/after work or during lunch or authorized breaks.

The Acceptable Use Policy also applies to the use of personally owned electronic devices while at the workplace, whether connected to a County network or using a County publicly accessible Wi-Fi connection. In areas where employees must share equipment or resources for network access, employees using the resources to fulfill job responsibilities always have priority over those desiring access for personal use.

Use of personally-owned electronic devices in the employee's work area are left up to the discretion of department management. Use of streaming media

(such as Internet Radio) on County devices is also left up to the discretion of the department management, unless it is determined by the IT Department that it creates a disruption or problem within the County network or on an individual workstation, in which case such use is prohibited.

C. Use Requirements

When using electronic communications tools and social media, users shall:

1. Follow all applicable County policies. Users may not violate any provision of this policy, or any other policy, regulation, law or guideline as set forth by local, State or Federal law. This may include but is not limited to copyright laws, trademark laws, and other requirements.
2. Be responsible and professional in their activities.
3. When communicating or posting to social media, be clear that the communication or posting is personal and is not a communication of the County.
4. Exercise the appropriate care to protect the County's electronic communication tools against the introduction of viruses, spyware, malware, or other harmful attacks. Check with the appropriate IT Staff prior to downloading or accessing a file or document if the source of the file or other circumstances raises doubts about its safety.
5. Maintain the conditions of security (including safeguarding of passwords) under which they are granted access.

D. Prohibited Use

The following activities are prohibited on County electronic devices unless required for law enforcement activities:

1. Intentionally accessing, viewing, downloading, uploading, posting, or transmitting information that is abusive, offensive, harassing, threatens violence, or that discriminates based on race, color, religion, gender, national origin, age, or disability.

2. Intentionally accessing, viewing, downloading, uploading, posting, or transmitting sexually explicit material. Sexually explicit material includes any description of or any picture, photograph, drawing, motion picture film, digital image or similar visual representation depicting nudity, sexual excitement, or sexual conduct of any kind.
3. Operating a business, product advertising, or conducting business for profit or personal gain.
4. Using County e-mail systems excessively for personal use. Use of County email is intended primarily for official County business. Personal use, if necessary, should be limited to incidental use and is subject to review and enforcement for abuse and misuse.
5. Gambling.
6. Arranging for the sale or purchase of illegal drugs or illicit activity.
7. Communication with elected representatives or public or political organizations via County e-mail to express opinions regarding political issues outside of work-related communications.
8. Sending of Countywide e-mail or e-mail broadcasts without first obtaining approval by the County Administrator or his/her designee.
9. Reproduction or transmission of any material in violation of any local, State, Federal or international law or requirement, including material that does not comply with federal copyright or trademark laws and copying or reproducing any licensed software, except as expressly permitted by the software license.
10. Electronically transmitting confidential information outside of the County network to external sources.
11. Intentionally creating a computer virus and/or placing a virus on

the County's network or any other network. Intentionally drafting, forwarding, or transmitting chain letters. Intentionally accessing a computer without authorization or by a means exceeding authorized access using the County's network or any other network (Hacking).

12. Any attempt to gain access to any other system or user's personal computer data without the consent of the other system or user.
13. Intentionally circumventing security and control features associated with County filtering policies or other Internet policies by using publicly accessible Internet wireless networks (such as Verizon air cards or public Wi-Fi) from County devices for purposes other than approved, official County government business.
14. Downloading or installing software without IT Department approval.
15. Forwarding of County email which constitutes official County government correspondence to a personal email account (such as Yahoo, GMAIL, or other Internet based email accounts), which reduces the ability to routinely manage the content.
16. Any other use of the network that violates Cumberland County policies or Code of Ethics.

13.4 Posting or Transfer of Confidential or Inappropriate Information

Sensitive or confidential information that needs to be protected for governmental business, legal, or regulatory reasons must not be posted to the internet or transmitted insecurely. County Employees shall use secure file and large file transfer protocols developed by the IT Director.

County personnel and volunteers are prohibited from the following:

1. speech or images containing obscene, vulgar, or sexually explicit activity or language;
2. speech or images that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals;

3. speech or images that reflect behavior that would reasonably be considered reckless or irresponsible;
4. speech or images that reflect negatively on the County; and
5. discussion of sensitive, confidential, proprietary, or classified information.

Examples of social media or online postings that are inappropriate, and for which an employee or volunteer may be disciplined include, but are not limited to, posts or comments that:

- A. impair the performance of your duties;
- B. impair discipline and harmony among coworkers;
- C. impair working relationships of the County;
- D. interfere with County business or operations;
- E. disclose confidential or sensitive information; or
- F. negatively affect the public perception of the County.

The employee or volunteer should be aware of their association with the County in online social networks. The employee or volunteer should assume that his/her speech and related activities on social media sites will reflect upon the County. The employee or volunteer shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment unless it is already public information. The employee or volunteer should ensure their profile and related content is consistent with how they want to present themselves as a County employee or volunteer, appropriate with the public trust associated with the position, and consistent with County and departmental personnel policies.

The employee or volunteer is prohibited from posting department logos, uniforms, or anything else identifying the department or County on a social media site or web page in a manner that reflects poor judgment or unprofessional actions.

13.5 Disciplinary Action for Violation of this Administrative Policy

Violation of this policy shall result in disciplinary action, up to and including termination and restitution for all incurred damages and repair costs to the County's Equipment, Network, and Services, to include downtime that may occur.

13.6 Ownership & Management of County Information

All County owned computer systems, hardware, software, and any related systems

and devices are the property of Cumberland County. These include, but are not limited to, network equipment, e-mail, documents, spreadsheets, calendar entries, appointments, tasks, and notes, which reside in part or in whole on any County computer system or equipment. Accordingly, information stored on such systems or devices is also County property and subject to review at any time. Employees and volunteers have no expectation of privacy in the use of County resources. Electronic mail records are accessible by the IT Department staff as necessary.

Additionally, the County Attorney, County Administration, Human Resources and the Police Department may have reason to review the electronic files of employees and volunteers, which may be shared with others as necessary for legal and/or policy enforcement reasons. All County department directors shall work through the Police Department, County Attorney or Human Resources to evaluate the need to review electronic records of an employee pursuant to an investigation. The Police Department, County Attorney or Human Resources Department may then request permission from the County Administrator or designee for the retrieval of records and forward that permission to the Director of Information Technology or designee for processing. In the event that an employee or volunteer is unexpectedly unavailable for other than disciplinary reasons and access to the employee's/volunteer's records is needed to support the ongoing operation of the business, the department director may request access to the electronic records from the Director of Information Technology or designee.

As with any other data (whether for citizens or employees), computerized information maintained by the County is subject to federal, state and local laws. Any County business e-mail or other communications, regardless of origin, may be subject to disclosure under the Virginia Freedom of Information Act ("VFOIA"), the Privacy Protection Act, and judicial subpoena. Since privacy cannot be assured within email systems, confidential information shall not be transmitted by non-secure email.

13.7 Security of Cumberland County Technology Resources

Users are responsible for the use of their user account and should take all reasonable precautions to prevent unauthorized persons from being able to use their account. No one shall share their passwords. For business continuity and emergencies, exceptions may be granted with Director of Information Technology (or County Administrator) and Department Head approval. All passwords shall follow applicable County password management standards. It is the responsibility of every employee/volunteer to report suspected security breaches immediately to the IT

Department by contacting the main phone number to report a suspected breach.

Music/Video files: Music/Video files are not authorized to be stored on county computer systems to prevent violation of copyright infringement laws. If music/video files are found during routine scans of network systems, the IT department will remove them and the user will be notified via e-mail.

Picture files: Non-Work related/Personal Picture files are not authorized to be stored on the County's servers. If Non-Work related/Personal Picture files are found during routine scans of network systems, the user will be notified via e-mail to (re)move the files by a certain time and/or date. If the files are not (re) moved by the time specified, the IT department will remove them.

13.8 Filtering

The IT Department will install and maintain filtering software for all County computers. Internet filtering of County computers is in accordance with the prohibitive uses described in Section 1.3(D). Exceptions to the filtering requirement may be made on an individual employee basis for appropriate governmental purposes. Department Heads should forward such request in writing to the Director of Information Technology for approval, identifying the individual employee and/or physical personal computer requesting the exception and the reason the exception is needed. The IT Department will maintain a list of unfiltered devices and users, which shall be periodically audited. The filtering of County computers does not relieve persons from the requirements specified in this policy, nor does it provide a defense to violations of this policy.

The IT Department also maintains SPAM filters which automatically filters and removes suspect or dangerous email from delivery and places them into a SPAM folder. Incoming e-mail that could be interpreted as SPAM may include, but is not limited to, unacceptable file extensions (such as .exe files), excessively large size file attachments, objectionable content based upon subject title, and recognized malware or virus signatures. End users are provided the capability to manage their SPAM folders but should exercise extreme caution in removing items designated by the system as SPAM.

13.9 Distribution of Electronic Information, Internet and Network Resource Policy to County Employees; Employee Acknowledgment

A copy of the Electronic Information, Internet, and Network Resource Policy shall be distributed to each County employee with an Employee Acknowledgement. Each County employee shall acknowledge receipt of the Policy by signing and dating the Employee Acknowledgement form in the presence of a witness who shall also sign and date the Acknowledgement. The executed Employee Acknowledgement shall be returned to the Human Resources Department for filing in the respective employee's personnel file.

13.10 FOIA:

Information that documents any County business, transaction or activity by or with any public officer, agency or employee of an agency, regardless of the physical form or characteristic is considered a public record. Electronic correspondence that conducts County business is subject to the same public record standard including but not limited to email, instant messaging, text messaging, and social media.

14. Conflict of Interest

Employees are in a position of public trust; therefore, they may not engage in any other activity, either privately or officially, where a conflict of interest may exist. Employees should never accept gifts, gratuities, or rewards for any services which they perform in their jobs. Additionally, County employees are prohibited from using information obtained while performing their job to influence or further their own personal interests. All employees are subject to the Virginia Conflict of Interests Act, § 2.2-3100 et. seq. of the Code of Virginia, which prohibits an employee from engaging in a transaction or contract in which the employee has a financial interest which comes to him/her directly or through an immediate family member. It is a crime to violate this Act and an employee should seek advice prior to engaging in an activity for which a conflict of interest may exist.

15. Emergency Closings

This policy establishes responsibilities and prescribes procedures for employees during adverse weather conditions and other emergency events. This policy applies to regular full-time employees. Public Safety/Emergency Response personnel are considered essential and are exempted from this policy.

Essential Personnel: When leave for inclement weather or other emergency is declared, essential personnel must report to work. Essential personnel are those employees, designated by County Administrator, the Department Head or designee, who due to the nature of the emergency which has occurred, must report to work to ensure that public

health and safety needs or critical departmental requirements are met. The County Administrator, designee, and/or Department Head shall predetermine and designate the mandatory/essential operations that will remain open and designate the essential personnel to staff these operations. Should an essential employee not be able to report to work when the offices have been closed due to transportation problems, the essential employee must advise his/her immediate Supervisor and transportation may be provided to the essential employee in reporting to work. Essential employees who do not report to work and who do not call their immediate Supervisor may be subject to appropriate disciplinary action as determined by the County Administrator and the employee's immediate Supervisor.

All employees may be determined as essential personnel in the event of an emergency. During such events, those employees not reporting for duty must use annual or compensatory leave for those work hours required by the County.

- A. Cumberland County will make every reasonable effort to open its facilities to the public as scheduled, consistent with safe access for staff and the public. Whenever it is determined that the safety of employees and citizens would be at risk or that the conditions would prevent the operations of the county to operate at full capacity, closures or alterations to work schedules may be deemed necessary.
- B. The County Administrator is responsible for determining whether a delayed opening, early closure, or a full day closing of County offices is necessary due to inclement weather or other type of emergency.
- C. The presiding judge of the respective courts will determine the delays or closures for the courts.
- D. Employees should use their own judgment when they feel that the roads or other conditions are unsafe for travel. Employees may use their annual leave in these situations, if the county is operating on a regular schedule.
- E. During times of emergency or inclement weather, it is the employee's responsibility to confirm the delayed openings or closures. Closings and delays will be advertised on local/TV announcements. If the employee has any doubts, they should contact their Department Head or Constitutional Officer.
- F. Employees will not be required to make up regularly scheduled time missed due to county offices being closed during inclement weather or emergencies.
- G. When County offices are closed, part-time employees are paid only for those hours actually worked.
- H. Essential Employees: Essential employees are those who may be required to work during emergency conditions as designated by their Department Head or County Administrator.
- I. Public Safety Personnel During Approved Closures: Public Safety Personnel will work regularly scheduled hours regardless of County offices closures and may also

be required to work over regularly scheduled hours to meet the needs of the department.

15.1 Partial Day Closings

For non-exempt essential employees, any work performed before a late opening (i.e., between 8:30 a.m. and the late opening, or regularly scheduled shift) or after an early closing hour (i.e., between the early closing and 4:30 p.m. or regularly scheduled shift) will be considered regular hours worked. Administrative Leave equal to the number of hours that the County is officially closed between 8:30 a.m. and 4:30 p.m. should be noted on the timesheets of all non-exempt employees.

15.2 Full day Closings

Non-exempt essential personnel who are required to report to work for their regularly scheduled hours (entire day) during the hours that the County is closed due to adverse weather or emergency situations will be credited two and one half (2.5) hours of Administrative Leave in addition to credited hours worked. If the number of hours worked is less than their regularly scheduled hours, those hours shall be counted as regular hours worked. All regular full-time, non-exempt employees shall note their regularly scheduled number of hours as Administrative Leave on the employee's timesheet.

16. Disciplinary Process

County employees are expected to conduct themselves in a professional and courteous manner in the performance of their duties. Employees are expected to avoid any action, which may result in giving preferential treatment to any organization or person, losing independence or impartiality of action, or adversely affecting the integrity of the County.

16.1 Disciplinary Actions

In the event that a non-probationary employee fails to meet acceptable standards of performance and behavior, the Department Head may choose one of several disciplinary actions, depending on the nature and seriousness of the problem. Any action other than reprimand should be taken only after consultation with the County Administrator. Prior to all dismissals, the employee will be given notice of the proposed action, reason for the action, and an opportunity to respond.

16.2 Progressive Discipline

It is the responsibility of each Department Head to maintain consistent, fair and high standards of discipline. The following are several disciplinary actions which may be used in a progressive manner appropriate to the nature and seriousness of the problem. The following list of disciplinary actions includes examples of progressive actions but is not intended to be an exhaustive list. The County retains the right to discipline in a manner that promotes the effectiveness and the integrity of the County. This policy does not modify the status of employees as employees-at-will nor in any way restricts the County's right to impose discipline without consideration of progressive discipline. Depending on the nature and seriousness of the problem, the appropriate level of discipline may be imposed without consideration to the progression. For example, it is not necessary to issue an Oral or Written Reprimand if the offense is of such a nature to warrant a suspension or termination. All written documents pertaining to the employee are part of the personnel record and copies will be given to the employee, to the County Administrator, and placed in the employee's personnel file in Human Resources.

ORAL REPRIMAND:

The Department Head will verbally discuss the problem with the employee as well as what corrective action is expected of the employee. The Department Head will document the reprimand in writing.

WRITTEN REPRIMAND:

The Department Head may issue the employee a reprimand in writing, documenting the offense and stating a corrective course of action. These records remain active, and multiple active records will result in progressive disciplinary action, up to and including termination.

CONDITIONAL STATUS:

The County Administrator may place the employee in "Conditional" status with a written reprimand and a Corrective Action Plan. A Conditional status allows the employee a specified period of time to improve their performance. The Corrective Action Plan must have specified time frames for review. Failure to meet the conditions of the Corrective Action Plan will result in further disciplinary action, up to and including termination.

SUSPENSION:

Suspension is the removal of the employee from job duties for a determined period of time. Suspensions must be documented in writing, recommended by the Department Head, reviewed and approved by the County Administrator, or his/her designee. All disciplinary suspensions are without pay. The length of time will depend on the seriousness of the offense.

INVOLUNTARY DEMOTION:

Involuntary Demotion is the movement from one classification to another with a lower pay grade approved by the County Administrator based on the availability of a lesser position.

DISMISSAL/TERMINATION:

If an employee is terminated, such dismissal shall be effective immediately, unless there are extenuating circumstances which the County Administrator determines require that the effective date of dismissal occur at a later date or time. Only the County Administrator and his/her designee has the authority to terminate a County employee.

Reasons for dismissal may include, but are not limited to the following:

- A. Neglect of duty: flagrant or repeated poor performance: non-compliance with applicable rules, laws and policies; loafing or sleeping on the job.
- B. Inadequate or unsatisfactory work performance.
- C. Unauthorized absences: failure to report to work or tardiness without proper authorization by Department Head.
- D. Excessive absences: absences so frequent and/or irresponsible as to seriously impair the department's functionality. Full-time employees that excessively use or abuse the LWOP policy are subject to termination.
- E. Alcohol/Drugs: reporting to work under the influence of or impaired by alcohol and/or illegal drugs and narcotics or the use, sale, dispensing, or

possession of alcoholic beverages and/or illegal drugs and narcotics on County premises.

- F. Insubordination: refusal to perform assigned duties; refusal to follow management's instructions concerning job-related matter; use of physical violence or offensive language to a superior or the public: open defiance.
- G. Gross violation of acceptable behavior: any activities disrupting normal work routine or creating a risk of danger to the safety of others; provoking, instigating or participating in an argument or physical altercation on County property; assaulting, threatening or intimidating other employees, the public/visitors.
- H. Fraud and/or intentional waste or misuse of County property or funds: stealing, destroying, defacing, or misusing County property or property of other County employees or visitors; unauthorized use of County property or equipment (including the internet/phones).
- I. Violation: of the County's privacy policies and procedures or security policies and procedures relating to use of information systems.
- J. Falsification of information: falsification or altering and County record or report, such as an application for employment, medical record/note, a time record, an expense report, etc.
- K. Conviction: of a felony, sex offense, offense involving moral turpitude, or other related offenses.
- L. Harassment/Unlawful discrimination: sexual harassment, or any other conduct that is inconsistent with the policies and Code of Conduct adopted by the County.

Deliberate and intentional misuse of funds will be met with the strongest disciplinary action. If an employee is criminally convicted or terminated due to misuse of County property or funds, he/she may be ineligible to receive certain benefits (health insurance under COBRA, VRS retirement benefits, etc.).

16.3 Confidentiality

Employees having access to personal information or data shall maintain the confidentiality of that information and will release that information only in accordance with the Government Data Collection and Dissemination Practices Act and any other regulations which are applicable to a specific program. Failure to adhere to those requirements and to maintain the confidentiality of personal information may result in disciplinary action, up to and including termination.

16.4 Administrative Leave Pending Investigation

In cases involving alleged serious misconduct, such a major breach of policy or violation of law, the employee may be immediately placed on administrative leave pending investigation onto the matter. Administrative leave pending investigation is with pay. In certain circumstances, administrative leave without pay may be approved by the County Administrator.

17. Employee Grievance Procedure

17.1 Purpose

The purpose of the Employee Grievance Procedure is to afford an expeditious and impartial method for the resolution of employment disputes that may arise between the County and employees ([see §15.2-1507 of the Code of Virginia](#)). Employees who believe that they have been disciplined too severely or who question the reason for receiving disciplinary action may utilize the County's grievance procedure to challenge such action.

17.2 Coverage of Personnel

- A. All full-time and part-time employees who are in non-temporary, or non-probationary positions, except as noted in (B) and (C) below, are eligible to file grievances.
- B. The following are not allowed to file grievances:
 - 1. Employees appointed by the Board of Supervisors or other elected groups or individuals;
 - 2. Officials and employees who, by charter or other law, serve at the will or pleasure of an appointing authority.
 - 3. Deputies and Assistants to the County Administrator;
 - 4. Department Directors

5. Employees whose terms of employment are limited by law;
 6. Temporary or probationary employees and paid interns; and
 7. Law-enforcement officers as defined in Chapter 5 (§ 9.1-500 *et seq.*) of Title 9.1 of the Virginia Code and who have elected to proceed pursuant to those provisions in the resolution of their grievance, or any other employee electing to proceed.
 8. Employees of any Constitutional Officer
- C. Employees in restricted positions may not have access to the grievance procedure to challenge the termination of employment because the grant or special funding has ended.
- D. An employee who has been terminated will not have access to the grievance procedure, except to grieve the termination. Such grievance must be filed within twenty (20) days of the termination date. Any grievance initiated by an employee prior to the termination may, at the employee's option, continue through the grievance process.

17.3 Matters That Can Be Grieved

A grievance is a complaint or dispute related to a covered employee's employment which involves, but not necessarily limited to:

- A. Allegations of adverse action, which is defined as an action or consequence to which a person in the County service may be subjected to disciplinary purposes, including the following:
1. Termination of employment;
 2. Suspension without pay;
 3. Administrative leave without pay;
 4. Involuntary demotion, except as permitted in 14.3 (F) below;
 5. A written reprimand;
 6. Disciplinary transfer

“Adverse Action” does not include any termination, lay-off, suspension of employment because of reduction in workforce, job abolition or expiration of a term of contractual employment; nor does “adverse action” include employee counseling with Department Head or County Administrator concerning job performance or employee behavior that does not include one of the actions listed above.

B. Disputes or complaints concerning the application of this employee personnel manual, or rules, regulations, and policies and procedures adopted within the manual, including the application of policies. However, neither the content nor the consistent, non-discriminatory interpretation of the employee manual, or rules, or regulations, policies and procedures adopted shall be subject to employee grievance under this procedure;

C. Acts of retaliation as the result of utilization of the grievance procedure, participation in the grievance of another County employee or retaliation for assisting another employee in making or demonstrating a complaint of discrimination or harassment under Section E below;

D. Harassment of an employee by his/her supervisor;

E. Discrimination or harassment on the basis of race, national origin, color, creed, sex, disability, age, or political activity or affiliation, or retaliation for making a complaint of such discrimination or harassment;

F. Notwithstanding the provisions of Section 14.4 below, terminations resulting from formal discipline or unsatisfactory job performance;

G. Acts of retaliation because the employee has complied with any law of the United States or of the Commonwealth, or any ordinance of Cumberland County; has reported any violation of such law to a governmental authority; or has sought any change in law before Congress of the United States, the General Assembly, or the Board of Supervisors.

17.4 Matters that Cannot be Grieved

The County Administrator reserves the exclusive right to manage the affairs and operations of the County government. Accordingly, the following complaints are not grievable:

A. Establishment and revision of wages or salaries including performance evaluations, and pay raises, position classifications or general benefits;

B. Work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the job content;

- C. The contents and/or consistent, non-discriminatory interpretations of ordinances, statutes or established personnel policies, procedures, rules and regulations;
- D. Failure to promote, except where an employee can show established promotional policies or procedures were not followed or fairly applied;
- E. The methods, means and personnel by which work activities are to be carried on;
- F. Termination, layoff, demotion, or suspension from duties because of the lack of work, reduction in work force, or job abolition;
- G. The hiring, promotion, non-discriminatory transfer, assignment, and retention of employees within the County service; and
- H. The relief of employees from duties in emergencies; and
- I. Evaluation of the work of County employees

17.5 Standing to Pursue a Grievance

A grievant must be personally and directly affected by an occurrence or condition before he/she will be permitted to pursue a grievance. For example, no employee may grieve another employee's job performance unless such job performance directly and adversely affects the grievant's own employment. Disputes as to an employee's standing to file a grievance will be determined as any other dispute as to grievability.

17.6 Determination of Grievability

A. Decisions regarding whether or not a matter is grievable under this procedure, including the question of access to the procedure, will be made by the County Administrator or his/her designee within ten (10) days of the request of such a determination.

B. Decisions by the County Administrator that an issue is not grievable may be appealed by the employee to the Circuit Court in Cumberland County as provided in §§15.2-1507 and 2.2-3006(B) VA Code Ann. In accordance with those sections, proceedings for the review of the decision of the County Administrator can be appealed by filing a notice of appeal with the County Administrator within ten (10) days after the date of his/her decision as to grievability, and by giving a copy of the

notice to all other parties to the grievance. Within ten (10) days after receiving the notice of appeal, the County Administrator will transmit to the Clerk of Circuit Court a copy of his/her 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 will also be furnished to the grievant. The failure of the County Administrator to transmit the record within the time allowed will not prejudice the right of the grievant.

C. Within thirty (30) days of receipt of such records by the Clerk of Court, the Court, sitting without a jury, shall hear the appeal on the record transmitted by the County Administrator 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 decision of the Court is final and is not appealable.

17.7 Compliance with Procedure

After the initial filing of a written grievance, the failure of either party to comply with all substantial requirements of the grievance **procedure** without just cause will result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the non-compliance within five (5) work days of receipt of written notification by the other party of the compliance violation. Such written notification by the employee shall be made to the County Administrator, who shall make a determination regarding compliance with these procedures. The County Administrator may require a clear written explanation of the basis for just cause extensions or exceptions.

17.8 Grievance Procedure

The role of the Director of Human Resources or designee (the “Coordinator”):

- i. The Coordinator shall advise both employees and Cumberland County (the “County”) in matters concerning the Grievance Procedure.
- ii. When a grievant appeals to Step III or Step IV of the Grievance Procedure, the Coordinator shall transmit the grievance record to the County Administrator for Step III grievances, or the grievance panel for Step IV grievances, with a listing of the documents transmitted to the panel provided to the grievant and his/her representative, as the case may be.

iii. During Step III and Step IV, the Coordinator shall serve as the facilitator and advisor on procedural and personnel-related matters.

General Procedural Rules:

- i. Whenever practical, all grievance meetings and hearings will be held during normal County working hours.
- ii. County employees who are necessary participants at grievance hearings and/or meetings shall not lose pay for time necessarily lost from their jobs and will not be charged leave because of attendance at such hearings.
- iii. No recording or reporting equipment or devices will be permitted.
- iv. Where a grievant has obtained partial relief at one level of this grievance procedure but decides to appeal to the next higher level, the filing of a request to the next higher level shall constitute rejection of, and relinquishment of any claim to, any and all relief granted at the previous level.

An employee wishing to file a grievance shall have the right to follow all steps of this procedure as listed below with complete freedom from reprisal. Except for the final management (Step III), the only persons who may be present in a management step meeting are the grievant and the appropriate County official at the level at which the grievance is being heard. Witnesses may appear during the management steps (Steps I through III) of these procedures, but shall only be present when actually providing testimony.

a. Step I (Supervisor)

A grievance must be initiated in writing to the employee's immediate supervisor within twenty (20) calendar days after the event giving rise to the grievance. If the last day to file the grievance falls on a Saturday, Sunday, or an official County holiday, then the final day for filing the grievance shall fall on the next work day. The supervisor/Department Head or person who issued the discipline shall schedule a meeting within five (5) work days, or later if agreed to by both parties, to discuss the grievance with the employee and make an inquiry into the facts and circumstances of the complaint. The supervisor who issued the discipline shall give the employee a written response within five (5) work days following the discussion of the grievance. If the grievance alleges discrimination or retaliation, the employee may initiate the grievance with the supervisor above the person(s) who allegedly discriminated or retaliated (e.g., Department Head or the County Administrator).

b. Step II (Department Head)

If the grievance is not resolved as a result of Step I, the employee may within five (5) work days thereafter file a written grievance with the Department Head. The employee must be sure that the written grievance is complete in all detail and specifies relief expected. No additions, deletions or adjustments to the written grievance will be allowed or accepted at a later point within the procedure. The Department Head will have a meeting to discuss the complaint with the employee within five (5) work days, or later if agreed to by both parties, following receipt of the written grievance. Within five (5) work days following the meeting, the Department Head must respond in writing to the employee outlining the decision and the reason therefore.

In the event that the employee's supervisor is the Department Head, the employee should omit Step I and proceed to Step III.

c. Step III (County Administrator)

If the Department Head's response does not resolve the grievance, the employee may within five (5) work days thereafter file a written request for a meeting with the County Administrator. A copy shall also be sent to the employee's Department Head. Upon receipt of the written request for a hearing, the County Administrator shall, within five (5) work days, schedule the meeting for a date within 10 work days, or later if agreed upon by both parties. The procedural rules for Step III of the Grievance Procedure are:

1. The grievant may have present at the meeting a representative or legal counsel, the County may be represented by the County Attorney or other appropriate legal representative.
2. The County Administrator may request the presence of the Department Head or any other County official, including the Coordinator at the meeting.
3. Witnesses for either side may appear. Witnesses will be asked to remain outside the meeting room until called upon.
4. The County Administrator shall afford full and equal opportunity to all parties to present any material and relevant facts.

5. The parties or their counsel, if present, may make opening and closing statements; however, such statements must be confined to explaining or clarifying the presentation of facts. The opening and closing statements shall each be limited to no more than ten (10) minutes
6. The grievant shall proceed first with his/her presentation of facts supporting the remedial action requested by the grievant with an opportunity given to the County for questions. If the grievant has any witnesses, they may be called upon at this time.
7. Following the presentation of facts by the grievant, the County will proceed with its presentation of facts with an opportunity given to the grievant for questions. If the County has any witnesses, they may be called upon at this time.
8. Following presentation of facts by both sides, the County Administrator may ask further questions, as he/she deems appropriate, including asking witnesses, if any, further questions.

The County Administrator shall give the employee a written reply within five (5) work days after the conclusion of the meeting. A copy of the reply shall be sent to the employee's Department Head.

d. Step IV (Grievance Panel)

If the County Administrator's reply does not resolve the grievance the employee may within five (5) work days thereafter request that the grievance be submitted to a panel hearing. Such request must be in writing and made to the County Administrator.

In submitting this written request, it is not necessary that the employee again provide a written statement of what has occurred as this was contained in the employee's written grievance submitted at Step II and as a part of the record will be made to the grievance panel.

e. Appointment of Grievance Panel

Within ten (10) work days after the date of the written request for a panel hearing, a panel shall be chosen.

To ensure an impartial panel, such 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. Employees that 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 or first cousin. No attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee or co-employee of such an attorney shall serve as a panel member. The employee and the County Administrator shall each respectively select a panel member within ten (10) work days. A third member shall be chosen by the first two (2) appointees within ten (10) work days. If no agreement on a third member can be made, the selection shall be made by the Judge of the Circuit Court. The third panel member shall be the chairperson of the panel. In employee termination and retaliation cases, the County at its sole discretion may choose to have an administrative hearing officer selected by the Executive Secretary of the Supreme Court serve as the third panel member. The County shall bear the expenses of such administrative hearing officer, when selected. The panel shall not have the authority to do any of the following:

- a. Formulate policies or procedures
- b. Alter existing policies or procedures
- c. Circumscribe or modify the rights of the County as outlined in this procedure
- d. Exonerate the employee from all discipline when the fault or responsibility of the employee is established by a preponderance of the evidence, or when the employee admits such fault or responsibility.
- e. Grant relief greater than that which the grievant has requested in the request, or grant relief which is inconsistent with law or County policy.

18. Hearing

Within ten (10) work days from the date of selection of the full panel, the panel shall establish a date, time and place for the hearing. The panel chairperson shall immediately notify all parties of the date. The hearing must be held in the County and the County must arrange a place for the hearing. The employee may have present at the hearing a representative or legal counsel at the employee's expense. The grievant shall not be entitled to damages or attorney's fees.

The conduct of the hearing shall be as follows:

- a. The panel which hears the final grievance appeal is the last administrative step in the resolution of the grievance. The panel has the responsibility for determining whether the County policies and procedures have been applied properly in each instance. The panel

does not have the authority for formulating policies or procedures and cannot change any such policies or procedures. In determining whether to award back pay for loss of salary, the panel may not order the payment of money in excess of the available appropriation at the time of hearing.

b. The panel shall determine the propriety of attendance at the hearing of the persons not having a direct interest in the hearing. Both the grievant and the County may be represented by legal counsel or other representative at the hearing. In addition to legal counsel, the County shall be allowed at least one management representative, of the County's choosing, and a representative from Human Resources present during the entire hearing.

i. The parties or their counsel may make opening and closing statements of no more than fifteen (15) minutes; however, such statements must be confined to explaining or clarifying the grievant's case, rather than introducing evidence outside the record.

ii. The grievant will proceed first and present his/her case supporting the remedial action requested by the grievant. Witnesses will testify at this time and are subject to cross-examination by the County and the Panel.

iii. Following presentation of case by grievant, the County will present its case with an opportunity for cross-examination by the grievant and the Panel. Witnesses for the County will testify at this time and are subject to cross-examination by the grievant and the Panel.

c. Copies of the written record in the case from Step II and Step III shall be provided to the panel members by the Coordinator. A listing of documents provided to the panel shall be provided to the grievant and his/her representative. In addition, the grievant and his/her attorney, at least ten (10) days prior to the hearing, shall be allowed access to and copies of all relevant files intended to be used in the grievance hearing upon the request of the grievant. During the course of the hearing, the panel shall also determine the admissibility and presentation of materials and/or exhibits other than the grievance record.

d. Without regard to burden of proof, the panel has discretion as to the order of the presentation of information or evidence by the parties, but shall afford full and equal opportunity to all parties for the presentation of such materials. Both the grievant and the County may call appropriate witnesses. Witnesses shall be present only while actually giving testimony, except for the management and Human Resources representative, who may remain throughout the hearing.

e. The parties may offer evidence and shall produce such additional evidence as the panel may deem necessary to an understanding and resolution of the dispute. The panel shall determine the relevancy and materiality of the information and/or evidence and may ask clarification questions of any person appearing before the panel. All evidence shall be presented in the presence of the panel and of the parties except by mutual agreement of the parties.

f. Both parties shall submit and exchange documents, exhibits and witness lists that they wish to be considered in the hearing at least five (5) work days prior to the hearing date to allow panel members time to read the material.

g. Panel hearings are not meant to be conducted like proceedings in a court of law; the rules of evidence do not necessarily apply and hearsay may be admitted at the discretion of the panel. The panel is also responsible for deciding procedural issues arising at the hearing and should rule on objections by a majority vote.

h. In a closed session, the Panel will consider information presented and, following a majority determination by the Panel, the chairperson of the Panel will notify all parties to the grievance of the Panel's decision. The majority decision of the panel shall be final unless reconsidered as provided below, and shall be consistent with written policy and applicable law. Such decision shall be rendered within ten (10) work day following the conclusion of the hearing.

Challenges to Decision: If a written request to reconsider the panel decision is submitted by either party with five (5) work days of receipt of the decision, the panel by majority vote may elect to review the decision or reopen the hearing for good cause shown, or both. A response to a request to reconsider shall be rendered by the panel within five (5) work days of its receipt of such request.

APPENDIX A

“Safety-Sensitive” Positions subject to Random Testing for Drugs and Alcohol

The following categories of positions have been designated as “Safety-Sensitive” positions by the County Administrator and shall be subject to random testing for the use of drugs and alcohol:

1. All Animal Protection Officers;
2. All uniformed employees of the Fire -EMS Department;
3. All Public Utilities employees who regularly work with or test chemicals or other substances under circumstances that have a significant potential to cause harm to employees, the public, County property or private property;
4. All Maintenance Department employees;
5. All employees who are required to have a Commercial Driver’s License (“CDL”) or who operate heavy equipment, machinery or vehicles as part of their job duties; and
6. The County Administrator, Deputy County Administrators and all Department/Agency heads