

TOWN OF PULASKI, VA
Personnel Manual

Revised 1/18/2022

The Personnel Manual of the Town of Pulaski is intended for informational purposes only. This Manual is not intended to be an implied or explicit employment contract and shall not impact the “at-will” employment status of any employer.

Town employees will be expected to read and understand its contents, and to sign a form acknowledging that they have done so. Their acknowledgement or signature in no way represents a signed contract of employment.

If you have any questions regarding the contents of this Personnel Manual please see your Department Head or the Town Manager, or designee, for clarification.

TABLE OF CONTENTS

Section 1. GENERAL INTRODUCTION..... 6

 A Authority..... 6

 B Coverage..... 6

 C Operating Policies 6

 D Town Administration 6

 E Responsibility of Town Manager..... 6

 F Personnel Manual Administration 6

 G Freedom of Information 7

Section 2. EMPLOYMENT 8

 A "At-Will" Employment..... 8

 B Legally Required Employment Rights..... 8

 C Employment Definitions 8

 D Employment Contracts 9

 E Equal Employment Opportunity (EEO) 9

 F Americans With Disabilities Act (ADA) 10

 G Worker's Compensation 11

 H Unemployment Compensation..... 13

 I Whistle-blower Policy 13

Section 3. EMPLOYMENT PROCESS 15

 A Job Posting..... 15

 B Nonsmoker Policy for Police and Fire Personnel 15

 C Employee Orientation..... 15

 D Nepotism 16

 E Probationary Employees..... 17

 F Employee Identification Cards 18

 G Licenses, Professional Dues, Bonds, Etc..... 18

 H Employee Records 19

 I Anniversary/Evaluation Date 20

 J Service Awards..... 20

 K Performance Evaluations 21

 L Demotion..... 21

M	Type of Resignation/ Termination	22
N	Resignations.....	22
O	Separation Pay.....	23
P	Exit Interviews	23
Q	Employment References/ Opinions	24
R	Re-Employment	24
Section 4. EMPLOYEE CONDUCT		26
A	Employee Behavior	26
B	Personal Phone Calls.....	28
C	Computer Usage	28
D	Employment Ethics	29
E	Supervisor Conduct.....	30
F	Personal Demeanor & Appearance.....	30
G	Solicitation	31
H	Reporting Arrests.....	31
I	Appearance in Court.....	31
J	Drugs and Alcohol.....	32
	Drug and Alcohol-Free Workplace Policy	32
K	Harassment.....	43
L	Harassment Investigation	44
Section 5. COMPENSATION PLAN.....		46
A	Approval of Pay Levels	46
B	Administration	46
C	Salary Schedule.....	46
D	Salary Structure Increases	46
E	Salary (Pay) Increases	47
F	Re-Classifications (Pay)	47
G	Working Out of Class Pay.....	47
H	Benefits.....	48
I	Benefit Eligibility	48
J	Fair Labor Standards Act (FLSA) Status	48
K	Work Periods	49
L	On-Call Pay.....	50

M	Pay Periods and Checks	51
N	Time Reporting	51
O	Compensatory Time.....	51
P	Tuition/ Training Reimbursement.....	52
Section 6. LEAVE.....		54
A	Leaves in General.....	54
B	Annual Leave	54
C	Sick Leave.....	55
D	Family and Medical Leave Act (FMLA) Policy	56
E	Holiday Pay	62
F	Bereavement Leave	64
G	Military Leave	64
H	Jury Duty or Court Leave.....	64
I	Leave of Absence (Without Pay).....	65
J	Inclement Weather Closing	65
K	Sick Leave Sharing.....	66
Section 7. DISCIPLINE – CORRECTIVE ACTION		69
A	Release of Information	69
B	Exceptions to Release of Information	69
C	Types of Corrective Action/ Discipline	69
D	Corrective Action Conditions and Procedures	70
E	Police Department Procedures.....	72
Section 8. GRIEVANCE		74
A	Grievance Statement and Definition.....	74
B	Items Not Grievable.....	74
C	Employees Covered	75
D	Determination of Grievability or Hearing.....	76
E	Steps involved in the Grievance Process.....	76
F	Panel Hearings	77
G	Rules for Hearings.....	78
H	Compliance	79
I	Implementation	80
J	Police Officer Procedural Guarantees.....	80

Section 9. DEPARTMENTAL OPERATING PROCEDURES 81
 A Operating Procedures..... 81
Section 10. MANUAL UPDATES 82
 A Updates to this Manual 82
Personnel Manual Receipt 84

SECTION 1. GENERAL INTRODUCTION

The purpose of this section is to provide general information regarding the Town's authority, employee coverage, and other administrative issues regarding the Town's Personnel Manual.

A AUTHORITY

This Personnel Manual is issued by and upon authority of the Council of the Town of Pulaski, Virginia as empowered by the Charter of the Town of Pulaski and the Commonwealth of Virginia. The Town Council shall approve any updates or modifications to this Manual.

B COVERAGE

This Manual shall cover all employees of the Town. Independent contractors and elected officials are not covered under this Manual unless specified by an employment contract. This Manual does not extend to any third parties or groups not employed by the Town.

C OPERATING POLICIES

Department Heads have the authority to develop department-operating policies and procedures that are not inconsistent with the policies contained in this Manual. Individual Department operating policies shall apply only to the employees and the department. Department Heads have the authority to appoint or remove employees under their supervision. The process for developing operating policies is defined under Section 9 of this Manual.

D TOWN ADMINISTRATION

The Town of Pulaski is operated under the Council-Manager form of government.

E RESPONSIBILITY OF TOWN MANAGER

The Town Manager serves as the administrative head of the Town. Among the duties of the Manager's office are budget preparation, personnel supervision, and exercising oversight of the general operations of the Town. The Town Manager serves at the pleasure of Council and is responsible for the Town's personnel matters. The Town Manager has the power of appointment and removal of all Department Heads or Town employees assigned to their offices, with the exception of the Town Attorney and Clerk of Council.

F PERSONNEL MANUAL ADMINISTRATION

As delegated by the Town Council, the Town Manager shall be responsible for administering the Town's personnel policies, procedures, and practices.

However, the Manager may designate these responsibilities to another Town employee.

G FREEDOM OF INFORMATION

All information contained in this Manual is subject to the Virginia Freedom of Information Act. However, not all information pertaining to individual employees is available under the Virginia Freedom of Information Act. Depending on the nature of the request, information pertaining to individual employees may or may not be released or discussed.

SECTION 2. EMPLOYMENT

The purpose of this section is to outline the definitions and conditions that may impact an employee's employment with the Town. Items in this section may determine an employee's eligibility for benefits and legally required programs.

A "AT-WILL" EMPLOYMENT

All employees of the Town are considered "at-will" employees. "At-will" employees may be terminated at any time without cause.

The policies, practices, and procedures detailing the employment, status, conditions, and other related issues may be changed for any "at-will" employee at any time.

B LEGALLY REQUIRED EMPLOYMENT RIGHTS

The Town shall extend all legally applicable and required rights to "at-will" employees, including, but not limited to the following: Civil Rights Act, Equal Pay Act, Fair Labor Standards Act, Age Discrimination in Employment Act, Virginia Law Enforcement Officers' Procedural Guarantees, the Virginia Firefighters' Procedural Guarantees, and the Americans with Disabilities Act. Though this Manual may discuss some of the legally required employment rights, it is not all inclusive of such rights.

C EMPLOYMENT DEFINITIONS

Probationary Employee: All newly hired, promoted, demoted, or transferred employees are on probationary status. Probationary period will last until an employee is deemed qualified for the work performed, and will last no less than six months, but may be extended for up to an additional six months. Probationary periods for different positions will be established by Department policies.

Regular Full-Time Employee: An employee that has successfully completed the probationary period, and assigned to a position that is expected to continue for an indefinite duration and works a shift schedule which is expected to total no less than 2080 hours per year.

Regular Part-Time Employee: An employee that has successfully completed the probationary period and assigned to a position that is expected to continue for an indefinite duration that works a shift schedule which is expected to be less than 30 hours per week.

Temporary Employee: An employee whose work assignment is limited to six months or less.

Grant-Funded Employee: An employee where the majority of their salary is paid through funds received by a grant from a federal, state, public or private organization.

D EMPLOYMENT CONTRACTS

Purpose: Though all employees are considered "at-will" employees, the Town may enter into an employment contract with any employee.

Conditions: Such employment contracts will identify the general scope of responsibilities, the terms and conditions of employment, benefit eligibility, and related employment decisions or definitions.

E EQUAL EMPLOYMENT OPPORTUNITY (EEO)

Purpose: It is the Town's policy not to discriminate against any Town citizen, representative, employee, and other stakeholders on the basis of race, religion, color, creed, national origin, sex, or age.

Responsibility: The Town Manager, or designee, shall be responsible for completing the required reports and cooperate with any investigations pertaining to the Town's status as EEO employer.

Claim Process: In the event an employee or stakeholder has a potential EEO violation or claim against the Town, the following internal process shall be utilized. The purpose of this claim process is to ensure the rights of the individual are protected and to provide due process.

- 1) Covered Employees: Any employee covered by the Town's grievance procedure is encouraged to use the grievance process in seeking relief from alleged discriminatory practices.
- 2) Non-Covered Employees or Stakeholders:
 - a) Notify – Shall bring their complaint to their supervisor's attention.
 - b) Investigation - The Human Resources Manager shall investigate the situation and attempt to remedy the situation in an equitable fashion.
 - c) Town Manager - If a mutual agreement cannot be reached, the parties must submit their statements, complaints, results of investigations, and other material to the Town Manager to resolve the circumstances. The Town Manager shall investigate and review all material. If deemed necessary, the Town Manager shall investigate the circumstances further. The Town Manager shall provide a final decision. If the complaint involves the Town Manager directly, or is a reconsideration, the Town Council shall investigate and provide final comments to the complainant on the situation.
 - d) Town Council – The Town Council shall review the complaint and formal report and then conduct an investigation and/or a hearing as it deems appropriate.

Other Remedies - This process in no way hinders the complainant's ability to pursue other remedies, such as filing a complaint with the proper state or federal agency. This remedy may be used at any time by the complainant.

F AMERICANS WITH DISABILITIES ACT (ADA)

Purpose: The Town shall not discriminate against any qualified individuals in accordance with the Americans with Disabilities Act (ADA).

Responsibility: The Town Manager, or designee, shall be responsible for completing the required reports and cooperate with any investigations pertaining to the Town's compliance with ADA.

Claim Process: In the event an employee or stakeholder alleges a potential ADA violation or claim against the Town, the following internal process shall be utilized. The purpose of this claim process is to ensure that the rights of the individual are protected and to provide due process.

- 1) Covered Employees: Any employee covered by the Town's grievance procedure must use the grievance process in seeking relief from an alleged ADA violation.
- 2) Non-Covered Employees or Stakeholders:
 - a) Formal Complaint - Must file a formal written or verbal complaint with the Town Manager. The complaint shall be filed within twenty (20) business days after the complainant is aware of the potential violation.
 - b) Investigation - The Town Manager, or designee, shall investigate the situation within ten (10) business days of the complaint being received.
 - c) Formal Report - A formal report shall be developed within thirty (30) business days commenting on the validity of the complaint. The report shall be submitted to the complainant and the Town Manager.
 - d) Reconsideration - If the complainant is not satisfied with the findings of the Town Manager, or designee, they may submit a request for reconsideration to the Town Council within ten (10) business days of receiving the formal report.
 - e) Council Findings - The Town Council shall review the complaint, the formal report, and perform additional investigations, if deemed necessary. The Town Council shall prepare a final formal report within thirty (30) calendar days regarding the decision of the Council.

Other Remedies - This process in no way hinders the complainant's ability to pursue other remedies, such as filing a complaint with the proper state or federal agency. This remedy may be used at any time by the complainant.

G WORKER'S COMPENSATION

Purpose: To make employees aware of the procedures and guidelines required for receiving worker's compensation. This policy is a summary and it does not constitute legal rights or extend additional rights to the employees under the law.

Conditions: Employees are expected to comply with Code of Virginia law and Town policies when applying for Worker's Compensation. They are generally administered with the following parameters:

Coverage: Employees are covered under these benefits.

Payment: The program provides payment for medical bills, vocational rehabilitation, financial compensation, and other payments while the worker is permanently or temporarily disabled, injured, including if the injury is fatal.

Compensation: The program provides limits to the employee's compensation and it does not require the employee to prove that the Town was negligent.

Eligibility: To be eligible, an employee must show that the injury or illness occurred out of the course of their employment with the Town.

Self-Inflicted: Self-inflicted injuries, or injuries out of willful misconduct or related causes are not covered.

Investigate: The Town reserves the right to investigate any claim made by a Town employee.

General Process:

Reporting: Employees are required to report a work-related injury, whether an official claim is made or not, to their supervisor as soon as possible, but within 24 hours. If the employee is incapable of filing the report, the employee's immediate supervisor is responsible for filing the claim.

Reporting of Injury through THE COMPANY NURSE: The following is a check list for employees to refer to should a workplace injury occur.

STEP 1: For life or limb threatening injury only, call 911

Then report the injury/incident after the employee is stabilized.

1. Advise supervisor of ANY accident or injury immediately.
2. In a quiet location, the employee and/or supervisor will contact the Company Nurse at 888-770-0925;

3. You will be asked to provide the following information during the call:

- Search Code V071T
- Employer name and/or worksite
- Employee personal information
- Injury details: Who? What? When? Where?

4. Possible outcomes as result of the call:

- Self-care or basic first aid; OR
- Referral to medical facility by a Nurse: Occ Health, Urgent Care or ER

5. After examination by doctor return all forms to supervisor. Supervisor should submit all completed forms to the Human Resources Department.

STEP 2: The Nurse Line will conduct the following:

- Report of injury is emailed or faxed to key stakeholders at the employer.
- If injured employee is referred for medical treatment, an alert will be sent immediately to the medical provider to expect the employee at their facility.

STEP 3: The Nurse Line will conduct the following:

- Additional Nurse Advice: Employees who were triaged by a nurse but not initially referred, are encouraged to contact the Nurse Line again if injuries become worse or new symptoms develop for which they require additional nurse advice or injury triage services and a possible referral for medical treatment.
- The Company Nurse will handle all initial reporting of workplace injuries and is available 24 hours per day/7 days per week.
- The Company Nurse will complete the first report of injury form and fax it to the claims processing administrator at VACORP.
- Prescription drugs for work related injuries may be requested via participating pharmacies through the Express Scripts Program of VACORP. The employee must have the supervisor complete the information requested and present their ID card to receive up to 14 days of the prescription at no cost to the employee. If the employee chooses not to use this option, the employee must then pay for the prescription and request reimbursement through VACORP.

Lost Work Days: All job-related injury/illnesses should be immediately reported to the employee's immediate supervisor. Lost work days due to a job-related injury or illness shall be recorded as workers compensation leave on the employee's time sheet.

The first seven (7) days missed from work for a work-related injury will be counted against the employee's personal sick leave balances. If the injury is determined to be a Worker's Compensation claim, the personal sick leave will be credited back to the employee's leave balances.

Determination of Eligibility: The Town's insurance carrier determines if an employee is eligible for Worker's Compensation. The insurance carrier also has the right to protest any claims. While the Town will try to assist the employee with questions, all employees should deal directly with the insurance carrier. All employees are expected to cooperate with the carrier. Employees desiring legal representation should secure an attorney as soon as possible at their own expense and have the attorney contact the insurance carrier.

Medical Bills: Except in an emergency, employees are expected to seek medical attention from the list of providers covered by the insurance carrier. Failure to report the incident and/or seek medical attention from the proper providers may result in the denial of payment.

Appeal: Employees that desire to appeal the decision of the insurance carrier or that are not satisfied with the process have rights under the Act, which may include appeals and hearings. This policy does not address these rights.

H UNEMPLOYMENT COMPENSATION

Purpose: To establish a policy regarding the administration of unemployment compensation and to ensure Town employees understand their benefits.

Coverage: Depending on the purpose and reason for leaving the Town, the employee may or may not be eligible for benefits. All coverage is subject to review by the Virginia Employment Commission and applicable laws and regulations.

Claims: When filing for unemployment benefits, an employee is required to complete a form that states the reasons for leaving the job. Based on the employee's response, the Town may contest their claim. The Town may contest any claim made by an employee for any reason deemed necessary. The Commonwealth of Virginia makes final judgment regarding an employee's eligibility.

I WHISTLE-BLOWER POLICY

Purpose: To encourage employees to report improper government action and violations of Town policies and procedures for matters not covered under the grievance policy by Town officers or employees and to provide protection to those employees that report offenses.

Conditions: The Town strives to conduct business with the utmost integrity and with the highest ethical standards. The Town's grievance policy and State law protect employees from retaliation. The Town also has a need to know about potential wrongdoings of its employees.

Definitions: The Town desires employees to report actions undertaken by an official, officer, or employee engaged in the following activities in the performance of their official duties:

- Violating any state, federal, or local law.
- Abusing their use of authority.
- Creating a substantial and specific danger to public health or safety.
- Abuse of public funds.
- Violations of Town policies and procedures.

This definition does not include common personnel actions, such as grievances, decisions regarding hiring, promotion, firing, and other discipline. Nor does it include alleged violations of employment contracts or policies or procedures set forth in the Town's policy manual; these violations will be resolved through the Town's grievance policy.

Process: The employee desiring to report any of these actions mentioned above or related concerns will do the following:

Report: Report the incident or concern to the Town Manager. Initial actions may be submitted in writing. The written concern may be drafted by the Town Manager; however, the employee will be required to review the form, make corrections as necessary, and sign the formal document.

Alternative Report: If the complaint involves the Town Manager, the complaint shall be submitted to the Town Attorney or the Town Council.

Confidentiality: The Town shall make every effort to maintain the confidentiality of the complainant(s). However, employees should be aware that at some point in the processing of the complaint, it may be required to identify the complainant in order for the accused to respond to the allegation or given the nature of the allegation.

Retaliation: Employees who are retaliated against for matters covered under this policy should file a grievance against such retaliation.

Current Investigation: Employees who file a complaint after the employee is the subject of disciplinary investigation or action will still be subject to their disciplinary action.

False Reports: Employees that make maliciously false accusations will be subject to disciplinary action.

SECTION 3. EMPLOYMENT PROCESS

The purpose of this section is to outline conditions that may impact the employee's employment with the Town. Items include job posting requirements, hiring and Probationary requirements, employment records, resignations and terminations, and other administrative issues regarding employment with the Town.

A JOB POSTING

Purpose: To establish guidelines and to ensure that the Town receives a diverse pool of applications for positions, and to retain experienced employees by promoting from within the Town where possible. The Town Manager has the power of appointment and removal of Town employees except the Town Attorney and Clerk of Council.

Postings: All Department Heads or persons responsible for recruiting shall provide the Town Manager with a copy of the job posting prior to distribution.

Entry-Level: The Town's classification system shall document those jobs that are considered entry-level and those that are considered promotional positions. Entry-level jobs are typically those that require little or no experience and provide a basis for logical career progression in the Town.

Posting Process:

- 1) Temporary: There is no posting or timeline requirement for temporary positions.
- 2) Entry-level: Entry-level positions may be advertised in a local newspaper with general circulation. Notice of openings may also be provided to the Virginia Employment Commission. Entry-level positions shall also be posted internally.

Re-posting: If a substantially similar position was posted by the Town within the past six months and a pool of qualified applicants resulted with a sufficient number still available, the Town is not required to re-advertise the position.

B NONSMOKER POLICY FOR POLICE AND FIRE PERSONNEL

For any position where the employee is a police officer or fire fighter, who has the benefit of presumption set forth in the State Code that heart/lung disease is a compensable job-related illness, it is the Town's policy to hire non-smoking personnel.

C EMPLOYEE ORIENTATION

Coverage: All new regular and full and part-time employees shall attend an orientation session with the Human Resources Manager.

Topics: Topics discussed shall include, but not be limited to the following areas:

- 1) Applicable employment forms that are required for employment
- 2) Town policies and procedures
- 3) Employment benefits
- 4) Personnel practices and procedures
- 5) Duties of the position
- 6) Work standards and regulations
- 7) Safety issues and procedures, and the location of safety or protective equipment
- 8) Tour of the department and work area(s)
- 9) Introduction to supervisors and co-workers

Additional Topics: Additional topics should be discussed or expanded on with the Department Head or supervisor, such as lunch and break times, reporting requirements, performance expectations and evaluations, department operating policies and procedures, and any other items related to employment.

Forms: The employee and the Department Head will sign the applicable employee orientation and safety forms. These forms will be submitted to Human Resources. The Department Head, or designee, will ensure that the employee reviews and acknowledges that they understand the Personnel Manual in a timely manner.

D NEPOTISM

Purpose: To ensure that the Town's employment practices are fair and not based on family or household ties or relationships.

Coverage: Applies to regular full and part-time employees. This policy does not apply to temporary employees.

Applicants in this Nepotism Policy include the following Family Members:

- Relative - refers to any person, that is blood related to the employee or the spouse of the employee, such as siblings, cousins, grandparents, uncles and aunts.
- Immediate family - refers to a spouse, children, parents, brothers and sisters, either living or not living in the same household as the employee. *Virginia Code 2.2-4368*

Responsibility: The Town Manager, or designee, shall be responsible for ensuring the Town's compliance with this policy. However, all employees are expected to notify the Town Manager if there is a potential violation of this policy within five (5) working days of the incident occurring.

Such a potential violation shall include, but not be limited to, recent actions involving marriage, promotion, demotion, transfer, and change of residence.

Conditions: No family members, relative or immediate, or members of the household, shall be employed in the following circumstances:

- Supervisory Relationship - None shall have the authority to appoint, remove, discipline, evaluate, direct, or any other decisions that are supervisory in nature.
- Audit or Review of Work - None shall be responsible for auditing or reviewing the work of the other.
- Other Circumstances - Any other circumstances that may present a conflict of interest or conflict between employees that may perceive favoritism, whether or not it exists.

Remedies: The Town is under no obligation to restructure or reassign personnel to remedy the situation. If a mutually agreeable solution cannot be agreed upon between the Town and the employees, the Town may require one of the employees to resign within 60 days.

General Employment: This policy in no way prohibits family members from working at the Town providing this policy is not violated.

E PROBATIONARY EMPLOYEES

Purpose: To establish guidelines for probationary employees (new hires) and current employees who transfer into a new position.

Conditions:

- 1) Coverage: A probation period shall apply to all new hires and employees that are transferred in the Town, with the exception of exempt employees.
- 2) Intent: To provide the employee time to learn the position and to give the supervisor sufficient time to evaluate the employee's performance.
- 3) Duration: Employees shall be under probation for a minimum of six (6) months, but this may be extended for an additional six (6) months if the employee is not performing the job in a satisfactory manner and if the Town desires continued employment of the individual. Probation periods for public safety personnel (police and fire) are a minimum of one year and may be extended an additional six (6) months.
- 4) Termination: Probationary employees remain "at-will" employees and employment may be terminated for unsatisfactory performance, or any other reasons deemed necessary by the Town, or for no reason at all.
- 5) Performance: The performance of probationary employees will be reviewed periodically during the probation period. During their final month of probation, the employee will receive an official performance evaluation.
- 6) Grievance: Probationary employees are not covered under the Town's grievance process.

- 7) Emergency Conditions: If an emergency occurs that requires a probationary employee to have a leave of absence, and if approved, the leave will not be considered as time worked.

Completion: When an employee successfully completes the probation period, the department shall formally notify the Town Manager that the employee has completed the probation period, by filing the appropriate forms.

Approval: The Town Manager, or Department Head, shall approve an employee's status as a regular employee. If the Town Manager or Department Head does not approve the employee's status as a regular full-time employee, they may be terminated or their probation may be extended for an additional six (6) months. However, at no time shall an employee's total probation period exceed eighteen (18) months. If their probation is extended another six (6) months, the employee must either be hired as a regular employee or they will be terminated.

Benefits:

- 1) New Hires: The employee is eligible for benefits based on their date of hire.
- 2) Transfers/Promotions: Employees that are transferred or promoted shall continue to receive benefits based on their current (non-probation) position. Once the employee is considered a regular employee in their probation position, the employee shall retroactively receive all benefits based on their new position that are greater than those already received under their old position. If, the employee does not successfully complete their probation period, they shall not be automatically eligible for their former position, even if it is vacant.

F EMPLOYEE IDENTIFICATION CARDS

Coverage: Regular full-time employees shall be issued an identification card. Other employees may be issued an identification card at the discretion of the Town. The Pulaski County IT Department will issue department specific identification cards and credentials.

Information: Identification cards shall include the following information: name, position, department, and an accurate picture of the employee.

Usage: Employees issued a card shall carry the card when acting as an employee of the Town. Any misuse of the card shall result in disciplinary action. Employees are responsible for the possession of their card and must present it upon request. All cards remain property of the Town and shall be surrendered upon termination or at the request of the Town. If a card is lost or stolen, the employee shall notify the Department Head or supervisor immediately. The card may not be used for personal gain.

G LICENSES, PROFESSIONAL DUES, BONDS, ETC.

Purpose: To establish a process to request and approve the payment of legally required and/or job-related licenses and membership fees.

Reimbursement:

- 1) Licenses: The Town shall reimburse, at its discretion, current annual dues for positions that legally require the incumbent to be a member of a professional organization or maintain a license or certification. The Department Head or Town Manager shall approve the payment prior to incurring any expenses. Time spent at mandatory training, meetings, etc. shall be given as paid time-off. Paid time off shall only include time related to actual training and involvement with the organization and does not include rest periods or “free-time.”
- 2) Bond: The Town shall pay the premiums required on any bond, or errors or omissions insurance policy that is mandated by employment.
- 3) Non-Mandatory: Any licenses, certifications, or memberships that are not mandatory, may be reimbursed at the Department Head's discretion.

H EMPLOYEE RECORDS

Coverage: All employees will have a permanent personnel file.

Contents: Contents of each employee file shall include, but not be limited to, the following documents:

- 1) Employee application, resume, and other items that were required for Town employment
- 2) Job performance ratings and evaluations
- 3) Education and training information
- 4) Performance test results (if applicable)
- 5) Personnel data card
- 6) Personnel action forms
- 7) Letters of appreciation, commendation, or discipline
- 8) Any other documentation required illustrating the employee’s duties, performance, discipline, or employment conditions.

Note: Medical information must be maintained in a separate file.

Responsibility: It is the responsibility of the Department Head to ensure any forms or documentation that should be placed in the employee’s file are present and complete.

Maintenance: Except as provided in Code of Virginia 15.2-1722, all personnel files shall be maintained by the Human Resources office. Only the Town Manager, or designee, may remove or destroy any contents of an employee’s file. All documents will be maintained according to

required record retention regulations. In the absence of such regulation, all records will be maintained for a minimum of three years.

Audit: The Department Head and/or employee may request to review and audit the contents of their files. All employees shall notify their Department Head of their desire to review their files. The purpose of the audit is to review and verify the accuracy of the employee's file.

Release of Information: The Town respects the privacy of its employees and will abide by all applicable laws, rules, and regulations governing employee privacy. The Town will release any information that it is legally required to outside agencies, providing proper documentation and justification is provided. The Town Council (as approved by Council vote), Town Attorney, Town Manager, or designee, and Department Heads may review the personnel file of employees at any time provided a bona fide reason exists. Outside agencies, such as the Virginia Employment Commission, and other local, state, and federal organizations may also have access for required programs or to investigate legal circumstances or allegations. The Town will also release general employment information, such as job title, positions held, base salary, dates of employment, and eligibility for rehire to appropriate agencies. The release of other information may not require the approval of the employee, if required by law.

Notification: The Town is not required to notify the employee of the release of information to an outside agency.

I ANNIVERSARY/EVALUATION DATE

Anniversary Date: An employee's hire date shall be the initial date of their full-time employment. This date will not change.

Evaluation Date: The date of employment in the employee's current position. This date may change as a result of promotion, demotion, transfer, or other status that impact the employee position in the Town. An employee that is on a leave of absence without pay for less than one (1) year shall have the same evaluation date provided they are reinstated in the same or similar position.

J SERVICE AWARDS

Purpose: To reward employees with continued service to the Town, to emphasize how each employee plays a significant role in the Town's operations and how this role increases with service, and to encourage continued employment with the Town.

Definitions: Continued service shall be considered service that is performed without a break in employment greater than thirty (30) days due to unauthorized absences.

Awards: Awards will be presented on a date established by the Town Council. The Human Resources Manager will be responsible for monitoring and making plans for the presentation. The length of service will be established based on the employee's full-time anniversary date, as of January 1 of each year. Awards are distributed based on a schedule of five-year increments, beginning with year 5, 10, 15, 20, 25, 30, 35, and 40.

K PERFORMANCE EVALUATIONS

Coverage: All employees who have completed their probation period shall have an annual performance evaluation. The purpose of the performance appraisal system is to provide a standard format for classes of positions to assess an employee's efforts, provide a framework for career development, skill enhancement, and to ensure an open communication link exists between the employee and the supervisor regarding individual job performance. It is the policy of the Town that every employee will receive a fair and impartial performance appraisal.

Probationary employees at a minimum will receive an evaluation of their job performance at the conclusion of their probation period. Probationary employees that receive a less than satisfactory performance evaluation will have their probation period extended or will be terminated from employment. The probation period may be extended once for a period not to exceed six months.

Employee Performance Review: The supervisory official conducting the performance evaluation will review the criteria utilized during this process with the employee. This procedure will include the results of the performance evaluation, the level of performance expected, the rating criteria utilized, and the goals stated on the form for the employee to accomplish during the next rating period.

Responses: The employee's supervisor shall complete an appropriate performance evaluation form for the employee. Based on the supervisor's discretion, the supervisor may request that the employee complete a self-evaluation or have co-workers of the employee provide input on an employee's evaluation.

Salary Increase: Provided the Town Council has approved funds; the employee will be eligible for an increase in base pay (merit-increase). However, the employee is not guaranteed an increase even if the Town Council has approved funds for merit increases.

L DEMOTION

Definition: Where the employee is assigned to a classification having a lower maximum rate of pay as a result of a disciplinary action or to avoid being laid off.

Conditions: The employee must be qualified for the position and will be subject to a probation period.

Pay: Employee's salaries will be determined as identified in the Town's classification plan.

M TYPE OF RESIGNATION/ TERMINATION

Purpose: To establish definitions regarding the types of resignations processed. These terms shall be used when processing employee initiated and Town resignations.

Service Retirement: Voluntary retirement that is initiated when the employee is eligible for retirement based on the Virginia Retirement System.

Disability Retirement: Retirement that is initiated when the employee is no longer capable of performing their essential job functions due to injury or illness. This type of termination shall be initiated by the employee.

Employee Initiated Resignation: Voluntary termination for any reason other than formal retirement. An employee that fails to report to their job assignment for three consecutive scheduled workdays will be deemed to have voluntarily resigned from their position.

Discharge Termination: Involuntary termination as a result of a disciplinary action.

Probation Termination: Involuntary termination during or at the end of a probation period. This type of termination is commonly due to the inability of the employee to meet the required knowledge, skills and abilities of the position.

Layoff: Involuntary termination due to the lack of work or funds, or other changes that may have taken place in the Town's operations.

N RESIGNATIONS

Purpose: To establish a uniform method to process resignations.

Employee-Initiated Resignation: In the event of an employee-initiated resignation, the employee shall:

- Provide Notice: Provide written notice that is received by the Department Head at least fourteen (14) calendar days in advance of the final employment date. During this time the employee is expected to perform in a satisfactory manner and assist with training replacements or other staff in their duties.
- Information: The notice shall state that the employee voluntary resigns their position, state the reasons for the resignation, and shall be signed by the employee.
- Non-compliance: Failure to comply with these requirements will result in their ineligibility for re-employment.

- Withdrawn: Resignations may not be unilaterally withdrawn. Employees wishing to withdraw their resignation must submit a request to the Department Head for approval. Employees reporting to the Town Manager, must submit their request to the Town Manager or to Town Council for employees reporting to it.

Release of Notice: The Town may release any employee within the fourteen (14) calendar day notice if deemed in the best interest of the Town.

O SEPARATION PAY

Purpose: To notify employees of the deductions, benefit payouts, and other items that might impact their final paycheck from the Town.

Coverage: No employee is entitled to a severance package, unless designated by an employment contract.

Compensation: Employees are entitled to pay for time worked up to the date of separation. The final paycheck will be subject to deductions for legal reasons, pension, credit union, tax sheltered annuity, or other deductions currently agreed upon with the employee. The final payout check shall be the next payroll date after the employee separation, or may be paid out over no more than three payroll periods, at the discretion of the employee's Department Head.

Benefits: The employee will receive compensation for any unused benefits (accrued compensatory time, and vacation time up to the allowable amounts) as stipulated by this Manual. Unused, accrued vacation time is forfeited if an employee does not provide a two-week notice or is terminated for reasons other than their position elimination or reduction in force, and that decision will be made by the Town Manager at the time of separation. Depending on the date of separation, Town health benefits may continue through the end of the month.

Retirement: If employees are not retiring, monies for the employee's retirement account as defined by the plan are refundable from the Virginia Retirement System and forms are available from the Virginia Retirement System or the Human Resources Office.

Unemployment Compensation: Employees are eligible for unemployment compensation provided they meet the requirements. The Human Resources office shall process unemployment forms.

P EXIT INTERVIEWS

Purpose: It is the Town's policy to perform exit interviews with employees who are terminating their employment with the Town.

Coverage: Employees who will no longer be employed with the Town will be asked to complete an exit interview with the Human Resources Manager.

Participation: An employee's participation in the exit interview is not mandatory. They will not receive any compensation for their time, however every effort will be made to complete the interview before they are no longer employed with the Town. The employee should be made aware that the results of the interview will be made available to Department Heads and Town Manager.

Records: All records and correspondence regarding exit interviews shall be maintained in the employee's personnel file.

Q EMPLOYMENT REFERENCES/ OPINIONS

Purpose: To establish a policy regarding the release of employment references and opinions regarding employees to prevent potential litigation involving the Town.

Information: All requests for information regarding prior employees shall be processed by the Human Resources Manager. It is the Town's policy not to provide any opinions, recommendations, or other information that is subject to interpretation. When the Town is presented with an employment reference, the only information the Town will provide is the job title(s), position(s) held, base salary, dates of employment, record of unexcused absences, and eligibility for rehire.

Other Information: If deemed necessary, the Town Manager, or designee, will authorize other forms of information released to prospective employers. The Town may release other information providing notice of facts regarding potential safety or harmful situations.

R RE-EMPLOYMENT

Process: All previous employees who have resigned from the Town and are in good standing that desire employment from the Town must file an employment application.

Compensation: If the former employee's date of separation is less than one year from hire, the employee may be employed at their most recent step if assuming a similar position. All other employees will be subject to the rules governing new hire salaries and leave benefits.

Retirement: The employee will be reinstated into the retirement system based on the regulations of the Virginia Retirement system.

Personnel Records: The employee's old personnel file will be re-activated provided employment is within seven years from the date of separation.

Probation Period: All re-hires must complete a probation period.

Anniversary Date: The employee's anniversary date will be the date that they are re-employed.

SECTION 4. EMPLOYEE CONDUCT

The purpose of this section is to outline the Town's expectations regarding the behavior and actions of its employees. It is the intent of the Town to conduct operations with the utmost integrity and efficiency and these guidelines will serve as examples of how the Town expects its employees to operate. Many areas of this section provide examples of what behavior is appropriate for Town employees and what type of behavior is inappropriate. If, you have questions regarding if an action is appropriate or not, please contact your supervisor.

A EMPLOYEE BEHAVIOR

Purpose: To outline areas of behavior that may result in employee discipline, including termination.

Conditions: Employees are expected to maintain standards of integrity, cooperation, efficiency, and effectiveness. If an employee's conduct falls below standard, the employee will be subject to discipline. Examples of conduct falling below standards include, but are not limited to:

- 1) Reporting to work under the influence of drugs, alcohol, or other controlled or non-controlled substances.
- 2) Being in possession of alcohol, non-prescribed controlled or illegal drugs, medications prescribed to another individual, or narcotics regardless of prescription, while working, in a Town vehicle, or on Town property unless such possession is required by official duty, i.e., police officer.
- 3) Insubordination or the failure to follow the instructions of one's supervisor(s), whether in oral or written form.
- 4) Being absent from work without the employee notifying their supervisor immediately or at least one hour prior to the beginning of their scheduled shift, or as soon as practical in an emergency.
- 5) Being habitually late or unexcused absences from work.
- 6) Failure to perform work, wasting materials, or resources.
- 7) Inability to work cooperatively or to get along with other employees.
- 8) Intentionally violating security, safety, or other rules and regulations.
- 9) Acting without common decency or morality of the community, i.e., acts of moral turpitude.

- 10) Committing acts constituting a felony, or misdemeanor where a conviction is reached.
Such acts may constitute a cause for disciplinary action without a conviction if an administrative investigation, through a preponderance of the evidence, confirms the facts of the incident and the responsibility of the employee.
- 11) Speaking critically or making derogatory or false accusations to discredit employees, supervisors, or the Town.
- 12) Removal or use of Town property, merchandise, or money of the Town without supervisory approval.
- 13) Lying to a supervisor.
- 14) Making false or misleading claims or statements when applying for employment.
- 15) Creating false or misleading documents regarding Town business.
- 16) Recommending specific business, contractor, or other service to the general public.
- 17) Divulging or misusing confidential information regarding the Town or its operations without prior approval.
- 18) Accepting fees, gifts, or other valuable items in the performance of the employee's official duties.
- 19) Inability or unwillingness to perform the duties of the job.
- 20) Falsification of time records for payroll.
- 21) The use of profanity, abusive, derogatory, or racist language in the presence of an employee or member of the general public while performing official duties of the Town.
- 22) Abuse of sick leave.
- 23) Three separate garnishments of wages within a 12-month period.

Procedure: If a supervisor suspects or witnesses an employee violating such rules and regulations, the supervisor shall document the behavior and notify the employee of such documentation. If required, the Department Head may investigate the incident by means of a drug test, verifying information with external parties, interviewing witnesses, and other means necessary to resolve the situation. Depending on the severity of the situation, such as safety or health issues or gross misconduct or insubordination, an employee may be terminated. The Town may also require the employee to receive treatment, medical or psychological exams, training, or other services prior

to returning to work; such cases will include where there is a potential safety or health hazard to employees, where these conditions have been documented and not addressed by the employee or for other substantial reasons as indicated by the Town.

B PERSONAL PHONE CALLS

Purpose: To establish a policy to control the use of Town's telephones for personal, non-work-related phone calls.

Conditions: The Town's telephones may be used for personal, non-work, related calls on a limited basis and on the following conditions; failure to abide by these conditions will result in disciplinary action:

- 1) Calls received during normal business hours must be held to a minimum number and duration.
- 2) Calls may not be made or continued in the presence of the public.
- 3) Toll calls must be billed the employee's personal credit card, phone number, or made collect to the third party; it is the employee's responsibility to ensure he Town is not billed for their personal phone calls. The employee must reimburse the Town for any expenses incurred for the employee's personal call(s).

C COMPUTER USAGE

Purpose: To establish a policy to control the use of the Town's computers, software, hardware, internet, and related electronic equipment and programs.

Conditions: No person may access the Town's computer systems, except to the extent specifically authorized by the Town policy. When using the Town's computer system, all employees shall abide by the following guidelines:

- 1) No employee may access the system except through the use of their own password and username.
- 2) No employee may use another employee's login or password, unless directed to do so by a Department Head. This section does not apply to performance of computer maintenance or internal investigations.
- 3) No employee may divulge their password or username. If an employee divulges their password and username, they may also be responsible for any activities that result from this action.
- 4) No unauthorized electronic files may be added to the computer system. Any files that are authorized to be added to the system must be approved by a Department Head and scanned for viruses by an approved anti-virus program.
- 5) No electronic files of Town documents shall be removed from the Town premises without Department Head approval.
- 6) No employee may connect any unauthorized peripherals, equipment, or hardware to the Town's computers, unless approved by the Town Manager or their designee.

- 7) No employee may attempt remote access to the Town's computers, except through e-mail approved by Town Manager.
- 8) Employees are expected to maintain the accuracy of the Town's electronic data. If, an employee becomes aware of any inaccurate electronic information, the employee shall notify their supervisor.
- 9) All electronic data shall be treated as confidential unless authorized by Town policy or law.
- 10) Employees should be aware that electronic data will be subject to the Freedom of Information Act, such as e-mail, word documents, and other messages unless an exemption exists.
- 11) No employee shall access any internet sites or send e-mail that may be offensive to others if viewed. While employees may access sites or use e-mail not related to Town business before and after working hours or while on break, such usage should be limited and not offensive to others.

Compliance: The history of an employee's computer can be reviewed periodically without notice for violations of these policies. If an employee is found to be in violation of these policies, they will be subject to disciplinary action, including up to termination.

D EMPLOYMENT ETHICS

Purpose: To establish guidelines for ethical standard of conduct that shall govern Town employees in the performance of Town business and the duties of their jobs. The intent of the policy is to provide positive direction to Town employees in order to prevent potential conflicts of interest.

Conditions: Note that this policy is not all encompassing in its definitions of conflict of interest. The "prudent person" theory will be applied: any action deemed inappropriate by a reasonable person, whether specifically cited in this policy or not, will be subject to inquiry, and disciplinary action, if required.

Conflict of Interest: No employee shall engage in an act that may be perceived as unfair or in conflict with the performance of official duties. Example of conflicts of interest shall include, but are not limited to, the following:

- 1) Have any financial interest in the sale of Town property or services.
- 2) Solicit, accept, or seek a gift or favor from any person involved in a contract or exchange that may be the subject of official Town action. However, recognizing that friendships can precede and evolve from official contact between employees and business within the Town, reasonable exceptions can be made that are social in nature and do not influence the Town employee with performing their official duties. Examples of an acceptable social gift would typically be under \$25, such as a meal, floral gifts or foods to commemorate events such as illness, birthday, holiday, etc. Examples of inappropriate gifts are: free or discounted travel, lodging, excursions, event tickets, products, or services.
- 3) Participate as a Town employee in issuing a purchase order where the employee has a private pecuniary interest that may impact the employee's discretion.

- 4) Engage in, accept employment, or render services for a private interest in exchange for any compensation that interferes with the proper discharge of official duties.
- 5) Disclose or use information pertaining to confidential information regarding Town business.
- 6) Have any financial or personal interest with pending legislation before Town Council, or provide opinions or discussions unless the interest is disclosed to the Town.

Use of Public Property: No employee shall request, use, or permit the use of Town-owned vehicles, clothing, equipment, materials or other property for unauthorized personal convenience, for profit, for private use, or as part of secondary employment. Employees may use public property for the following: services that are available to the general public and for the conduct of official Town business. Employees may also be able to use Town vehicles to take to lunch on workdays; the use of the Town copy machine at cost; stopping to do personal errands for a short period if official business travel is in conjunction with the event; or other uses as permitted by Department policy.

Political Activities: No Town employee may use Town time or property in any manner to promote any policy issue or candidate, or to solicit funds for any political purpose, or to influence the outcome of an election.

Investigation: The Town Manager or designee may investigate, or order the investigation of, any complaints or potential violations of this policy. Investigations may lead to disciplinary action, and if required, will be turned over to the proper agency for legal action.

E SUPERVISOR CONDUCT

Purpose: To outline guidelines regarding the conduct of supervisors.

Conditions: Supervisors are held to a higher set of standards regarding personnel and human resources. They are not only responsible for their own personal conduct, but the conduct and interaction of their subordinates.

Conduct: Supervisors shall inform their employees of the Town's harassment policy. The supervisor shall be a role model regarding how to conduct Town business in an appropriate manner.

Dating: Town supervisors shall not date their subordinates nor employees of a subordinate position within the same department. This guideline does not ban office dating; however, no supervisor shall date a subordinate or any individual in which he or she may direct the other employee's work or where they exercise supervisory authority over an employee's work activities.

F PERSONAL DEMEANOR & APPEARANCE

Purpose: To establish guidelines regarding employee appearance and demeanor.

Conditions: Employees shall represent the Town to the public in a manner that shall be courteous, efficient, and helpful. Employees shall be well groomed and dressed in manner suitable for public service and the Town's image. Employees shall remain in good hygiene and refrain from wearing aftershaves, colognes, perfumes, and other items that may offend a person of reasonable sensibilities.

Enforcement: The employee's supervisor is responsible for ensuring that the employee abides by this policy. The supervisor shall discuss with the employee if their appearance and demeanor is not appropriate for the Town. Ongoing problems may result in progressive disciplinary action.

G SOLICITATION

Conditions: With the exception of Town-approved activities, peddling or solicitation for sale or donation of any kind on Town premises to employees during normal working hours is not permitted.

Non-Commercial: Employees seeking assistance for nonprofit, noncommercial activities, are free to discuss these matters with others before or after normal working hours, or while at lunch or break times, as long as the other party does not object.

Commercial: No employee shall seek commercial sales or solicitations during working hours, nor in a manner that may be perceived as acting in their role as a Town employee.

H REPORTING ARRESTS

Purpose: To notify the Town of any legal actions that may impact the employment with the Town or potentially involve the Town.

Court Action: All employees shall verbally report to their supervisor any court action in which they were charged with a felony. In addition, all offenses which impact the employee's ability to perform the essential functions of their position must be reported.

Course of Action: The supervisor shall forward all relevant information to the Department Head. If the actions shall impact the employment status of the employee, such as the revocation of required licenses, illegal drug use, or incarceration, the employee may be subject to discipline or termination.

Records: The Town reserves the right to obtain an employee's driver's license records or criminal records that are related to the employee's official business of the Town.

I APPEARANCE IN COURT

Subpoena: Employees are required to be present for any trial in which they are subpoenaed. Employees are not to appear as a witness for any trial that stems from the official duties unless they are under subpoena.

Prepared: All employees are required to be prepared for all court appearances and maintain an attitude of dignity, respect, and neutrality to all persons connected with court cases.

J DRUGS AND ALCOHOL

I. Purpose: To provide a comprehensive drug and alcohol policy that maintains a drug and alcohol-free workplace. The Town seeks to establish and maintain a safe and healthy workplace for its employees, free from drug and alcohol abuse, and to protect the safety of the public. The use of alcohol, illegal drugs, or the misuse of prescription drugs is not acceptable in the Town workplace. Such behavior seriously affects job performance and can create danger to the public and co-workers. In addition, the use of illegal drugs is not acceptable at any time or place.

Drug and Alcohol-Free Workplace Policy

Effective 7/1/2021: Under the Federal Controlled Substance Act of 1970, marijuana is still classified as a schedule 1 substance and remains an illegal drug. Further, under the Drug Free Workplace Act of 1988, as a federal grant recipient, the Town is required to maintain a drug free workplace with drug and alcohol-free workplace policies. Town of Pulaski employees are still prohibited from manufacturing, distributing, possessing or using controlled substances such as marijuana. Use or impairment, as confirmed by a positive drug test result, can be subject to disciplinary action in accordance with Personnel Handbook policies and also disqualify a candidate for hire.

II. Applicability: This policy applies to all officers and employees of the Town.

III. Definitions:

- 1) Accident – An occurrence involving a Town owned or leased motor vehicle or a personal vehicle while driving on Town business or other piece of motorized equipment which involves one or more of the following:
 - a. a human fatality; or
 - b. the Town employee-operator received a citation under State or local law for a moving traffic violation arising from the accident, and/or the accident involved:
 - (1) bodily injury to any person requiring immediate medical treatment away from the scene; or

- (2) disabling damage to any motor vehicle requiring the vehicle to be towed away.
- 2) Alteration/ tampering – Alteration of a sample of hair, urine, blood, or other bodily fluid; substitution of a sample or otherwise tampering with a sample of hair, urine, blood, or other bodily fluid to be tested.
 - 3) Alcohol – The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
 - 4) Alcohol Concentration (or Content) – The alcohol content in a volume of breath expressed in terms of grams of alcohol *per* 210 liters of breath or a blood alcohol concentration expressed in terms of a percentage by weight by volume.
 - 5) Alcohol use – The consumption of any beverage, mixture, or preparation, including any medication containing alcohol.
 - 6) Back to Work Contract – An agreement related to employee rehabilitation which may contain alcohol evaluation, treatment, after care, and return to duty requirements.
 - 7) Call Back – Any employee who is subject to call back by that employee’s job classification.
 - 8) Chain of Custody – A process in which the hair, urine, blood, or other bodily fluid drug specimen is handled to ensure the employee’s confidentiality. The specimen is properly sealed and handled in transport to the laboratory to ensure the specimen has not been tampered with prior to testing.
 - 9) Town Property – Town owned buildings, containers, desks, files, lockers, motorized equipment, motor vehicles, open space or any other piece of equipment or property.
 - 10) Commercial Motor Vehicle – A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property.
 - 11) Controlled substances – This term has the meaning assigned by 21 U.S.C. 802 and includes all substances listed on Schedules I through V as they may be revised from time to time (21 CFR 1308). This term includes but is not limited to amphetamines, cocaine, heroin, marijuana, opium, and phencyclidine (PCP).
 - 12) Disabling Damage – This term means damage to a motor vehicle that is towed from the scene of the accident.

- 13) DOT Employee – Employee who holds a commercial driver’s license (CDL) and is subject to regulations issued by the U.S. Department of Transportation (DOT).
- 14) Driver – Any person who operates any Town vehicle including a commercial motor vehicle and any personal vehicle used in the course of Town business on or off Town property and/or any person who operates any motorized equipment.
- 15) Drug – Any substance (other than alcohol) that is a controlled substance as defined in #11 above.
- 16) Employee – Council-appointed officers, employees of such officers and any officers and employees in the classified service of the Town. This term includes all full-time, part-time, temporary, and seasonal employees.
- 17) Employee Assistance Program (EAP) – A program which is staffed with certified and/or licensed health care professionals and is specifically designed to identify, counsel, and refer an employee who has a specific problem including but not limited to alcohol and substance abuse.
- 18) Management employee – Town Manager, Assistant Town Managers, department heads, and division managers.
- 19) Motor Vehicle – Every vehicle which is self-propelled or designed for self-propulsion, except a bicycle or moped.
- 20) Motorized Equipment – Any piece of equipment which is electric, battery, gasoline, or diesel powered and which is capable of transporting an individual or projecting an object, and includes tools that do not transport individuals such as trimmers, lawnmowers, generators, and the like.
- 21) Positive test – A test result which is obtained by use of gas chromatography/mass spectrometry or an equivalent confirming test by a laboratory certified for drug testing by the National Institute for Drug Abuse or any successor agency and which indicates the presence in the blood, urine or other bodily fluid or hair of any level of a controlled substance or an active or inactive metabolite of a controlled substance.
- 22) Safety sensitive employee – This term means any employee of the Water Filtration Plant or other water processing or distribution sites, sworn police officer, dispatcher, uniformed Fire personnel, Fire Marshal, and EMS employees when under the direction of and supervised by Fire Department or Police Department personnel.

- 23) Random Alcohol/Controlled Substances Screen – A hair, urine, blood, or other bodily fluid specimen that is obtained from a DOT employee, a management employee or a safety sensitive employee who is required to undergo random alcohol and controlled substances testing as mandated by this policy or Federal or state law.
- 24) Reasonable Suspicion – The presence or occurrence of specific objective facts or events that indicate the employee is, at the time of suspicion, under the influence of drugs or alcohol. Reasonable suspicion may include but is not limited to the following:
- a. A pattern of abnormal or erratic behavior (e.g., including but not limited to hyperactivity, unexplained mood or personality change, paranoia, hallucinations);
 - b. Presence of the physical symptoms of drug or alcohol use (e.g., including but not limited to pin point or dilated pupils, alcohol odor or breath, slurred speech, lack of coordination, onset of unusual perspiration or shakes, unusual drowsiness or sluggishness);
 - c. Direct observation of alcohol and drug use;
 - d. Information provided by a reliable source;
 - e. Possession of drugs, drug paraphernalia, or alcohol;
 - f. Observation by any of the senses of masking techniques (including but not limited to excessive use of mouth wash, breath spray, etc.)
25. Refusal to submit to an alcohol or controlled substance test – Failure to provide adequate breath, hair, blood, urine, or other bodily fluid for testing within three (3) hours without a valid medical explanation after the employee has received notice of the requirement for testing.
26. Screening test
- a. In alcohol testing, an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in his/her system.
 - b. In controlled substance testing, an immunoassay screen to eliminate “negative” specimens from further testing.
27. Substance Abuse Professional – Any licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with a combination of knowledge and clinical experience in the diagnosis and treatment

of alcohol diagnosis and treatment of disorders related to alcohol and controlled substances.

28. Under the influence of alcohol

- a. For safety sensitive employees, an alcohol concentration of 0.02 or more; or
- b. For all other employees of the Town, an alcohol concentration of 0.04 or more; or
- c. Impairment in the ability to operate a Town motor vehicle or motorized equipment or otherwise perform one's job duties as a result of the use of alcohol or alcohol combined with any controlled substances.

29. Under the influence of any controlled substance – Impairment in the ability to operate a motor vehicle or motorized equipment or otherwise perform one's job duties as a result of the use of any controlled substance, any combination of controlled substances, or any controlled substance or substances combined with alcohol.

30. Work Day – For purposes of this policy, this term shall mean the employee's regular duty hours including meals and other work breaks and any other work duty hours, such as overtime duty.

31. Work Place – For purposes of this policy, this term shall mean any site where an employee performs his/her work, including but not limited to any Town building or premise; any Town-owned vehicle; any building or premise used by the Town for Town business; any building or premise to which the Town is called or is present for purposes of Town business; and any non-Town property during any Town-sponsored or Town-approved activity, event, or function. Work Place also includes all Town-owned property such as, but not limited to: offices, desks, computers, lockers, safes, file cabinets, and toolboxes.

IV. Prohibitions:

- 1. It shall be prohibited for any employee to possess or use or be under the influence of alcohol or any controlled substance or have a positive test at any time:
 - a. during the employee's work day; or
 - b. while present at the employee's work place.
- 2. It shall be prohibited for any employee to:

- a. operate any Town owned or leased motor vehicle or any motor vehicle regardless of ownership in the conduct of Town business while under the influence of alcohol or any controlled substance, or
 - b. have a positive test which is administered promptly after such operation.
3. It shall be prohibited for any employee to use or possess alcohol or any controlled substance at any time in any Town owned or leased motor vehicle.
4. It shall be prohibited for any employee to refuse to submit to any test for the presence, in the hair, urine, blood, or any other bodily fluid, or breath, of alcohol or any controlled substances when ordered by a supervisor of such employee or any other authorized representative of the Town under any of the circumstances described in Section VIII.
5. It shall be prohibited for any DOT employee to use alcohol and/or any controlled substances within four (4) hours before entering upon the duty of any position or other job duties.
6. It shall be prohibited for any employee to use alcohol or any controlled substance within eight (8) hours following an accident or prior to undergoing a post-accident alcohol and/or drug test, whichever comes first.
7. It shall be prohibited for any employee to abuse either legal prescription drugs or non-prescription drugs to such an extent that his/her ability to operate a motor vehicle or motorized equipment, or otherwise perform his/her job duties, is impaired.
8. It shall be prohibited for any employee who is the subject of a post-accident alcohol and/or drug test not to be available for testing (unless medical treatment requires the employee to be unavailable for testing).
9. It shall be prohibited for any employee without justification to have on or about his/her person a detectable odor of alcohol at any time:
 - a. during the employee's work day;
 - b. while present at the employee's work place;
 - c. in any Town motor vehicle; or
 - d. in a motor vehicle regardless of ownership while on Town business.
10. It shall be prohibited for any employee to adulterate, tamper with, or substitute a sample to be tested for controlled substances.

11. While engaged in Town business, or by dress or context to appear to be engaged in Town business, it shall be prohibited for any employee to possess any alcohol in or on any Town property, and shall at all times without restriction be prohibited for any employee to possess any controlled substances in or on any Town property.
12. It shall be prohibited for any employee to directly or through a third party, illegally sell, or distribute drugs or alcohol to any person while either person is on duty or off duty with the Town or on Town property.

V. Exceptions:

1. Any employee who conclusively establishes by competent medical evidence that a positive test result was caused by a presence of a prescription drug which the employee was taking in accordance with a valid prescription, or as a result of the use of a non-prescription drug which the employee was taking properly for a bona fide medical purpose, shall not be deemed to have violated this policy because of a positive test for that drug. The employee shall declare prior to any alcohol or controlled substance test what medications have been taken.
2. Employees may be in a setting such as a conference or business meeting away from their work place when they are conducting Town business or representing the Town in a situation where alcoholic beverages are served. Discrete use of a moderate amount of alcohol under the circumstances described in this section is not a violation of this policy; provided that employees shall minimize their consumption of alcoholic beverages and do not operate a Town motor vehicle after having consumed alcohol.
3. This policy shall not apply to law enforcement officers while handling evidence or contraband or while working in an authorized undercover capacity; provided such employees must comply with all Department rules and regulations applicable to these activities.

VI. Back to Work Contracts:

In order to assist an employee who has tested positive for alcohol at work and has not been terminated with rehabilitation, the Town requires the employee to sign a Back to Work Contract. Any employee who has signed a Back to Work Contract shall be subject to the following requirements.

1. The employee must undergo a return-to-duty alcohol and drug test prior to returning to perform any job duties. The employee must test at an alcohol

concentration of less than 0.02. In addition, the employee must have a negative drug screen in order to return to work/duty.

2. The employee will be required to participate in any prescribed rehabilitation program(s) as prescribed by the substance abuse professional and/or the employee assistance professional and/or the treatment facility counselors.
3. The employee shall be subject to periodic follow-up alcohol and drug testing to be directed by the external EAP provider.
4. Any employee who fails to comply with the prescribed rehabilitation program(s) and/or any part of the Back to Work Contract and/or tests positive for drugs and/or tests at an alcohol concentration of 0.02 or more while in rehabilitation or while at work after being informed of the subject misconduct, will be terminated.
5. The employee who refuses to participate in a rehabilitation program and/or refuses to test for the Back to Work screen or to periodic follow-up alcohol testing will be terminated. Any employee who has signed a Back to Work Contract and tests positive for drugs and/or who tests at an alcohol concentration of 0.02 or more will be terminated.

VII. Consequences:

1. First violation of prohibitions described in *Section IV. Prohibitions: 1, 2 or 3.*
 - a. Any employee who tests positive for a controlled substance will be terminated.
 - b. Any employee who is tested and found to be under the influence of alcohol shall be suspended without pay for the equivalent of two of that employee's work weeks, and will be offered a Back to Work Contract. Any employee who has, prior to the effective date of this policy, entered into a Back to Work Contract with the Town shall be subject to the consequences set forth in subsection 2 below.
 - c. Any employee who is tested and found to be under the influence of alcohol and involved in an accident as defined in Section III-1, may be subject to termination from employment for a first violation of Prohibitions defined in Section IV- 1, 2 or 3.
2. Second Violation of Prohibitions described in Section IV- 1, 2 or 3 – Any employee who after having violated one of the Prohibitions described in Section IV- 1, 2 or 3

commits a subsequent violation of any of the Prohibitions described in Section IV- 1, 2 or 3 will be terminated.

3. Any employee who violates the prohibition set forth in Section IV- 4 will be terminated.
4. Any employee who violates any prohibition set forth in Section IV- 5 through 12 shall be subject to disciplinary action up to and including termination.

VIII. Drug and Alcohol Testing:

1. Pre-placement screening for new employees – As part of the pre-placement medical screening, the applicant to be hired is required to submit to a drug and alcohol test prior to the hire date. The conditional letter of employment must include a statement that the applicant successfully passed the pre-employment medical screening and the drug and alcohol test. A positive test on the pre-placement screening test shall mean:
 - a. The applicant has an alcohol concentration test of 0.02 or more.
 - b. The applicant has a drug test which is positive for drugs.
 - c. If testing positive as defined under a. or b. above, the person will be disqualified from further consideration for hire for one year. In addition, if the applicant is a current Town employee and the test reveals a violation of this policy, the employee shall be subject to disciplinary action as set forth in Section VII.
2. Screening for employees who are transferred or promoted – All employees who transfer to another department or who are promoted from their existing job are required to submit to a drug test. The department must schedule a screening with the Pulaski Community Hospital Occupational Health Department prior to the effective date of the transfer or promotion. Employees who test positive for drugs shall be subject to disciplinary action as set forth in Section VII.
3. Biannual testing and physical examination CDL Class H Endorsements – DOT employees who hold a class H endorsement to transport hazardous materials are required to be examined and tested every two (2) years. DOT has specific medical requirements. Failure to be medically certified to drive a DOT vehicle may result in disqualification for driving and/or loss of CDL license.
4. Post-Accident Alcohol and Controlled Substance Testing

- a. As soon as practical following an accident as defined in Section III, involving a Town owned or leased motor vehicle, each Town employee driver shall be tested for alcohol and controlled substances (ideally within three (3) hours of the accident).
- b. The department manager and/or supervisor are required to notify the Pulaski Community Hospital Occupational Health Department as soon as possible after the accident and plan to have the employee transported immediately or as soon as feasible (not to preclude medical assistance) to the Pulaski Community Hospital Occupational Health Department or to a site designated by the Clinic or designee for testing.
- c. The Town Manager will be notified immediately following the accident and will also arrange transportation if no other arrangements can be immediately made by the department manager and/or supervisor.

5. Reasonable Suspicion Alcohol and Controlled Substances Testing:

The Town shall require any employee to be tested, upon reasonable suspicion as defined in Section III, for alcohol and/or controlled substance/drugs.

- a. Managers and supervisors at every level are responsible for observing and monitoring any employee's behavior for signs and/or symptoms of alcohol and drug use. Such behavior shall be reported to the Pulaski Community Hospital Occupational Health Department to determine need for testing. If the Occupational Health Department is unavailable, the employee must report to the Pulaski County Hospital Emergency Room to determine the need for testing. The Police Department will test its own employees.
- b. If a reasonable suspicion alcohol test is not administered within three (3) hours following the observations, the department manager and/or supervisor shall contact the Occupational Health Department for further instructions.
- c. If an employee reports to the department manager or supervisor that a co-worker smells of alcohol such manager or supervisor must act on that report to investigate and proceed with reasonable suspicion testing.
- d. Only one supervisor and/or other management employee is required to make the observations necessary to require the controlled substances and/or alcohol test. Observations must be documented and signed by the management or supervisory employee who made the observations. The

person who makes the determination that reasonable suspicion exists to conduct the test shall not test the employee.

6. Return-to-Duty Testing:

Before any employee who has tested positive for alcohol returns to work, the employee shall undergo a return-to-duty drug and alcohol test indicating a breath alcohol concentration of less than 0.02 by weight by volume of alcohol and negative drug test.

7. Follow-up Testing:

- a. Any employee who has successfully completed an alcohol treatment program and has returned to work shall be subject to unannounced follow-up alcohol and/or drug testing as defined in the Back-to-Work Contract.
- b. Follow-up testing will be performed only while the employee is scheduled for duty.

8. Random Testing:

This type of testing applies to DOT employees, management employees and safety sensitive employees. Random testing for DOT employees shall be performed in accordance with applicable Town policy or state or federal requirements, including the time the employee is to report for testing designated by the testing authority. Management employees and safety sensitive employees will be selected randomly using a predetermined percentage selected by an outside testing company.

IX. Request for Additional Testing After Confirmed Positive Alcohol/Controlled Substance/Drugs:

1. The employee has a right to request at the employee's expense a test of the split specimen of the original specimen within seventy-two (72) hours of receiving notification of a positive test.
2. Any employee who tests positive for alcohol by breath test may request to undergo a blood alcohol content test at the employee's expense. If feasible, the request will be granted, and the blood will be drawn by the Town designated medical personnel immediately after the breath analysis has been completed. The blood will be provided to a laboratory, selected by the Town, for alcohol testing.

X. Criminal Charges, Arrests and Conviction; Loss or Restriction of Driver's License – Notification Requirements:

1. It shall be the responsibility of every employee to notify, in writing, the employee's department manager and/or designee of any criminal drug arrest/conviction immediately.
2. Consistent with requirement of the Drug Free Workplace Act of 1988, any department manager who receives notification of a criminal drug conviction, in addition to other administrative actions directed by this policy, shall immediately report the same to the Human Resource Manager, who shall determine whether the employee involved was directly engaged in the performance of work pursuant to the provisions of any Federal grant. In such event, the Human Resource Manager shall promptly notify the appropriate Federal agency of the conviction.
3. Any Town employee who is required by virtue of his or her employment to have any type of driver's license must report any loss of license or license restriction to the department manager or designee as soon as possible after notice of loss or restriction. Such report shall be made in writing or by providing a copy of the notice received by the employee.
4. Failure to comply with any of the notification requirements in this section shall be separate grounds for disciplinary action which may include termination.
5. Loss of driver's license by an employee who is required to maintain a valid DMV license as an essential function of his/her job may subject that employee to termination.

XI. Confidentiality Section:

The results of any drug or alcohol test performed pursuant to this policy shall be confidential and shall be made known only to those Town employees who are directly involved in any administrative decision considered as a result of such test results. The results of any drug or alcohol test performed pursuant to this policy shall not be used in any criminal proceeding against the employee.

K HARASSMENT

Purpose: To establish the definitions, report procedures, and administrative guidelines pertaining to harassment.

Definition: Harassment is defined as any unwanted verbal or non-verbal conduct which threatens, intimidates, pesters, annoys, or insults another person, where such conduct has the purpose of, or effect of, creating an offensive, intimidating, degrading, or hostile environment, or interferes with an employee's performance or opportunities.

Harassment includes, but is not limited to, conduct that belittles or shows hostility to race, color, religion, gender, national origin, age, disability, or sexual orientation.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other advances of a sexual nature.

Harassment does not include conduct or actions of supervisors intended to provide employee discipline, such as deficiency notices, performance evaluations, oral warnings, reprimands, or other actions intended to promote positive performance. Nor does harassment cover interaction between employees that may not like each other or have different personalities; all employees are expected to treat each other with courtesy and respect.

Actions: Employees must recognize that conduct that may not be offensive to them may be offensive to others. Jokes, cartoons, and photographs involving sexual innuendoes, religion, race, age, disabilities, or sexual orientation can be offensive to others and should not be part of the workplace.

Enforcement: The Town will abide by and enforce all State and Federal laws, rules, and regulations pertaining to harassment and related anti-discrimination laws. The Town will not tolerate harassment of any kind.

L HARASSMENT INVESTIGATION

Purpose: To establish a procedure for reporting and resolving potential harassment incidents or conditions.

Conditions: Employees are encouraged to utilize the Town's administrative procedure for reporting and resolving cases of harassment. However, this policy does not limit an employee's right to seek external remedies through State, Federal, or other legal agencies. However, where Commonwealth or Federal laws require employees to exhaust internal options prior to utilizing legal means of resolution, it is the Town's policy that its administrative options be exhausted.

Supervisor Reporting: If, any supervisor witnesses or is confronted with a situation of potential harassment, the supervisor shall immediately notify the party that the behavior will not be tolerated. The supervisor shall inform the Department Head of any situation that may result in a complaint.

Employee Reporting: If, an employee witnesses or is subject to any form of harassment, the employee shall report the incident to a non-involved supervisor, Department Head, Town Manager, or designee.

Non-Employees: If, a supervisor or employee witnesses an act of harassment by a non-employee, the employee should report the incident to their supervisor immediately.

Investigation:

- 1) Lead Investigator: The Department Head shall initiate an investigation of the situation and recommend a solution to the situation to the Town Manager.
- 2) Department Head: The investigating party shall submit their statements, complaints, results of investigations, and other material to the Department Head. The Department Head shall review all material and, if deemed necessary, investigate the circumstances further. The Department Head shall provide a final decision to remedy the situation, including disciplinary action, if warranted. The Town Manager will be apprised of the case. If, the complaint involved the Department Head directly, the Town Manager shall appoint an employee to investigate and provide final comments on the situation. If, the complaint involved the Town Manager directly, the Town Council shall appoint a non-Town employee and/or the Town Attorney to investigate and provide final comments on the situation.
- 3) Results: When completed, the findings of any investigation will be communicated to the complainant. Corrective measures may be implemented to minimize the likelihood of instances the future.
- 4) Grievance: Town employees covered under the grievance policy may appeal the decision through the normal grievance procedure.
- 5) Alternatives: Nothing within this policy shall prohibit a supervisor from attempting to resolve personnel conflict through counseling or mediation, if the offended employee(s) is/are agreeable. If, the supervisor believes that harassment is probable, the decision of proceeding formally or informally will be made after consulting the complainant. If, the facts do not support a finding of harassment, counseling or mediation still may be appropriate, whether or not the parties agree.
- 6) Discipline: Complaints against employees that are founded or sustained will be subject to disciplinary action.
- 7) False Reports: Unfounded formal complaints will result in disciplinary action against the employee.

SECTION 5. COMPENSATION PLAN

The purpose of the Town's compensation system is to support the recruitment, motivation, and retention of qualified employees and to encourage and reward activities that facilitate and promote achievement of the Town's vision and mission. The Town's Compensation Plan must be flexible in order to meet continually changing requirements. The Town policy supports paying employees appropriate to their job responsibilities. Compensation incentives are critical if employees are to be successful in achieving the goals and objectives of the Town. The Town will offer appropriate opportunities for employees to develop and advance and will recognize performance in order to foster employee success, retention, and professional development. The Town will administer this system in an open, fair, and equitable fashion and comply with applicable laws, rules, and regulations.

A APPROVAL OF PAY LEVELS

The Town Council shall approve the Compensation Plan.

B ADMINISTRATION

The Town Manager shall be responsible for the overall maintenance of the compensation system.

C SALARY SCHEDULE

In order to ensure that the Town is compensating its employees fairly, the Town utilizes an established salary schedule. The salary schedule includes the following elements:

Salary Grades: The schedule shall include an appropriate number of salary ranges to ensure positions are compensated fairly based on their level of responsibility and nature of the position. All positions shall be assigned a salary grade by the Town Manager with approval from the Town Council.

Salary Ranges: Each salary grade shall have an established salary range minimum, maximum, and 20 step progression plan.

D SALARY STRUCTURE INCREASES

To ensure that the Town's salary structure remains competitive with the market, the Town shall update its salary structure based on a bi-annual market survey.

Recommendation: The Town Manager shall recommend an annual salary structure increase that is consistent with market movements, based on available funding

Effective: All increases, if any, shall be effective on the first day of each fiscal year, or the employee's anniversary date if eligible for a merit increase.

E SALARY (PAY) INCREASES

In order to remain competitive with the market and to recognize employee performance, service, and other components of employment, the Town shall provide pay increases on an annual basis using the following steps.

Recommendation: The Town Manager shall recommend to the Town Council annual pay increases for all employees that are consistent with market movements. Increases may be granted based on performance evaluations provided an acceptable performance evaluation system is installed and the Town Council approves of performance increases for that year.

Effective: All increases, if any, shall be effective on the first day of each fiscal year, or the employee's anniversary date.

F RE-CLASSIFICATIONS (PAY)

No Change in Pay Grade: If as a result of a reclassification, the employee's salary grade or responsibilities have not changed, the employee shall remain at their current rate of pay.

Higher Pay Grade: An employee who is advanced to a higher pay grade through reclassification or promotion shall have his/her salary set within the range of the new pay grade to one of the following:

- a. The minimum of the assigned pay grade; or
- b. Receive a five percent (5%) increase in pay.

Lower Pay Grade: An employee who is placed into a lower pay grade through reclassification or classification regrade shall have his/her salary set within the range of the new pay grade providing that it does not exceed the maximum of the new pay grade.

G WORKING OUT OF CLASS PAY

Purpose: To define what constitutes working out of class and how pay will be affected.

Definition: It may be necessary for the Town to reassign an employee to a higher classification on a limited (non-permanent) basis. This assignment to a higher classification is a formal process where the employee is expected to perform the full duties of the higher-level classification. Working out of class does not constitute a few delegated duties or a few duties that are reassigned.

Working out of class requires the recommendation of the Department Head and approval from the Town Manager, or designee.

Temporary Assignment: If the assignment will be less than fifteen (15) business days, there will be no increase in pay.

Long-Term Assignment: If the assignment will be longer than fifteen (15) business days, the employee shall receive a 5% increase while working in this classification for the entire period. Once the employee is returned to their original classification, their pay will be reduced to its original level.

Pay Increase: If, during the assignment, the employee is eligible for an annual pay increase, their salary shall be increased based upon the salary of the original position, as appropriate and normal compensation practices will apply. The assignment will not change the employee's evaluation date.

H BENEFITS

At its discretion, the Town will provide its employees with benefit programs such as: health, dental, retirement, life insurance, or related programs. However, these benefits have the following conditions:

The Town will offer all mandated (legally required) benefits and benefit contributions, such as social security contributions, worker's compensation, unemployment compensation, and various others. Non-mandated benefits may be canceled or reduced at any time.

I BENEFIT ELIGIBILITY

Regular Full-Time Employee: Shall be eligible for all benefits, vacation, holiday, or sick pay offered by the Town and based on this Manual as applicable.

Regular Part-Time Employee: Shall not be eligible for benefits, vacation, holiday, or sick pay offered by the Town.

Temporary Full or Part-Time Employee: Shall not be eligible for benefits, vacation, holiday, or sick pay.

J FAIR LABOR STANDARDS ACT (FLSA) STATUS

The Department of Labor's regulations applicable to the Fair Labor Standards Act establish certain tests to determine whether a position is exempt from the Act's minimum wage and overtime requirements, based on salary and job duties. The tests that define exempt classes of executive,

administrative, professional, and computer employees will be used to determine which positions within the Town are exempt from the wage and overtime provisions of the Fair Labor Standards Act because they are executives, administrative, professional or computer employees.

Exempt: An employee that is classified as an exempt employee under the FLSA standards shall not be entitled to overtime compensation, unless specified by an employment contract.

Non-Exempt: An employee classified as non-exempt under the FLSA standards will be compensated with overtime pay or earned compensatory time.

K WORK PERIODS

Purpose: To establish work periods designated by the Fair Labor Standards Act.

Public Safety: Firefighters and personnel engaged in law enforcement activities shall be on a 28-day work period. Overtime pay will be paid to Firefighters working over 212 hours in a given work period and law enforcement officers working over 160 hours in a given work period.

Non-Public Safety: All non-public safety personnel shall be scheduled on a seven-day calendar workweek from Monday through Sunday. While general Town operations operate on a Monday to Friday basis, the Town may schedule employees on any day and during any time period based on services required. Overtime pay or compensatory time will be paid to Non-Exempt employees working greater than 40 hours in a given work period.

Overtime Calculation: For purposes of calculating overtime hours, "Hours Worked" includes time that the employee is on duty and does not include time that is taken for holiday, vacation, personal, sick, or compensatory time. In those cases where the employee has taken leave which has caused their total hours to go over 40 hours in a week for non-public safety, 212 hours in a 28-day period for Firefighters, or 160 hours in a 28-day period for Police Officers, they will earn compensatory time at a straight time rate or be paid for their time at a straight time rate and not at a time and a half rate, unless their hours worked should exceed those limits within that same time period. Exceptions to the normal calculation process may be made by the Town Manager for an emergency situation, including the following exceptions which are pre-approved:

Fire Department

- Call back to work for emergencies and/or long duration calls such as storms, natural disasters, etc.
- Call back to work for emergency coverage of a short shift.

Police Department

- TDO Transports that require an off-duty call-in to execute for travel time in excess of two hours total.
- ECO custody situations that require an off-duty call-in due to staffing and duration
- Crime scenes/Investigations of major crimes with exceptional scenes.

- Fleeing felons/searches for wanted persons that would require off-duty call-in for supplementation of shift or search.
- Stand-offs or barricade type of situations.
- The search for missing children or adults that require off-duty call-in for supplementation of shift or search.
- Unexpected summons to court when the time cannot be planned for comp/flex of schedule.
- Situation that is deemed a Category I or II response in the Emergency Response Plan.
- Call back for emergency coverage of a shift due to staffing shortages.
- Town Parades that have been budgeted and planned as “Overtime”.

Public Works:

- Water main breaks
- Downed trees
- Inclement weather
- Traffic signals
- Flooding
- Sewer backups
- Pump Station Emergencies
- Employee called in to work on a holiday

The Department of Labor’s regulations applicable to the Fair Labor Standards Act establish certain tests to determine whether a position is exempt from the Act’s minimum wage and overtime requirements, based on salary and job duties. The tests that define exempt classes of executive, administrative, professional, and computer employees will be used to determine which positions within the Town are exempt from the wage and overtime provisions of the Fair Labor Standards Act because they are executives, administrative, professional or computer employees.

L ON-CALL PAY

Purpose: To provide guidelines to employees and supervisors to determine when on-call should not be counted as time worked.

Time Not Worked: If an employee is on-call and can be contacted by phone, cell-phone, pager, or other by means, and their status does not require them to be confined to their home or any particular place or if the status does not substantially impact their ability to perform desired activities, their time on-call will not constitute as time worked. It is the intent of the Town to structure on-call status in this fashion.

Time Actually Worked: If an employee is called into work, they will be compensated based on their current wage for a minimum of two hours, or initiating at the time the employee begins traveling to the work assignment and terminating when they are relieved of duty, whichever is greater.

M PAY PERIODS AND CHECKS

Pay Period: Paychecks are issued on a bi-weekly basis on Fridays.

Release of Checks: Paychecks are distributed to the Department Head unless other arrangements are made.

Direct Deposit: Effective 01/01/2022, all pay will be issued through direct deposit to the bank that the employee chooses, or to an ADP Wisely Pay Card, issued by the Human Resources office.

Deductions: Employee's paychecks shall detail the deductions that are incurred during that pay period. The paycheck will also maintain a record of sick and vacation time. Deductions typically include provisions for federal income tax, state income tax, social security, retirement contributions (if eligible), and other deductions required by law.

Garnishments: A garnishment is defined as a legal stoppage of a specified amount of wages to satisfy a judgement to a creditor. If the Town receives a garnishment notice for one of its employees, it will process the request immediately and will forward the deductions to the creditor or court as required. Repeated garnishments may be considered for cause of a disciplinary action in accordance with state law. Three separate garnishments within a twelve-month period may be cause for termination.

Pay Changes: Any increases or decreases in an employee's pay must be reported in writing and signed by the Department Head, and the Town Manager as required. The pay change will be processed the pay period following the date the form is received.

N TIME REPORTING

Calculations: The Finance Department shall calculate the earnings of the employee less any required deductions for taxes, benefits, etc. Any questions regarding payroll can be directed to Human Resources or Finance. All records shall be maintained according to applicable record retention laws.

O COMPENSATORY TIME

Purpose: To define, explain, and outline compensatory time.

FLSA: With limited exceptions, Non-Exempt, non-public safety employees are entitled to overtime pay for each hour worked over 40 hours in their established work period. However, public employers may offer employees who are in specific positions, including Police Officers and Firefighters, additional time off (compensatory time) in lieu of paying overtime pay.

Conditions: The following conditions apply to compensatory time:

- 1) Overtime Pay: Employees are entitled to pay at time and a half (1.5) for each hour that is worked over their designated work period or by contractual agreement.
- 2) Banking Time: The maximum amount of compensatory time that can be accumulated by a regular full-time employee is fifty-six (56) hours on a seven-day work period and one-hundred and thirty (130) hours on a twenty-eight (28) day work period. Any eligible time in addition to these hours will be paid as overtime pay.
- 3) Compensatory Time: In lieu of receiving overtime pay, an employee may receive 1.5 hours of time off for each hour of overtime. Compensatory time is earned in the same manner as overtime.
- 4) Usage: Accrued compensatory time may be used by the employee providing sufficient notice has been provided to their Department Head and it does not disrupt the operations of the Town. The Town may require and schedule the employee to use any compensatory time. In addition, compensatory time use may be required prior to the use of any leave time, even if this results in the loss of other accrued leave.
- 5) Pay-out: Employees cannot lose compensatory time. The Town reserves the right to pay out an employee's compensatory time at their current rate of pay. At separation, employees will be paid their compensatory time at their current rate of pay.

Responsibilities: The following responsibilities apply to Department Heads and employees regarding timesheets.

Department Heads: The Department Head shall be responsible for equitably administering the provisions of this policy within their department. While the reassignment or allocation of duties is preferred as an alternative to overtime, they may approve overtime requests and determine whether overtime or compensatory time will be paid or if leave time will be used for absences. Department Heads also need to ensure that employees time is reported accurately.

Individual Employee: Employees are responsible for ensuring they report their time accurately.

P TUITION/ TRAINING REIMBURSEMENT

Purpose: To promote and facilitate training and career education that meets the dynamic needs of the Town.

Coverage: Non-probationary employees are eligible if funds have been approved and are available. If the training is mandatory for employment, probationary employees may be eligible for reimbursement under the Section 2 of this Manual.

Tuition Reimbursement: Employees are encouraged to continue their education and training during off duty/non-working hours. Employees are eligible for reimbursement if approved prior to attendance based on the following parameters:

- 1) All reimbursements must be approved prior to enrollment or registration.
- 2) Payment will be made after successful completion of the course and achieving a C (2.0 grade point) or better (pass in a pass/fail system).
- 3) Reimbursement is not allowed for travel, books, meals, and other related expenses.
- 4) Requests for reimbursement must be made within 30 days of receiving a successful grade.
- 5) All time spent is considered personal time and not counted as time worked.

Training/Conferences: Conferences or training programs shall be subject to Department Head approval and funds available.

Town Sponsored: The Town may sponsor a training program or event. Such events shall typically occur during normal working hours; however, an employee's schedule may be adjusted to accommodate attendance and workload. Time shall be recorded as time worked.

Records: Records of attendance shall be maintained in the employee's personnel file. Employees who pay for training are encouraged to submit proper records for their personnel file though it is not reimbursed by the Town.

SECTION 6. LEAVE

A LEAVES IN GENERAL

Employees: All employees are required to accurately report any leave used. Failure to do so will result in disciplinary action.

Supervisors: Supervisors are responsible for reviewing employee leave slips to ensure leave time is reported accurately and observed according to Town policy.

Town: Unless specified by law, the Town is not required to hold an employee's position during periods of extended absences. The Town reserves the right to reassign the employee upon returning to employment or fill the position if required, unless required by law.

Separation: If an employee is on a bona fide leave status, the Town may reach an agreement with the employee to make early payments of benefits in return for the employee's resignation. No employee is entitled to such agreement and both the employee and the Town Manager must sign the agreement.

B ANNUAL LEAVE

Conditions: All regular full-time employees are eligible for annual leave, which will be prorated as appropriate. While employees will accumulate annual leave during their first six (6) months of employment, they may not take any leave time until they have completed six (6) months of service. Leave time will be paid based on the employee's current wage at the time leave is used.

Accrual: Annual leave shall be earned and accrued based on an employee's length of service with the Town based on the following schedule:

Years of Service	Hours Earned Per Calendar Month	Hours Earned Per Year	Maximum Hours that can be Accumulated
0-5 years	8	96	192
6-10 years	10	120	240
11-15 years	12	144	288
16 plus years	14	168	336

Usage: Employees should work with their Department Heads to plan their annual leave schedule to ensure workloads can be distributed and that temporary employees are not needed. Except in cases of emergency or illness, annual leave time must be approved in advance.

Separation or Retirement: Regular full-time employees will be paid for annual accrued leave, up to the maximum allowed. Payment will be based on their rate of pay at separation or retirement.

C SICK LEAVE

Purpose: To establish guidelines for the accrual and use of sick time for personal illness and non-job-related injuries.

Regular Full-Time Employees: All employees, including Fire and Police, are entitled to sick time after they have completed six (6) months of their initial probation period. At such time, the employee will retroactively accrue sick time from the date of employment. All non-hybrid employees shall accrue eight (8) hours of sick leave per calendar month of service.

Hybrid Full-Time Employees: Sick Leave is accumulated at the rate of eight (8) hours per month for the first twelve months of employment. For the thirteenth (13th) through sixtieth (60th) month of employment, sick leave accrues at the rate of 3.2 hours per month. Beginning with the sixty-first month of employment and thereafter, sick leave shall accrue at the rate of 1.6 hours per month. The Short-Term Disability Policy carried by the Town on hybrid employees will make up the difference when a claim is filed.

Usage: Except for temporary absences in the workday, sick leave will be used at a rate for an employee's typical shift length, or rounded to the nearest quarter hour. An employee may use other leave time in lieu of sick time if their sick time has been exhausted. Employees are prohibited from performing secondary employment occupations while on paid sick leave from the Town.

Sickness or Illness: Employees are entitled to be away from work with pay for up to three (3) working days where such illness, injury, or related condition prevents them from working and was not caused by activities related to the employees' job. If the condition extends beyond three (3) working days, the employee is required to present documentation from a licensed physician stating that the employee should be excused from work and the expected date for the employees' return.

Other Uses: Sickness of an immediate family member for up to 2 work days per two-week payroll period, voluntary or enforced quarantine, doctor or dental appointments. The abuse or inappropriate use of this policy may result in disciplinary action up to and including termination.

Notification: Depending on the situation, the employee should provide their supervisor with the following notice regarding their intent to use sick leave:

Sickness or Illness: Employees are required to notify their supervisor of the need to use sick leave and when they anticipate returning to work. Employees must notify their supervisor no later than one (1) hour prior to the start of their scheduled work period. Failure to do so may result in denial of sick time immediately. Employees should keep their supervisors apprised of their condition and any change in when they will return to work.

Other Uses: Where possible, employees should provide their supervisors with forty-eight (48) hours of notice of their desire to use sick time for any anticipated events, such as doctor's appointments. The employee may be required to provide proof that the appointment was necessary.

Accrual: Sick leave will be accrued for all employees with no limit. Sick time will not accrue during leave of absences without pay or as designed by this Manual. Upon termination, no payment shall be made for any unused sick time. If the employee is transferred, the employee will maintain their bank of sick time.

Sick Leave Accrual Incentive Program: Employees who leave employment after 10 years of service with the Town by electing to enter into the Virginia Retirement System, shall receive a payment equal to the actual value of accrued sick leave up to a maximum of \$10,000 until March 20, 2022. Thereafter, the payment of accrued sick leave shall be calculated at 25% of the accrued sick leave balance at the current hourly wage, and the employee shall receive a payment equal to that actual value up to a maximum of \$5,000.

Family Medical Leave Act (FMLA): Some leave time may qualify for FMLA described in the following section. Employees should consult with Human Resources for further information.

D FAMILY AND MEDICAL LEAVE ACT (FMLA) POLICY

The Town of Pulaski, a political subdivision of the Commonwealth of Virginia will comply with the Family and Medical Leave Act implementing Regulations as revised effective January 16, 2009. The Town posts the mandatory FMLA Notice and upon hire provides all new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Act. The Town also posts the DOL supplementary information concerning Military Family Leave at the same location.

The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

If you have any questions, concerns, or disputes with this policy, contact the Human Resources Department.

General Provisions: Under this policy, the Town will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

Eligibility: To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

1) The employee must have worked for the Town for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.

2) The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

3) The employee must work in a worksite where 50 or more employees are employed by the company within 75 miles of that office or worksite. The distance is to be calculated by using available transportation by the most direct route.

Type of Leave Covered: To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

1) The birth of a child and in order to care for that child.

2) The placement of a child for adoption or foster care and to care for the newly placed child.

3) To care for a spouse, child or parent with a serious health condition (described below).

4) The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what this FMLA policy or under the Town's sick leave policy should consult with the HR manager.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the Town may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

5) Qualifying exigency leave for families of members of the National Guard and Reserves when the covered military member is on active duty or called to active duty in support of a contingency operation.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to active military duty or who is already on active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: 1) short-notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities and 8) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

6) Military caregiver leave (also known as covered service member leave) to care for an ill or injured service member.

This leave may extend to up to 26 weeks in a single 12-month period for an employee to care for a spouse, son, daughter, parent or next of kin covered service member with a serious illness or injury incurred in the line of duty on active duty. Next of kin is defined as the closest blood relative of the injured or recovering service member.

Amount of Leave: An eligible employee can take up to 12 weeks for the FMLA circumstances (1) through (5) above under this policy during any 12-month period. The Town will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the company will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA circumstance (6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the Town will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for the Town and each wish to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the Town and each wish to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

Employee Status and Benefits During Leave: While an employee is on leave, the Town will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

While on FMLA, the employee will be expected to pay their normal payroll-deducted portion of the health care premium, and it will continue to be deducted from their paycheck while on leave. If they are on leave without pay, they will be billed for their portion of the health insurance premium and the employee must continue to make this payment, either in person or by mail. This payment must be received in the Finance Department by the tenth (10th) day of each month.

If the employee contributes to a life insurance or disability plan, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums. If the employee does not continue these payments, the employer may discontinue coverage during the leave. If the employer maintains coverage, the employer may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

Employee Status After Leave: An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider. This requirement will be included in the employer's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions. The Town may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

Use of Paid and Unpaid Leave: An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid vacation, personal or sick leave prior to being eligible for unpaid leave. Sick leave will be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

Disability leave for the birth of the child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. For example, if an employer provides six weeks of pregnancy disability leave, the six weeks will be designated as FMLA leave and counted toward the employee's 12-week entitlement. The employee may then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement. An employee who is taking leave for the adoption or foster care of a child must use all paid vacation, personal or family leave prior to being eligible for unpaid leave.

An employee who is using military FMLA leave for a qualifying exigency must use all paid vacation and personal leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid vacation, personal leave or sick leave (as long as the reason for the absence is covered by the Town's sick leave policy) prior to being eligible for unpaid leave.

Accumulated holiday leave and accumulated compensatory leave balances shall be considered personal leave, as described above.

Intermittent Leave or a Reduced Work Schedule: The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

The Town may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the Town and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the Town before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

Certification for the Employee's Serious Health Condition: The Town will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition (<http://www.dol.gov/esa/whd/forms/WH-380-E.pdf>).

Certification for the Family Member's Serious Health Condition: The Town will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Family Member's Serious Health Condition (<http://www.dol.gov/esa/whd/forms/WH-380-F.pdf>).

The Town may directly contact the employee's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The Town will not use the employee's direct supervisor for this contact. Before the Town makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the Town will obtain the employee's permission for clarification of individually identifiable health information.

The Town has the right to ask for a second opinion if it has reason to doubt the certification. The Town will pay for the employee to get a certification from a second doctor, which the Town will select. The Town may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the Town will require the opinion of a third doctor. The Town and the employee will mutually select the third doctor, and the Town will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

Certification of Qualifying Exigency for Military Family Leave: The Town will require certification of the qualifying exigency for military family leave. The employee must respond to such a request

within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave (<http://www.dol.gov/esa/whd/forms/WH-384.pdf>).

Certification for Serious Injury or Illness of Covered Service member for Military Family Leave: The Town will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service member (<http://www.dol.gov/esa/whd/forms/WH-385.pdf>).

Recertification: The Town may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the employee receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the Town may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The Town may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

Procedure for Requesting FMLA Leave: All employees requesting FMLA leave must provide verbal notice of the need to the employee's Department Head and written notice of the need for the leave to the HR manager. Within five business days after the employee has provided this notice, the HR manager will complete and provide the employee with the DOL Notice of Eligibility and Rights (<http://www.dol.gov/esa/whd/fmla/finalrule/WH381.pdf>).

When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the company's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

Designation of FMLA Leave: Within five business days after the employee has submitted the appropriate certification form, the HR manager will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice (<http://www.dol.gov/esa/whd/forms/WH-382.pdf>).

Intent to Return to Work from FMLA Leave: On a basis that does not discriminate against employees on FMLA leave, the Town may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

E HOLIDAY PAY

Conditions: The Town, except those departments operating 24 hours a day, seven days a week, will observe the following holidays. All regular full-time employees are eligible for holiday pay. The Town has adopted the Commonwealth of Virginia holiday schedule; therefore, additional holidays may be authorized each year.

Holiday*

New Year's Day (January 1st)

Martin Luther King, Jr. Day (Third Monday in January)

President's Day (Third Monday in February)

Memorial Day (Last Monday in May)

Juneteenth (June 19th)

Independence Day (July 4th)

Labor Day (First Monday in September)

Columbus Day (October 11th)

Election Day (November 2nd)

Veterans Day

Thanksgiving Day (Fourth Thursday in November)

Day After Thanksgiving

Christmas (December 25th)

Two Personal Days which expire on December 31 of each year (need to schedule days off with Dept. Head/Supervisor)

* The Town Council may add special holidays.

Weekends: In the event the holiday falls on a Saturday, the holiday will be observed on the Friday before; if the holiday falls on a Sunday, the holiday will be observed on the Monday after.

Holiday Work: Employees that are required to work on a holiday, or the holiday is on a scheduled day off, will be entitled to an equal number of hours of holiday leave for their scheduled shift on the observed holiday. For public safety positions, the hours will be preloaded on January 1 of each year and unused hours will be forfeited on December 31 of the same year. For non-public safety positions, the holiday leave must be paid or used within the year in which the holiday was earned. Employees must have holiday leave approved in advance.

Sick Pay: An employee that used sick leave the day before or after the holiday will not receive holiday pay unless a doctor's note is provided.

Vacation Time: Vacation time may be used before or after a holiday without losing the holiday leave providing it is approved by the supervisor.

F BEREAVEMENT LEAVE

Purpose: To establish guidelines for the uses of leave time in the event of a death in the employee's immediate family.

Conditions: A regular full or part-time employee may take up to three (3) days of leave time for bereavement or to attend or arrange for a funeral. If the employee is already on vacation, bereavement leave may be used. In the event of multiple deaths, each death will be treated as a separate incident. Upon exhaustion of the bereavement leave, vacation, or compensatory time may be used as appropriate. If no vacation or compensatory time is available, the employee may make up the time within the same pay period or take it as unpaid leave on approval from the Department Head.

Notification: Employees must notify their supervisor prior to taking any leave time relating to bereavement. Failure to return to work on the specified date may result in disciplinary action, up to and including termination.

Immediate Family: For this policy, the term immediate family shall consist of: spouse, child, parent, brother, sister, grandparent, stepchildren or parents, guardian, grandchildren, and the same relatives of the employee's spouse.

G MILITARY LEAVE

Conditions: Employees who are members of the armed services, national guard, or other government related military units will be provided up to fifteen (15) work days of paid leave per calendar year, or as otherwise required by law, for military training and service requirements. A work day shall mean 1/260 of the total working hours an employee is scheduled to work in the entire Federal fiscal year. The employee must provide their Department Head with a copy of their orders prior to using military leave and their Department Head should forward the documentation to the Town's payroll clerk. This policy does not apply to periodic weekend drills or attendance at military schools in excess of the allotted fifteen days leave. Specifications as to the applicability of military paid or non-paid leave shall be in accordance with Federal and State law.

H JURY DUTY OR COURT LEAVE

Conditions: If an employee is called to serve as a witness in a non-official capacity or for jury duty. In order to be eligible for this leave, the employee must furnish their Department Head with a copy of their summons or court documents illustrating the need for their services before approval. This time will be paid at the employee's current rate of pay.

I LEAVE OF ABSENCE (WITHOUT PAY)

Definition: An authorized absence from work where no pay or benefits will be received; however, seniority will be preserved.

Usage: Leave of absences can be used for a variety of reasons, provided it is approved by the Department Head and/or as covered by the following circumstances:

Educational Purposes: Shall be authorized by the Department Head for a specific amount of time and shall not exceed 12 months. This leave may be full or part-time in nature and the educational courses should be job related or related to a position where the employee may be promoted to; however, the promotion is not guaranteed. Employees may be granted this leave only once during their employment. The employee shall return to work within five (5) working days of completing the course(s). The request may be denied if the Town's operations would be adversely affected, for public safety and health reasons, for workload considerations, or for any other reason deemed necessary by the Town.

Town Manager: All requests for leave of absences longer than ninety (90) days shall be presented to the Town Manager. The Town Manager may reject the request for any reason stated above.

J INCLEMENT WEATHER CLOSING

Conditions: The Town Manager may close Town offices if conditions warrant such action. If offices are open and employees arrive late to work, the employee may use accrued leave to balance this time. Upon approval of their Department Head, the time may be made up during that pay period. If Town offices remain open and the employee is unable to come to work, they shall notify their supervisor no later than thirty (30) minutes prior to their scheduled start time. The employee's absence will be charged to accrued leave (if available), or unpaid leave at the employee's discretion.

Emergency Personnel: Employees performing public safety, health, or related Town operations shall report as usual to work unless excused by the Department Head.

Essential Employees: Employees that are designated as essential personnel are expected to report to work under any conditions deemed safe, whether or not the Town is open for general business. Essential personnel include the Town Manager, Town Engineer, Superintendent of Public Works, Chief of Police, and the Fire Chief. If these essential employees are unable to come to work due to

transportation problems, they should notify their supervisor immediately. Essential employees are expected to inform subordinate personnel if they are considered emergency personnel under this policy and required to report for work.

K SICK LEAVE SHARING

Purpose: Permits eligible employees in Leave Without Pay (LWOP) status to receive income by using sick leave hours donated to them by other employees.

Conditions: Use of Leave Sharing is at the sole discretion of the Town Manager. Regular full-time employees may request to use sick leave donations if the employee:

- 1) (or immediate family member) suffers from an illness, injury, physical or mental condition that is extraordinary in nature that will most likely cause or has caused the employee to go on leave without pay or terminate Town employment, according to the eligibility guidelines below;
- 2) The employee will be able to return to work once the leave time has been used;
- 3) The employee's leave and sick time has been completely used or will be shortly;
- 4) The employee has abided by all personnel rules regarding sick leave use;
- 5) The employee's participation is voluntary and no legal rights shall accrue to the employee by participating.
- 6) The amount of donated leave hours cannot extend the absence of the employee beyond their 480 hours of FMLA time.

Eligibility:

- 1) Plan 1 or Plan 2 VRS Employees:
 - (A) Employees covered under these retirement plans may request donated sick leave as described in this policy if the employee:
 - (a) Experiences leave without pay due to personal illness, or injury, or
 - (b) Experiences leave without pay due to a family member's illness or injury for which the employee is using Family and Medical Leave.
- 2) Hybrid Plan Employees:
 - (A) Hybrid employees who are covered by the Virginia Local Disability Program (VLDP), may request donated sick leave as described in this policy if the employee experiences leave without pay due to a family member's illness or injury for which the employee is using Family and Medical Leave. NOTE: Employees who participate in the VLDP receive program benefits for personal injury or illness and, therefore, are not eligible for leave donations for personal reasons. Newly hired and re-hired employees who are required to serve a one year waiting period before accessing

VLDP program benefits for personal injury or illness are also not eligible for leave share donations for personal reasons.

Application: Employees must submit an FMLA request with supporting documentation, and provide a written request to Human Resources office documenting:

- 1) Leave Available: Prior to using the Leave Sharing Program, the employee must have exhausted all of their vacation, personal, compensatory, and sick leave.
- 2) Request Form: Complete a Leave Sharing Donation Request Form which includes, but is not limited to, FMLA documentation regarding the illness, injury, physical or mental condition from a licensed physician, the number of hours requested, and proof that the employee fits the conditions stated above.
- 3) Approval: The Human Resources Manager will review the employee's request and forward it to the Department Head and Town Manager.

Note: That if the employee's injury occurred on the job, the employee may submit a request under Worker's Compensation. However, Leave Sharing can be used to cover the first seven (7) days of the injury not covered by Worker's Compensation.

Family Member: For this policy the term immediate family shall be consistent with those listed as FMLA qualifying family members, to include spouses, parents, and children.

Approval: The Town Manager shall have the sole authority to grant use of the Leave Sharing Program. The Town Manager shall consider the information provided by the licensed medical practitioner, and the number of applications pending at the time. The Town Manager may approve fewer hours than requested by the employee. All applications are processed on a first come first serve basis and will typically be processed within ten (10) working days.

Denial: If the Town Manager denies the employee's request, the Town Manager will do so in a letter and no reason or justification is required. Notice will be given to the Department Head as well as the employee.

Donating Leave Time: Employees may donate their sick leave in eight (8) hour increments at the time that it is requested, by completing the appropriate form.

- A) Human Resources will manage the amount of leave donations to ensure that only the amounts truly needed are processed. Additional donations can be accepted and processed if the need for donations needs to be extended per required documentation.

- B) Sick leave given by a donor may be reclaimed by the donor only if the donation has not yet been processed.
- C) Sick leave will be removed from the donor's balance and added to the recipient's balance at the time that it is needed. Excess leave will not be taken from the donor's balance.

SECTION 7. DISCIPLINE – CORRECTIVE ACTION

The purpose of this section is to describe the type of discipline and corrective action the Town may use and the processes for administering these actions. The Town may use any form or combinations of corrective action deemed necessary and corrective actions are to be administered fairly, reasonably, impartially, and progressive in nature. Corrective actions are designed to improve the performance of the employee and the services of the Town and not to be solely punitive. If an employee has a problem with any form of corrective action recommended or imposed upon them, please see the Grievance section of this Manual.

A RELEASE OF INFORMATION

Conditions: All records and information are subject to the policies and procedures and applicable laws, rules, and regulations in this Manual.

Corrective Action: An employee may not release information pertaining to other Town employees unless permitted by the Town Manager or Department Head. Corrective actions may be severe due to the fact that unauthorized release of information may adversely impact reputations, the Town's image, compromise investigations, lead to litigation, etc. The Town reserves the right to conduct disciplinary actions against any employees violating this policy.

B EXCEPTIONS TO RELEASE OF INFORMATION

Misconduct: The results of allegations and subsequent investigations may be released to the person who made the complaint. If, the complaint was made public, the response may also be made public. However, the release of information shall be approved by the Town Manager.

Litigation: When litigation is threatened against the Town, any release of information requires the approval of the Town Manager, with counsel and advice from the Town Attorney, other attorneys, and/or the Town's insurance carrier.

Guidelines: This policy is intended to provide guidelines for the sole benefit of the Town's administration. This policy does not create any rights for the Town's employees, other than provided by law.

C TYPES OF CORRECTIVE ACTION/ DISCIPLINE

Conditions: While it is the Town's policy to use progressive discipline, depending on the issues and circumstances involved, the Town may impose any form of corrective action deemed appropriate. The following are common forms of progressive discipline to be use by the Town, however other methods may be imposed if deemed appropriate.

- 1) Oral Warning: Typically used for minor infractions where the employee's performance needs to be addressed. Employees should be made aware that it is a formal oral warning, the reason(s) for the warning, and should be provided an opportunity and direction to correct their performance or be subject to further corrective actions. These warnings should be provided in private and notation should be noted in the employee's personnel file and are not eligible for grievance. Oral Warnings are considered active for twelve months. A subsequent oral warning within this time period will normally be issued as a Written Reprimand.
- 2) Written Reprimand: Typically used if an oral warning is disregarded or other performance related behavior continues. These warnings may also be used if the action is severe enough to warrant an official written reprimand. The warning shall include the following: sufficient detail regarding the reason(s) for the warning and corrective actions necessary to avoid further actions. The employee shall be asked to sign and date the written warning. If, the employee refuses to sign the written warning, a witness will be asked to sign the warning stating that the employee received a copy of the warning and refused to sign it. A copy of the signed warning shall remain in the employee's personnel file. Written reprimands are considered active for a period of twenty-four months. A subsequent reprimand within this time period will normally result in a suspension.
- 3) Suspension Without Pay: Typically used for severe or repeated violations of Town policy or procedures and/or if oral and/or written reprimands are disregarded and/or if continued violations would most likely result in termination. Suspensions typically last up to thirty (30) days. Any Department Head, Town Manager or designee, may suspend an employee for up to five days. The Department Head, or designee, should inform the Town Manager of such action within one (1) business day. The Town Manager or Department Head may also suspend an employee for greater than five (5) days if deemed necessary. While the employee will continue to receive benefits, the employee will not accrue sick or vacation leave while on suspension. Suspensions are considered active for thirty-six months A subsequent suspension within this time period will normally result in a dismissal of the employee.
- 4) Administrative Decrease in Pay: Possibly an alternative to terminating the employee. The employee's salary would be decreased by 5%. The Town Manager must approve all administrative decreases in pay.
- 5) Demotion: To be used where the employee is unable or refuses to satisfactorily perform the duties of the position. This action should not be used as an alternative to termination where warranted. Nor is the Town required to demote the employee, whether or not a position is vacant.
- 6) Termination: Typically occurs where the employee ignores previous forms of corrective action and/or serious insubordination, illegal, safety, or destructive actions occurred and/or other reasons deemed necessary by the Town.

D CORRECTIVE ACTION CONDITIONS AND PROCEDURES

Purpose: To establish conditions and procedures related to corrective action.

General Conditions: The following general conditions apply to the Town's policy on corrective action:

- 1) Coverage: All Town employees, with the exception of the Town Council, appointed employees, or as specified by law, are covered under this policy. The Department Heads shall discipline their employees. Department heads shall be disciplined by the Town Manager.
- 2) Administration: The Town may use any form or combination of corrective action deemed necessary and corrective actions are to be administered fairly, reasonably, and impartially.
- 3) Design: Corrective actions are designed to improve the performance of the employee and the services of the Town and not to be solely punitive and may be based on the employee's record.
- 4) Employee Tenure: An employee's tenure (continued employment) shall be based on meeting reasonable standards of job performance and personal and professional conduct.
- 5) Application: This policy applies to general poor work performance as well as specific acts of mistake or misconduct.
- 6) Timelines: Notice to employees of conditions that may result in disciplinary action or efforts to correct performance resulting from such action should be initiated as soon as practical. There is no time period required for corrective action that results in termination.
- 7) Degree of Action: The degree of the Town's actions will be based on the severity of the situation, progressive discipline, and applicable Town policy and state law.
- 8) Supervisor Responsibility: It is the responsibility of the supervisor to be fully informed and investigate all situations objectively and apply the appropriate form of action.
- 9) Grievance: If, the corrective action is eligible for grievance, the time period for grievance begins when the employee is initially notified of the corrective action.

General Procedures: The following describes the general procedures associated with issuing corrective actions. However, these procedures may vary depending on the severity or sensitivity of the situation.

- 1) Investigations: Investigations may be formal or informal in nature in order to determine the facts and conditions of a situation. Department heads should attempt to investigate a situation fully, prepare the facts and conditions in order to draw the appropriate conclusion and determine corrective action. Investigations may commonly include, interviews, reviewing documentation, discussions with the employee and other stakeholders, and other actions deemed necessary to resolve the situation.
- 2) Notice of Investigation: The Town shall provide the employee with notice of a potential investigation that may lead to corrective action when practical. However, if such notice would jeopardize the Town's ability to perform an adequate investigation, no notice is required; however, the Town will notify the employee of the result of such investigations.
- 3) Other Provisions: If, the employee is covered under other legal or Town provisions, such as the Law Enforcement Officer's Procedural Guarantees, such statutes and provisions will be observed.
- 4) Employee Response: Upon notification, an employee shall have the opportunity to respond formally or informally to any allegations or investigations prior to any corrective action.

- 5) Inability to Perform Duties: If, during the course of an investigation, it appears that the employee is psychologically or physiologically unable to perform normal functions of their position, the Town may require the employee to use accrued leave until the investigation is completed and/or until the employee is able to return to work.
- 6) Examinations: The Town, at its expense, may require the employee to undergo psychological or physiological examinations by a medical professional designated by the Town. Examinations will be limited to those tests that are job related and related to job fitness.
- 7) Suspension with Pay: Any Department Head, the Town Manager, or designee, may suspend an employee for up to five (5) working days with pay and benefits for good cause pending the results of an investigation. The Department Head or designee should inform the Town Manager of such action within one (1) working day. The Town Manager or Department Head may also suspend an employee with pay and benefits if the allegations create an appearance of impropriety, compromises the employee's ability to perform the job, indicates a safety or health threat to the Town, if the investigation may take a long period of time, or for any other reason deemed necessary by the Town. Suspensions with pay and benefits are not considered corrective action and may not be appealed or grievable.
- 8) Suspension Without Pay: If, during the investigation, the employee appears to be guilty of a serious offense that is likely to result in suspension, termination and/or criminal charges, the Town Manager or designee may suspend or change the current paid suspension status of the employee to that of without pay. However, prior to an employee being suspended without pay, a hearing must be conducted with the employee. The employee shall be allowed to present evidence and offer any explanation involving the proceedings prior to this action being instituted.
- 9) Cooperation: Employees are required to cooperate with all investigations, failure to do so may result in additional corrective action including termination.
- 10) Fifth Amendment: Any employee invoking their Fifth Amendment or similar rights in an alleged criminal matter should not be subjected to further questioning until the Town's and/or Commonwealth's Attorney is consulted.
- 11) Implementation: Prior to implementation, the corrective action shall be reviewed with the employee. The review shall consist of the reasons for corrective action, the results of the investigation, the type of corrective action contemplated, the effective date, and the rights of the employee.
- 12) Serious Corrective Action: Any corrective action, other than a counseling session, an oral or written reprimand, or a suspension of more than five days, shall be reviewed and approved by the Town Manager. The results will also be discussed with the employee prior to implementation. The employee shall have an opportunity to respond or provide supplemental information prior to the implementation of a disciplinary action.

E POLICE DEPARTMENT PROCEDURES

Conditions: All law enforcement officers, with the exception of the Chief of Police and probationary officers, have certain rights under the Virginia Law Enforcement Officers' Procedural Guarantees. These rights detail the processes and procedures that should be followed when investigating complaints against law enforcement officers that may lead to serious corrective action. The specifics may be referenced in the Code of Virginia. A Police Officer may utilize either the Town's grievance procedure or the Virginia Law Enforcement Officer's Procedural Guarantees, but not both.

SECTION 8. GRIEVANCE

The purpose of this section is to define and outline the grievance process. The Town is committed to providing a fair, equitable, and satisfactory working environment for its employees. The Town will make every attempt to resolve employee grievances informally and without delay. However, it may be necessary for an employee to file a formal grievance and have a panel review the appeal. When an employee feels that a condition is impacting them in an unjust, inequitable manner, if it creates a problem, or it hinders effective operations, the employee should use the following procedures for the solution of the problem. However, this policy in no way allows anyone to make slanderous or libelous statements.

A GRIEVANCE STATEMENT AND DEFINITION

Definition: As defined by Virginia Code, a grievance shall be a complaint or dispute by an employee relating to their employment, including but not necessarily limited to (i) disciplinary actions, including dismissals, disciplinary demotions, and suspensions, provided that dismissals shall be grievable whenever resulting from formal discipline or unsatisfactory job performance; (ii) the application of personnel policies, procedures, rules and regulations; (iii) discrimination on the basis of race, color, creed, religion, political affiliation, age, disability, national origin or sex; and (iv) acts of retaliation as the result of the use of or participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, has sought any change in law before the Congress of the United States or the General Assembly, or has reported an incidence of fraud, abuse, or gross mismanagement. For the purposes of clause (iv) there shall be a rebuttable presumption that increasing the penalty that is the subject of the grievance at any level of the grievance shall be an act of retaliation.

B ITEMS NOT GRIEVABLE

Because the Town reserves the right to manage the operations and affairs of Town government in accordance with its Charter and general law, the following items are deemed not to be grievable:

- 1) Wages and Benefits: Establishment and revision of wages or salaries, position classification or general benefits;
- 2) Job Content: 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;
- 3) Ordinances, Policies, and Procedures: The contents of ordinances, statutes or established personnel policies, procedures, rules and regulations;
- 4) Promotions: Failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly;

- 5) Work Activities: The methods, means and personnel by which work activities are to be carried out;
- 6) Layoff: Except where such action affects an employee who has been reinstated within the previous six months as the result of the final determination of a grievance, termination, layoff, demotion or suspension from duties because of lack of work, reduction in work force, or job abolition;
- 7) Class Changes: The hiring, promotion, transfer, assignment and retention of employees within the local government;
- 8) Exceptions: In any grievance brought under the exception to clause six (6) of this subdivision, the action shall be upheld upon a showing by the local government that there was a valid business reason for the action and the employee was notified of the reason in writing, prior to or at the time, of the effective date of the action.

C EMPLOYEES COVERED

Unless otherwise provided by law, all non-probationary, permanent full-time employees are eligible to file grievances with the following exceptions:

- (1) Appointees of 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 executive assistants to the Town Manager;
- (4) Agency heads or chief executive officers of government operations;
- (5) Employees whose terms of employment are limited by law;
- (6) Temporary, limited term and seasonal employees;
- (7) Law-enforcement officers as defined in Chapter 5 (§ 9.1-500 et seq.) of Title 9.1 whose grievance is subject to the provisions of Chapter 10.1 and who have elected to proceed pursuant to those provisions in the resolution of their grievance, or any other employee electing to proceed pursuant to any other existing procedure in the resolution of their grievance.

Inclusion of Employees: Notwithstanding the exceptions set forth in above, the Town Council, at their sole discretion, may voluntarily include employees in any of the excepted categories within the coverage of their grievance procedures.

Eligibility: The Town Manager, or designee, shall determine the officers and employees excluded from the grievance procedure based on these policies, and shall be responsible for maintaining an up-to-date list of the affected positions.

D DETERMINATION OF GRIEVABILITY OR HEARING

Authority: Decisions regarding grievability and access to the procedure shall be made by the Town Manager, or designee, at any time prior to the panel hearing, at the request of the local government or grievant, within ten (10) calendar days of the request. No city, town, or county attorney, or attorney for the Commonwealth, shall be authorized to decide the question of grievability. A copy of the ruling shall be sent to the grievant.

Appeal: Decisions of the Town Manager, or designee, may be appealed to the circuit court having jurisdiction in the locality in which the grievant is employed for a hearing on the issue of whether the grievance qualifies for a panel hearing.

Review: Proceedings for review of the decision of the Town Manager, or designee, shall be instituted by the grievant by filing a written notice of appeal with the Town Manager within ten (10) calendar days from the date of receipt of the decision and giving a copy thereof to all other parties.

Evidence/Documents: Within ten (10) calendar days thereafter, the Town Manager, or designee, shall transmit to the clerk of the court to which the appeal is taken: a copy of the decision of the Town Manager, a copy of the notice of appeal, and the exhibits. A list of the evidence furnished to the court shall also be furnished to the grievant. The failure of the Town Manager, or designee, to transmit the record shall not prejudice the rights of the grievant. The court, on motion of the grievant, may issue a writ of certiorari requiring the Town Manager to transmit the record on or before a certain date.

Hearing: Within thirty (30) days of receipt of such records by the clerk, the court, sitting without a jury, shall hear the appeal on the record transmitted by the Town Manager, or designee, and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record.

Results: The court, in its discretion, may receive such other evidence, as the ends of justice require. The court may affirm the decision of the Town Manager, or designee, or may reverse or modify the decision. The decision of the court shall be rendered no later than the fifteenth (15) day from the date of the conclusion of the hearing. The decision of the court is final and cannot be appealed.

E STEPS INVOLVED IN THE GRIEVANCE PROCESS

- 1) General Discussion: The first step shall provide for an informal, initial processing of employee complaints by the immediate supervisor through a nonwritten, discussion format. The employee should discuss the grievance with the supervisor within twenty (20) calendar days

of when the employee becomes aware of the event or action. The supervisor shall discuss the complaint and attempt to investigate the circumstances and provide a reply within five (5) business days.

- 2) Higher Review: If the condition is not resolved during step 1, the issue shall be presented to the Department Head in writing, including a specification of the alleged wrongful act and resulting harm, along with the type of relief requested; this document may not be changed or altered at a later date. Personal face-to-face meetings are required within five (5) business days. The only persons who may normally be present in the management step meetings are the grievant, the appropriate local government official at the level at which the grievance is being heard, and appropriate witnesses for each side. Witnesses shall be present only while actually providing testimony. Based on the discussions, the Department Head shall attempt to resolve the circumstances. If the employee does not accept these circumstances, the employee's letter, results of the testimony and higher-level review, and the Department Head's response shall be forwarded to the Town Manager for further discussion within five (5) business days.
- 3) Town Manager Review: The Town Manager or designee will review all documentation, conduct additional interviews and investigations as outlined in above, and ensure the first two steps were exhausted, within five (5) business days. The Town Manager may present alternatives to resolve the solution and the final management step. The grievant, at their option, may have present an alternative resolution of their choice. If legal counsel represents the grievant, local government likewise has the option of being represented by counsel.
- 4) Panel Hearing: If the circumstance cannot be resolved by the Town Manager, the condition is eligible for a Hearing as described below.

F PANEL HEARINGS

Panel Member Selection: One member appointed by the grievant, one member appointed by the Town Manager and a third member selected by the first two. In the event that agreement cannot be reached as to the final panel member, the chief judge of the Town's circuit court shall select the third panel member. The panel shall not be composed of any persons having direct involvement with the grievance being heard by the panel, or with the complaint or the dispute involving the grievance. Managers who are in a direct line of supervision of a grievant, persons residing in the same household as the grievant and the following relatives of a participant in the grievance process or a participant's spouse are prohibited from serving as panel members: spouse, parent, child, descendants of a child, sibling, niece, nephew and first cousin. No attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee or co-employee of the attorney shall serve as a panel member.

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

Witnesses: Both the grievant and the respondent may call upon appropriate witnesses and be represented by legal counsel or other representatives at the panel hearing. Such representatives may examine, cross-examine, question and present evidence on behalf of the grievant or respondent before the panel without being in violation of the provisions of § [54.1-3904](#).

G RULES FOR HEARINGS

Conditions: Rules which are promulgated may include, but need not be limited to the following provisions:

- 1) Policies and Procedures: That panels do not have authority to formulate policies or procedures or to alter existing policies or procedures;
- 2) Confidential: That panels have the discretion to determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing, and, at the request of either party, the hearing shall be private;
- 3) Records: The Town shall provide the panel with copies of the grievance record prior to the hearing, and provide the grievant with a list of the documents furnished to the panel and the grievant and their attorney, at least ten (10) days prior to the scheduled panel hearing, shall be allowed access to and copies of all relevant files intended to be used in the grievance proceeding;
- 4) Admissibility of Evidence: That panels have the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence;
- 5) Presentation: All evidence be presented in the presence of the panel and the parties, except by mutual consent of the parties;
- 6) Declaration: Documents, exhibits and lists of witnesses be exchanged between the parties in within five (5) days of the hearing;
- 7) Panel Decisions: The majority decision of the panel, acting within the scope of its authority, be final, subject to existing policies, procedures and law;
- 8) Clarify Issues: At the initiation of the hearing, the panel members may ask the parties to clarify the issues at hand; such statements shall be limited to five (5) minutes. At any time during the presentation, the panel members may ask for clarification from witnesses, the Town, or the employee.
- 9) Order to Presentation: The Town shall present their evidence first in cases involving disciplinary matters, and the employee shall proceed first for all other matters.
- 10) Oath: All testimony shall be given under oath.
- 11) Records of Hearing: Official records such as transcripts, recordings, videos or other records may be kept by either side at their own expense. If a party requests a copy of such records,

the expense shall be shared equally by the party. Any persons involved with maintaining records shall swear to maintain the confidentiality of such records.

- 12) Not a Trial: These hearings are not intended to be like proceedings in courts, and that rules of evidence do not necessarily apply.
- 13) Closing: At the closing of the hearing, the panel shall ask if either party has any additional evidence that they would like to present. If not, the hearing shall be closed.
- 14) Closing Statements: If desired by the panel, both sides may be asked to present closing arguments and allow a rebuttal. The closing arguments shall last no longer than five (5) minutes and rebuttal shall be no longer than two (2) minutes.
- 15) Re-Open: The panel may reopen the hearing by a majority vote to clarify issues and/or to ask questions.
- 16) Deliberations: Unless agreed to by the panel and both parties, the panel shall: deliberate in private and not discuss the hearing or results with anyone not involved with the grievance.
- 17) Decision: The decision of the panel shall be final and binding and shall be consistent with provisions of law and written policy. A summary of the panel's findings shall be presented to both parties within ten (10) working days.
- 18) Objections: Either party may file an objection with the panel's decision based on it being inconsistent with the law or written policy. If the other parties agree, the parties will jointly move for reconsideration as set forth below.
- 19) Adequate Relief: The question of whether the relief granted by a panel is consistent with written policy shall be determined by the Town Manager, or designee, unless such person has a direct personal involvement with the event or events giving rise to the grievance, in which case the decision shall be made by the attorney for the Commonwealth of the jurisdiction in which the grievance is pending.

H COMPLIANCE

Conditions: After the initial filing of a written grievance, failure of either party to comply with all substantial procedural requirements of the grievance procedure, including the panel hearing, without just cause shall result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the noncompliance within five (5) workdays of receipt of written notification by the other party of the compliance violation. Such written notification by the grievant shall be made to the Town Manager, or designee.

Town Response: The Town Manager, or designee, may require a clear written explanation of the basis for just cause extensions or exceptions. The Town Manager, or designee, shall determine compliance issues. Compliance determinations made by the Town Manager shall be subject to judicial review by filing petition with the circuit court within thirty (30) days of the compliance determination.

I IMPLEMENTATION

Petition: Either party may petition the circuit court having jurisdiction in the locality in which the grievant is employed for an order requiring implementation of the panel decision.

J POLICE OFFICER PROCEDURAL GUARANTEES

Conditions: In the event that a police officer elects to use the Police Officer Procedural Guarantees per the 1950 Code of Virginia as amended.

SECTION 9. DEPARTMENTAL OPERATING PROCEDURES

The purpose of this section is to authorize Department Heads to issue operational policies to effectively manage the responsibilities of their respective Town departments.

A OPERATING PROCEDURES

Operating procedures are specific to those employees assigned to that Department and will not be included in this manual. Department Heads are authorized to formulate and issue procedures concerning the operation of their respective departments. Department Heads shall maintain any written procedures in a Department Procedural Manual.

Operating procedures should not conflict with the general requirements of this manual. The Town Manager will receive a copy of Department Procedural Manuals.

SECTION 10. MANUAL UPDATES

The purpose of this section is to outline the procedures necessary to update this Manual. It may be necessary to update this manual from time to time as the Town evolves, operations change, and new laws and regulations are developed. If such changes are warranted, the Town should follow the following guidelines when updating or adding new sections to this Manual. This section also authorizes departments to develop operating procedures that are not inconsistent with this Manual.

A UPDATES TO THIS MANUAL

Purpose: To establish procedures for updating and adding information to this Manual.

Coverage: Unless specifically exempted, policies, changes, or additions apply to all Town personnel.

Conditions: The following conditions apply to requesting and making changes to this Manual.

- 1) Right to Recommend: Any employee or Department Head may request changes or updates to the Manual.
- 2) Employee Concerns and Recommendations: If an employee desires any change to the Manual, the employee will discuss their concerns and recommendations with their Department Head; and, if warranted, the Department Head will initiate this process.
- 3) Preliminary Draft: A preliminary draft of the update or addition should be developed. The preliminary draft shall include the following sections:
 - a. Reason for Change: A section should detail the reason why the change or addition is warranted.
 - b. New Policy: The person should recommend the language and criteria to be used in the policy. The policy should be outlined in a manner that is similar to the current personnel policies applicable to the issue being discussed.
 - c. Identify Changes or Conflicts: If the recommended policy should change or conflict with an existing policy, the drafter should identify what these changes or conflicts are and how it would change the operations of the Town.
- 4) Town Manager Review: The Town Manager should review the proposed policy and recommend changes or updates. The drafter shall update the policy and resubmit it to the Town Manager for review. If the Town Manager does not approve of the policy, the Town Manager may ask for it to be reviewed again, or the Town Manager may deny any further action with the draft. If the Town Manager approves the policy it shall be sent to the Town Attorney for legal review.

- 5) Council Vote: Upon review by the Town Attorney, the Town Manager will present the policy to the Council for review and approval. If necessary, the drafter may be asked to be present at the meeting to address any questions the Council may have. The Council may also ask the Town Attorney to comment on the policy. The Council may approve, or approve with any required changes, or reject the recommended policy. If the policy is rejected, no further action will be taken. If the policy is approved, with changes as appropriate, the Town's Department Heads will be notified of the change.
- 6) Department Head Notification: The Department Heads will be notified by the Town Manager in a meeting no later than one (1) week after the policy is approved. All Department Heads, including the Town Manager, will be required to sign a copy of the policy and it will be placed in their personnel file. It is the Department Head's responsibility to ensure that the policy is successfully implemented in their department.
- 7) Employee Notification: The Department Heads shall present the policy to their employees within two (2) weeks of the Town Manager's notification. It will be the Department Head's responsibility to ensure that all employees sign and date the new policy and that a copy is placed in the employee's personnel file. The Town Manager is responsible for ensuring that this Manual is updated properly and that new hires receive the most up-to-date Manual.

Town of Pulaski, Virginia

PERSONNEL MANUAL RECEIPT

I, _____, have received a copy of the Town of Pulaski's Personnel Manual, and I am aware that in the future I can locate the most up to date and accurate version of the Town's Personnel Manual on the website or by requesting an updated copy from the Human Resources office.

Signature: _____

Date: _____

