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Westmoreland County

Personnel Policy

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GENERAL POLICY STATEMENT

The following is the Personnel Policy for Westmoreland County (the County) effective on February 1, 2021. It is subject to subsequent amendments as necessary. This policy supersedes all previous personnel documents unless expressly stated herein. These rules and regulations are established under authority of Section 15.2-1506 of the Code of Virginia as amended.

County employees are a valuable resource and an integral part of the system established to provide governmental services. Without them the mission of the county government could not be accomplished. The following policies are intended to ensure equal treatment of all employees and to serve as a written statement of the importance the Board of Supervisors (the Board) assigns to the well-being of the County's workforce.

In understanding the relationships between the County and its employees, it is important that employees realize that they are employed at-will for an indefinite period and that no employment contracts exist. County employment may be ended at any time, for any reason, with or without cause or notice, except as described in these policies or as otherwise provided by law. At the same time, employees may terminate their employment at any time and for any reason, subject only to the conditions contained in these policies. The County maintains the right to change the policies, procedures, and benefits set forth herein at any time through action of the Board.

The Board has assigned to the County Administrator the authority to maintain the County Personnel Policy including, but not limited to, recruitment, testing, development, and placement of new employees; the establishment of equal employment opportunity, employee relations, and personnel records programs; and the administration of the classification and pay plans. Such authority is to be exercised in a manner consistent with the approved budget, any policies adopted by the Board of Supervisors, and all other applicable laws and regulations. The County Administrator may delegate such responsibility as deemed appropriate to assist in the management of the personnel policy.

The specific objectives of the Policy are to:

- (a) assure fair treatment of applicants and employees in all aspects of personnel management in accordance with the County's equal employment policy;
- (b) recruit, screen, select, and advance employees on the basis of their ability, knowledge, and skills;
- (c) determine and meet training needs to ensure quality performance and to enable employees to realize their maximum potential;
- (d) assure each employee receives a performance review at specified intervals;
- (e) establish and maintain a sound classification and compensation plan which will attract and retain qualified employees; and
- (f) maintain competitive pay within the labor market in which the County competes.

Except as stated in this policy, no County representative shall modify this policy for any employee or create any agreement, oral or written, contrary to this policy. Supervisory and management personnel are not to make any representations to employees or applicants concerning the terms or conditions of employment which are not consistent with County policies. No statements made in interviews or discussions, or in recruiting materials of any kind, are to alter the at-will nature of employment.

Similarly, County policies or practices with respect to any matter are not to be considered as creating any contractual obligation on the County's part or as stating in any way that termination will occur only for "just cause." Statements of specific grounds for termination or discipline set forth in this Policy or in any other County documents are for emphasis or provided as examples. They are not all-inclusive and are not intended to restrict the County's right to discipline or terminate employees. Completion of a probationary period or conferral of regular status does not change an employee's status as an employee-at-will. The County will provide regular training opportunities to its supervisory personnel to assure that they understand the provisions of the Policy and administer it correctly.

Chapter 1: The Personnel Administration System

Section 1-1: General

The Personnel Policy contains provisions that govern employees of the County. It states the County's policies with regard to employment, classification, compensation, promotion, demotion, dismissal, and other relationships with employees. This document includes those policy statements and procedures deemed to require legislative review by the Board. This document does not include all operational policies related to personnel. The authority to adopt other policies not deemed by the Board to require legislative review is delegated by this policy document to the County Administrator or other appropriate management personnel as set forth herein.

Section 1-2: Authority and Administrative Procedures

The County Administrator is responsible for the establishment and administration of the Policy. The County Administrator may designate other officials to assist in the administration of these policies.

The County Administrator's authority specifically includes but is not limited to:

- (a) The authority, within funding constraints, to employ, promote, transfer, reclassify, discipline, demote, discharge, or in any manner deal with personnel matters concerning employees of all departments and agencies under the County Administrator's control.
- (b) The authority to administer the classification and pay plan and to issue policies and procedures for the administration of the plan.
- (c) The authority, within budgetary limitations, to create and establish new classifications and positions, reclassify existing classifications, delete or abolish positions or transfer them to other departments, or make changes in employee classifications to provide for proper administration of the classification and pay plan; and to establish, from funds allocated for this purpose, the compensation of each employee within the designated salary range.
- (d) The authority to issue or cause to be issued appropriate policies and procedures dealing with all personnel matters that are not required to be issued or promulgated by the Board. Any such issuance, modification, clarification, or standardization of any policy issued by the County Administrator is incorporated by reference in the Policy.
- (e) The authority, in keeping with the spirit and intent of the Board's approved policies, to interpret, supplement, amend, or revise and be the final administrative authority with regard to the implementation of such policies, and any other policies and procedures, written or unwritten, whenever the situation requires such amendment, supplementation, interpretation, or revision.

This Policy is not intended and does not extend the authority of the County Administrator over any

officers or employees of the County who by law are not employed or appointed directly by the Board of Supervisors unless specifically directed by the Board, nor does it extend such authority to elected officials of the County or their employees, except to the extent that such elected officials have agreed to the application of this Policy.

This Policy does not preclude Department Heads from issuing standard operating procedures designed to govern the performance and management of assigned employees provided such procedures or rules do not conflict with either the policies of the Board or the administrative regulations of the County Administrator.

Section 1-3: Applicability

The service of the County is divided into the classified and the unclassified services, as defined below.

The classified service includes all employees who work under the rules, policies, and procedures approved by the Board of Supervisors and administered by the County Administrator except those listed below as unclassified.

The unclassified service consists of:

- (a) County Administrator;
- (b) Assistant County Administrator;
- (c) County Attorney;
- (d) Constitutional officers and their employees; except for employees of such officers who have elected to have their employees included in the classified service by contract with approval by the Board;
- (e) Employees of agencies authorized by state law to maintain separate personnel systems, except to the extent those agencies have elected to enter contracts in accordance with law and with approval by the Board to have their employees included in the classified service;
- (f) Members of boards and commissions;
- (g) Volunteer personnel and personnel appointed to serve without pay;
- (h) Positions involving temporary employment;
- (i) Student interns and work-study employees; and
- (j) Such other positions as may be designated by the County Administrator.

The provisions of this policy are applicable to all classified employees of the County. Unclassified employees are not governed by these policies (except as provided in Chapter 12) notwithstanding the fact that some unclassified employees may be eligible for benefits and governed by specific policies as set forth herein in a manner similar to classified employees. Employees of a constitutional officer or agency that has elected inclusion in the classified service shall be governed by and covered under all of the provisions of this policy as if they entered County service on the date of such

election or a prior election by the constitutional officer or agency, if there has been no gap between such elections, unless otherwise approved by the Board of Supervisors and incorporated in a written

agreement.

Section 1-4: Official Personnel File

The official personnel file shall be defined as the employment file containing personal information relevant to an individual's employment which is maintained by the County Administrator's office. The maintenance of this file shall not, however, preclude other records that contain personal information or details about the employment or performance of an employee from being treated as a personnel record for purposes of the Virginia Freedom of Information Act (VFOIA).

The official personnel file shall be the only file which is to be considered official and complete in matters related to wage and salary, employee selection, employee relations, and grievances. Information pertaining to any personnel related aspect of employment (e.g., letters of reprimand, letters of commendation, unemployment compensation requests, etc.) shall be contained within the file. Other personnel records will be provided to individuals who have been authorized to receive them by the employee who is the subject of such records, as required by the VFOIA.

Section 1-5: Records Retention and Access

Employee personnel records shall be maintained and destroyed in accordance with the established record retention schedule maintained in the County Administrator's office pursuant to the Virginia Public Records Act.

The following information relative to employees and former employees is available to the public when requested in accordance with procedures prescribed by the County Administrator: name, title, salary, departmental assignment, and department telephone number.

The County Administrator, Department Head, or an employee's immediate supervisor, in the presence of the County Administrator, may have access to records and performance information of their subordinate employees available in the official personnel file. For purposes of the immediately preceding sentence, the "immediate supervisor" of the County Administrator shall be the Chairman of the Board of Supervisors.

Employees may review their official file in the County Administrator's office in the presence of the County Administrator. Letters of recommendation or reference are not subject to review by the employee. Documents, except those restricted by other policies or laws, may be reproduced and furnished to the employee by the County Administrator in accordance with any applicable administrative procedures.

Section 1-6: Use of Term - Department Head

As used throughout these policies, the term Department Head includes director, agency head, or other title as may be appropriate. The County Administrator shall promulgate and keep current a list of those positions deemed to be Department Heads for purposes of these policies.

Section 1-7: Availability

A current information copy of these policies shall be available in each department of the County. Such copies may be in paper or electronic form. The Department Head shall be responsible for informing employees of the contents of these policies and any amendments thereto as they are received. The official copy of these policies shall be maintained by the County Administrator who shall provide updates to the departments.

Chapter 2: Classification

Section 2-1: Employment Categories

Regular Full-Time Positions – positions that are established on a permanent basis and require a regularly scheduled work week of 40 hours or more. Individuals in these positions are eligible for all benefits.

Regular Part-Time Positions – positions that are established on a permanent part-time basis and require a regularly scheduled work week of at least 24 but less than 40 hours. Unless otherwise designated at the time of employment, individuals in these positions are not eligible for benefits.

Temporary Positions – positions that are established on a full-time or part-time basis to perform a specific function or project with the term of employment depending on the continuing need or funding for the function being performed. Unless otherwise designated at the time of employment, individuals in these positions are not eligible for benefits.

Exempt Positions – A position identified as exempt from the minimum wage and overtime requirements of the Fair Labor Standards Act.

Non-Exempt Positions – A position identified as subject to the minimum wage and overtime requirements of the Fair Labor Standards Act.

Law Enforcement Positions – A position that includes uniformed or plainclothes members of a body of officers, who have the statutory power to enforce the law, who have the power to arrest, and who have participated in a special course of law enforcement training. Law enforcement employees receive overtime once they have worked more than 160 hours in a 28-day period or the equivalent thereof.

Section 2-2: Position Classification Plan

The Position Classification Plan is the official system of grouping positions on the salary scale based on established classification factors.

Classification is the entire process of assigning and reassigning individuals to positions, and positions to pay grades.

For classification purposes, a position includes a group of assigned duties and responsibilities as outlined in the job description requiring full or part time employment of one person. A position may be occupied or vacant.

The job description includes job title, a general statement of the job, specific duties and responsibilities of the position, and the knowledge, skills, and abilities needed to perform the job. Department Heads have the responsibility of annually reviewing job descriptions to assure that they are accurate and reflect essential functions.

Classification factors include essential job duties and responsibilities, knowledge, skills, and abilities needed to perform the job and the role within the organization.

Section 2-3: Creation and Maintenance of Classification Specifications

Prior to the establishment of a new position, a job description covering the duties, responsibilities, and minimum qualifications for the proposed position(s) shall be developed and submitted to the County Administrator for review.

The County Administrator shall examine the proposed position and establish the proper classification for the position.

No person shall be appointed, promoted, demoted, transferred, or paid in any position until the position has been first established.

Section 2-4: Maintenance of Classification Plan

The pay classification of each position shall be reviewed as directed by the County Administrator. Abolished positions shall be removed from the Classification Plan.

The County Administrator is responsible for maintaining an official copy of the Position Classification Plan. The official copy includes a schematic list of positions and their respective pay grades. The official classification plan shall be available in the County Administrator's office for inspection by the public or any employee.

Section 2-5: Position Allocation

The County Administrator shall maintain the official list of all authorized positions in County service (The Position Allocation List) and shall cause changes to be made to the list only when authorized. A copy of the Position Allocation List shall be provided to the Board whenever positions are added or deleted. It will also be provided with a summary of changes approved by the County Administrator or the Board during the fiscal year, along with the presentation of the budget recommendation.

Chapter 3: Pay Plan

Section 3-1: General

This chapter sets forth the manner in which the pay plan operates and how various types of expected transactions should affect an employee.

- (a) These policies shall apply to all employees who enter, serve in, and leave classified positions.
- (b) Exceptions and deviations from these policies shall be handled on a case-by-case basis through the appropriate Department Head and the County Administrator and shall, when necessary, be the subject of supplements to this policy.
- (c) It shall be the responsibility of the County Administrator to administer these policies and to resolve problems and issues that may arise from time to time.

Section 3-2: Definitions

- (a) Date of Employment (DOE). The month, day, and year on which an employee began working for the County.
- (b) Grade Entry Date (GED). The month, day, and year that employees enter their current grade. This date may be the same as the date of employment or another date as a result of promotion, demotion, or other action set forth in this policy.
- (c) Performance Review Date (PRD). The PRD for all employees is July 1st. The annual PRD is always the first of the month. For employees with GEDs before the 15th of any month, the PRD shall be the first day of that month. For employees with GEDs after the 15th day of any month, the PRD shall be the first day of the following month.

Section 3-3: Pay Structure

The pay plan for the authorized positions of the County shall consist of:

- (a) The assigned pay grades; and
- (b) Rules providing for application of the scales and fixing the rates of pay for individual employees within the pay grades.
- (c) Persons employed in an authorized position on a part-time basis will be paid at an hourly rate equal to a full-time employee in the same classification. Progression through the assigned pay grade shall be as set forth in this chapter.
- (d) Employees are paid once a month, on the last work day of the month.

Section 3-4: Entry Rate of Pay

The entry rate of pay for any position shall be the lowest or minimum rate in the pay grade for the position, unless education, training, or experience would qualify the employee for a higher entry rate and the higher rate is approved by the County Administrator. Employees who are re-entering County employment after resignation or discharge normally enter the grade for their position at the lowest or

minimum rate in the pay grade for the position. The County Administrator may allow an employee reentering County employment to re-enter at a higher than minimum rate in the pay scale based on particular circumstances.

Section 3-5: Methods of Salary Increases

- (a) Employees are eligible for a step increase on their performance review date (PRD) until they reach the maximum salary for their position. Step increases are contingent upon an approved appropriation from the Board of Supervisors.
- (b) Salary increases provided for by movement within a pay grade shall not accrue solely as a result of the completion of a required period of service, but shall be based on factors contained in the established performance appraisal document.
- (c) Employees may receive a salary increase calculated as a percentage of actual salary. The average payment percentage increase and the range of allowable percentage increases are established annually by the Board of Supervisors as part of the budget approval process.
- (d) The established salary scale for employees who work a 40-hour week is computed on 2080 work hours per year, except for Law Enforcement employees. All rates in the pay scale are those authorized for full-time employment for a period of twelve months and include compensation for holidays, unless otherwise noted herein.
- (e) Salary increases are effective on the first day of the County's Fiscal Year or July 1st. An employee shall not be eligible for a salary increase until the performance review form has been completely processed and no increases will be given until the forms are properly completed, signed, and received by the County Administrator.

Section 3-6: Reclassification

Reclassification is defined as a change to the class, title, or grade assigned to a particular class title. Reclassification is not a promotion or demotion. When an employee's position is reclassified, the duties have not changed substantially.

If an employee is changed from one classification to a classification carrying a higher pay grade as a result of reclassification, the employee's rate of pay will not change unless the minimum of the higher classification is above the present rate of pay in which case the employee will be placed at the minimum of the higher pay grade. The PRD will remain unchanged.

If an employee is changed from one classification to a classification carrying a lower pay grade, the employee's rate of pay will not change unless the maximum of the lower classification is lower than the present rate of pay in which case the employee shall be placed at the maximum of the lower pay grade. The PRD will remain unchanged.

Section 3-7: Promotion

A promotion is defined as elevation to a job with a substantial increase in duties and responsibilities which is a logical step forward in the same career field. Movement to a new position in a different career field is considered to be a new hire rather than a promotion. A promoted employee may receive a 5% salary increase or the minimum salary of the new grade whichever is higher. The effective date of all promotions will be the first day of the month. The PRD shall be established as set forth in Section 3-2.

Section 3-8: Temporary Promotion

An employee who is temporarily promoted from one classified position to another shall receive an immediate salary increase of five percent or the minimum salary of the new grade whichever is higher for the period of the temporary assignment, provided the assignment is expected to be thirty (30) or more calendar days. Temporary promotions must be approved by the County Administrator and will not last longer than six months without a reevaluation of the promotion by the County Administrator. Once the temporarily promoted employee returns to his former position, his salary will be adjusted to the step and grade of the original position.

Section 3-9: Demotion

A voluntary or involuntary demotion is defined as assignment to a position with a decrease in duties and responsibilities and is distinguished from a downward reclassification resulting from a formal review of duties and responsibilities. An employee demoted from one classified position to another is placed on the lower pay grade at a salary equal to a five percent reduction for each grade difference between the new grade and the old grade. In unusual circumstances the County Administrator may adjust the amount of the salary reduction either upward or downward. The PRD shall be established as set forth in Section 3-2.

Section 3-10: Transfers

A transfer to a new position in a new career path or in the same salary grade does not result in promotion. When transfer of an employee from one department to another involves a promotion or demotion the rules of the appropriate action shall apply. When employees transfer between departments to the same class or position no change of status or PRD occurs.

Section 3-11: Reinstatement

An employee who has been separated because of a reduction in force or who has resigned in good standing is eligible for reinstatement. Approvals of requests for reinstatement are reserved to the County Administrator upon recommendation by the Department Head. Employees re-entering County employment normally enter the grade for their position at the entry level for that position. In other than normal circumstances, the Department Head may petition the County Administrator for approval of a beginning salary above the entry level on the pay grade specified for the relevant classification. If an individual is reinstated, the employee's original date of employment and PRD are amended to reflect the

period of non-employment. The employment date for those reinstated after a one-year separation is the date of reinstatement and such reinstated employees shall be treated as new hires subject to a probationary period of employment.

Section 3-12: Administrative Increase

An administrative increase is one within the pay range of a grade that is awarded to an employee for successful completion of educational or training classes pertaining to their position. Employees may receive an administrative increase upon recommendation of the Department Head and approval of the County Administrator.

Section 3-13: Pay Scale Adjustments

Annually, concurrent with the adoption of the annual budget, the Board of Supervisors may approve pay scale adjustments to the schematic list of titles. All employees will receive the same percentage increase.

Section 3-14: Premium Pays

Premium pays are authorized as follows:

(a) Overtime Pay:

Overtime may be approved when necessary to accomplish particular tasks. The County Administrator shall designate those positions eligible for overtime pay or compensatory leave and those not eligible for such pay or leave in accordance with the standards of the Fair Labor Standards Act (FLSA). Positions designated as exempt or non-exempt from the provisions of the FLSA are so identified in the approved County Pay Plan.

Overtime is paid in accordance with applicable state and federal laws. Compensation paid for a leave of absence is not counted as hours worked for overtime purposes; nor are paid holidays or sick days counted as hours worked for overtime purposes, except when doing so is specifically required by state law for a particular class of employees.

(b) Holiday Pay

With the exception of work-as-required employees, employees who do not work on a holiday are entitled to pay equal to the employees' regularly scheduled hours of work not to exceed eight (8) hours. An employee shall forfeit eligibility to be compensated for a holiday observed by the County unless he/she:

- (1) Actually works the last scheduled day before the holiday and the first scheduled work day after the holiday or;
- (2) Is on approved, sick, or annual, or non-exempt compensatory leave.

Pursuant to Va. Code Ann. § 15.2-1605, if a Constitutional Officer, defined as any employee or deputy of the attorney for the Commonwealth, the treasurer, the commissioner of the revenue, the clerk of the circuit court, and the sheriff, including the officers and employees of all courts, is required to work on any legal holiday, he or she shall receive, in lieu of the holiday or holiday pay, an equal amount of compensatory time with pay to be utilized within one hundred twenty (120) days of the date such holiday occurs.

Section 3-15: Additional Holiday and Overtime Procedures

Non-exempt employees required to return to a work site at least one hour after the termination of the employee's regular work shift shall receive a minimum an hour and one-half pay. Those non-exempt employees, other than Constitutional Officers, who are called in to work during any declared holiday, administrative or emergency leave time as granted by the County Administrator are paid overtime for those hours worked during such leave time.

Section 3-16: Maintenance of the Pay Plan

Periodically (at least every three years) the County Administrator may cause to be made a comprehensive review of all factors affecting employee compensation. The review, when undertaken, will consider rates of pay for comparable positions in the area, fringe benefits, general wage data, the County's financial condition, and other pertinent factors. Prior to implementing changes to the employee pay plan or compensation package based on such review, approval of the Board is required.

Chapter 4: Benefits

Section 4-1: General

Benefits are a privilege of employment and can be changed or revoked at any time. Benefits are personal to the employee and cannot be assigned to other employees. Benefits are available to regular full-time employees. Benefits begin and accrue on the date of employment.

Section 4-2: Retirement

The County participates in the Virginia Retirement System, a program which provides retirement benefits in addition to Social Security. Participation is mandatory for all regular full-time employees. Employees are fully vested in the program after five (5) years of membership. State law gives the County certain options as to benefit levels and contribution rates, and authorizes the Board of Supervisors to choose among those options. When permitted by state law, the Board, in its sole discretion, may alter these choices from time to time.

Section 4-3: Health Insurance

The County offers a health insurance program to all regular, full-time and qualified part-time employees. Elected officials are eligible for health insurance benefits. The County shares the cost of selected coverage with the employees at a rate authorized by the Board of Supervisors. The County may at any time modify the cost sharing arrangement or change the available coverage. Employees on leave without pay must pay the full amount (employer and employee share) of the health insurance policy for the months they are on such leave except in the case of approved family leave. Retirees with at least 15 or more years of continuous service with Westmoreland County and who are at least 50 years of age may, at the time of their retirement, and at their expense, elect to continue health insurance coverage under the County's plan until Medicare eligible. A retiree who does not elect within 30 days of their retirement to continue to participate in the County's plan does not have a right to re-enter the plan at a later date. If a retiree interrupts his/her participation in the insurance plan, the right to coverage is forfeited. Upon the death of a retiree, a covered spouse and/or dependent children may continue on the County's plan at their expense.

Under certain circumstances such as voluntary or involuntary job loss, reduction in the hours worked, retirement, transition between jobs, death, divorce, and other life events, eligible employees and their covered family members who lose their health benefits have the right to choose to continue group health benefits for limited periods of time under the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA). Qualified individuals are required to pay the entire premium for coverage up to 102 percent of the cost to the plan. Employees who lose coverage due to gross misconduct are not eligible for continuation of such coverage.

Section 4-4: Life Insurance

Regular full-time employees are automatically enrolled in a group term life insurance program

currently paid in full by the County. Coverage is mandatory and managed by the Virginia Retirement System (VRS) life insurance agency. Benefits for natural death are equal to the employee's annual salary rounded up to the next thousand and then doubled; benefits for accidental death are equal to four times the annual salary, rounded up to the next thousand.

The County also provides employees with an option to purchase additional life and accidental death and dismemberment insurance to supplement the basic group insurance provided by VRS. All active employees currently covered by the VRS group life plan are eligible for this optional plan. Employees may purchase this additional insurance coverage for themselves and for their spouse and eligible children.

Section 4-5: Worker's Compensation

All County employees regardless of their employment category as set forth in Section 2-1 are covered under the Workers' Compensation Act, to the extent required by law, in the event an employee sustains an occupational injury or disease as a result of, or in the course of, work performed for the County. Compensation is paid at the rate specified by the Act and begins when the employee is out of work for more than seven (7) consecutive calendar days, subject to the provisions of Section 5-10 of these regulations.

Section 4-6: Unemployment Benefits

The County provides unemployment benefits as required by Virginia law at no cost to the employee.

Section 4-7: Leave

Leaves of absence for a variety of purposes and reasons are detailed in Chapter 5 of this manual.

Section 4-8: Voluntary Deductions

From time to time the County may offer other optional programs to employees. Participation is voluntary and withholding will be by agreement between the employee and the County.

Section 4-9: Written Benefit Information

Within ten (10) days of being notified by an employee or employee's family member that the employee has a life-threatening health condition, the County will provide in writing, information about relevant benefit options and programs along with appropriate forms, in order for the employee to communicate to the County any election of benefit options the employee may be entitled to as a result of their health condition.

Chapter 5: Leave

Section 5-1: General Provisions

The County has two systems for leave depending on the date of employment. Paid Time Off (PTO) is the County's leave policy for employees hired after January 1, 2014. (See Chart A). It is the leave policy for all employees covered by the Virginia Retirement System Hybrid Plan. All employees employed before January 1, 2014 will receive annual leave according to the policy adopted by the Board of Supervisors on February 9, 2015. (See Chart B).

Classified employees on PTO or annual leave shall be paid their prevailing wage while on PTO or annual leave. PTO or annual leave is earned only upon completion of a full month of employment and may not be used until earned. PTO or annual leave may not be taken in less than one-hour increments. Employees retain all benefits and seniority while on approved PTO or annual leave.

Paid Time Off or annual leave schedules shall be planned and approved by the immediate supervisor so as to minimize the need for a temporary increase in personnel. Upon separation or retirement, full-time and eligible part-time employees shall be paid for PTO or annual leave up to the accrual limit. In the event of the death of the employee, any amount due under this policy will be paid to the estate of the employee. Should a part-time position be made a full-time position, the incumbent will receive leave benefits at a prorated accrual rate for longevity purposes.

Immediate family as it pertains to this Chapter is defined as: spouse, parent, children, including foster children, legal wards, and children placed with an employee for adoption, brother, sister, grandparents, grandchild, guardian, and the same relatives of spouse.

Section 5-2 Paid Time Off

The County provides for PTO for a variety of conditions and reasons. Employees are required to provide their supervisors with reasonable advance notice and written approval before using PTO or annual leave. Paid Time Off or annual leave for other than unknown situations such as illness must be requested in advance and PTO and leave for illness should be requested in advance, if possible. Requests for PTO, for other than personal illness or that of an immediate family member will be granted if, in the opinion of the supervisor, it is not disruptive to normal operations.

Employees are responsible for managing their PTO accounts. It is important to plan for the use of this time off. This means developing a plan for taking your vacations as well as medical appointments and other personal business. Employees are required to notify their immediate supervisor in advance of the regular starting time if they are going to be late or absent so that arrangements can be made. An employee not in an approved leave status who fails to report to work for three (3) consecutive workdays without a notification to their immediate supervisor may be separated from employment.

At the time of hire, the first year’s PTO is available immediately to new employees. The amount of PTO that is immediately available for new benefit-eligible part-time employees is based on the full-time equivalent percentage designated for the employee’s position. Upfront accrual only occurs in the first year of a benefit eligible position and will be pro-rated if there is a change in percent-based benefit status.

In the event of separation within the first year, the employee must re-pay the County for all PTO taken but not earned in accordance with the accruals in Chart A, below, for employees between one year and five years of service. For example, if an employee separates from employment after six months and has taken 14 days, then they will have to repay 5 days. This amount will be deducted from the employee’s final pay. Probationary employees are not compensated for PTO/Annual Leave if separated from County service during the probationary period. The County will not grant any such leave in advance of it being earned.

Employees may go over their accrual limit during the year, provided that accrued PTO shall be reduced to the applicable limit on January 1st of each year. For good cause shown, the County Administrator may approve a written extension of the January 1st deadline for a stated period not to exceed four (4) months. All requests for extension must be received by the County Administrator before October 1st.

Chart A
PAID TIME OFF SCHEDULE

Years of Service	Hours Accrued Per Month	Maximum Hours Accrued
0-5	12	144
6-10	14	168
11-15	16	192
15+	20	240

Section 5-3 Annual Leave

The annual leave accrual schedule (Chart B) applies to all full time employees hired before January 1, 2014. Employees hired before January 1, 2014 will continue to receive annual leave at the same rate they are receiving such leave on that date.

Chart B
FULL-TIME ANNUAL LEAVE SCHEDULE

Years of Service	Pay Periodically Accrual Rate Per Month	Maximum Carryover Per Year	
Less than 5 years	8 hours	192 hours	
5-9 years	10 hours	240 hours	
10-14	12 hours	288 hours	
15-19	14 hours	336 hours	
20-24	16 hours	384 hours	
25 years or more	18 hours	432 hours	

Section 5-4: Sick Leave

- (a) Sick leave is available for those employees who were employed by the County before January 1, 2014. Sick leave shall be defined as leave with pay granted for a bodily injury resulting in temporary disability, medically required confinement, medical or dental appointment, or illness of the employee or member of the immediate family requiring the presence of the employee.
- (b) Sick leave is accrued at the rate of ten (10) hours per full month worked for all full-time employees. An employee cannot use the present month's accrual during that month, as it is not earned until the end of the month. Sick leave, if not exhausted in the year in which it accrues, may be carried over from year to year. Employees retain all benefits and seniority while on approved sick leave.
- (c) Sick leave may not be taken in less than one hour increments. Sick leave may be used for visits to health providers during working hours only with the permission of the employee's supervisor. Employees must keep their supervisor informed of any absence from work and the anticipated duration due to illness. Employees may be required to present a physician's statement to verify the illness or appointment. Whenever possible, requests for sick leave should be made in advance. In the case of personal illness, or unanticipated circumstances, the employee's supervisor must be notified no later than the beginning of the workday or as soon thereafter as is practical. After three consecutive workdays of absence by an employee on sick leave,

the Department Head must notify the County Administrator's office to insure compliance with Family and Medical Leave Act provisions. No payment shall be made for accrued, unused sick leave for any employment with the County upon separation from County service.

- (d) Notwithstanding any other provisions of this policy manual, employees who are absent from work for more than twelve (12) weeks (such that the provisions of the Family and Medical Leave Act are no longer applicable) for causes that qualify for sick leave, are not guaranteed continued employment. The status of such employees will be reviewed on a case-by-case basis to determine whether the operational needs of the County require that the vacancy caused by the employee's absence be filled. If the County Administrator determines that the vacancy will be filled, the employee will be separated from County service. No payment shall be made for unused sick leave for any county employment covered by these policies upon separation from County service.

Section 5-5: Compensatory Leave

Compensatory leave for employees exempt from the FLSA overtime provisions is provided. Exempt employees may accumulate up to one hundred twenty (120) hours of compensatory leave.

Unlike non-exempt employees, the work week of an exempt employee is not specifically defined as 40 hours per week. Exempt employees are identified when hired and noted in job descriptions. These employees do not receive overtime compensation for work beyond a standard forty-hour week. This is taken into account when compensatory leave is provided for these positions.

Section 5-6: Leave of Absence Without Pay

Leaves of absence without pay for personal reasons, such as lengthy illness beyond sick leave accrual, personal business, or travel must be requested in advance and in writing by the employee. If an individual qualifies for Family and Medical Leave, the policy requires additional steps and it is therefore necessary to refer to Section 5-12 for specific information regarding this type of leave without pay status.

For reasons other than those qualifying under Family and Medical Leave, the request must state the reason, and the starting and probable date of return. Leave without pay is at the discretion of the County and may be refused at any time.

The County Administrator may approve leave without pay for a specified period if conditions warrant. An employee is required to provide in writing the reason(s) for leave without pay status. Leave without pay is granted only when all PTO or other leave has been exhausted.

Employees on leave of absence without pay for 30 calendar days or less remain on active employment status and service towards accumulation of benefits continues; those on such leave in excess of 30 calendar days are placed on temporary non-pay, inactive status and the period of absence is not

considered as service toward accumulation of benefits.

When leave without pay occurs before or after a holiday, no pay is given for the holiday. Holidays that occur during such absences are likewise not credited to the employee for pay.

Section 5-7: Funeral Leave

Funeral leave is defined as leave with pay granted to regular employees upon the death of an immediate family member as defined in Section 5-1 of this Chapter. The purpose of such leave is to allow employees a period of adjustment and sufficient time to travel if necessary or to put family affairs in order when work would interfere with such activities. Funeral leave shall be granted by the Department Head upon the request of the employee. Funeral leave shall not exceed three (3) consecutive workdays per death. Leave commences upon notification and approval by the Department Head. Funeral leave is not charged to sick, PTO or other leave. If more than three (3) days are required, the employee may use accrued PTO or other leave. If leave is desired for a death other than an immediate family member, the employee at the discretion of the supervisor may use PTO, other leave, or leave without pay. The County Administrator may approve administrative leave for employees or groups of employees to attend funerals when warranted in special circumstances.

Section 5-8: Military Leave

Employees who are former members of the armed services or a member of an organized reserve force of any of the armed services of the United States, National Guard, naval militia, or other employees who are called to active military service will have their job status protected in full compliance with current federal and state regulations.

Employees officially engaged in training duty or called to a tour of active duty are entitled to a leave of absence from their respective duties, without loss of seniority, accrued leave, or performance rating.

Employees officially engaged or called to service as noted above receive up to fifteen (15) paid workdays of military leave in each federal fiscal year (October 1 to September 30), except that no employee shall receive paid leave for more than fifteen workdays per federally funded tour of active military duty. For purposes of this section, a workday shall mean 1/260 of the total working hours an employee is scheduled to work during the entire federal fiscal year.

Employees are required to provide documentation of orders for required military training or active duty to the County Administrator prior to commencement of duty.

It is the intent of this regulation that the County comply fully with the requirements of Va. Code Sections 44-93 and 44-93.1 and related federal laws concerning leave and other benefits for County employees performing military or National Guard service, as the same may be revised from time to time. Such laws shall prevail in the event of any conflict with this regulation.

Section 5-9: Court Leave

Court leave is leave with pay and is defined as an employee's absence from work to serve on jury duty or attend court or a deposition as a subpoenaed witness in a case in which the employee is not a party, and any compensation the employee receives for such service may be retained by the employee. An employee who is a victim of a crime but is not a subpoenaed witness, is not eligible for court leave but shall be allowed to use PTO, other leave, or leave without pay to be present at all criminal proceedings relating to the crime, if such leave does not create undue hardship to the County's business. An employee appearing in court or for depositions as either a defendant or plaintiff in a case not related to the employee's county duties is not eligible for paid court leave, but may take leave without pay or use PTO or other leave for such purpose at the employee's option. Employees who are parties to a suit arising from their performance of County duties shall be entitled to attend depositions and court proceedings in that suit without using PTO or accrued leave, because such attendance is considered part of their official duties.

An employee summoned or subpoenaed for jury duty or witness service must submit a copy of the official summons or other satisfactory documentation (such as witness recognition) to the Department Head prior to the beginning date of such service.

If the case requires absence for the full workday, employees eligible for paid court leave will be paid their regular rate of pay for that day. If the reason for the employee's presence in court ends before the end of the employee's regular workday, the employee shall return to work unless excused by the Department Head. An employee who is summoned and appears for jury duty for four or more hours, including travel time, in one day shall not be required to start any shift that begins on or after 5:00 p.m. on the day of such duty, or that begins before 3:00 a.m. on the day following the day of such duty.

As employees will receive their regular salary while on court leave, they are required to pay the county the equivalent sum received from the court for such service.

Section 5-10: Worker's Compensation Leave

Any employee who sustains an on-the-job illness or injury that is deemed compensable by the County's workers compensation insurance carrier shall be placed on workers compensation leave for the duration of related absence as long as medical certification indicates the employee is unable to perform the assigned work, or until it is determined the employee is eligible for disability retirement, or is separated from County service due to continued inability to perform the assigned work. Workers compensation leave runs concurrently with Family and Medical Leave. (See section 5-12)

The first seven days of absence due to a work-related illness or injury shall be charged to the employee's accrued sick leave, PTO, or annual leave, in that order, if available. This seven-day period coincides with the "waiting period" of the Virginia Workers Compensation Act in which an employee is not entitled to compensation from the County's worker's compensation insurance carrier.

If a compensable illness or injury results in an absence that exceeds seven (7) calendar days the

employee receives replacement income paid by the workers compensation carrier at the rate of 66 2/3% of his or her average weekly gross wages at the time of the disability, subject to the minimums and maximums allowed by the Virginia Workers' Compensation Commission.

In instances where the maximum compensation allowed by law is less than 66 2/3% of the employee's average weekly gross wages, employees may use accrued sick leave until exhausted and then annual leave to supplement their weekly compensation to 66 2/3% of their average weekly gross wage. This supplement will be treated as taxable wages and will cease when workers' compensation payments are terminated for any reason or, if the employee separates from County employment.

The employee's benefits, medical report, and employment status are reviewed within 30 days of the beginning of workers' compensation leave to determine whether the employee remains on workers' compensation leave or some other action is indicated. Employment decisions regarding workers' compensation may be made at any time sufficient information is available. With the approval of medical authorities, the County may require the employee to return to light duty assignment.

Employees in workers' compensation leave status exceeding 30 calendar days do not accrue paid time off, annual or sick leave, or receive holiday pay. If workers' compensation leave status exceeds six consecutive months, the employee's performance review date (PRD) will be adjusted to reflect the period of workers' compensation leave which exceeds six months.

Section 5-11: Emergency Conditions Leave

When the County Administrator authorizes the closing of County Offices because of an emergency, such as inclement weather conditions, classified employees will not suffer a loss in compensation and will be paid their regularly scheduled hours for that day. If emergency conditions necessitate the early closing or late opening of County Offices, classified employees will be paid for their regularly scheduled hours regardless of the hours worked or missed during the period. Work As Required employees will not be considered as having been scheduled to work during the period of authorized closing and are therefore not entitled to any compensation for these hours. Non-exempt essential personnel required to work are compensated as set forth in Section 2-1. Employees in any other approved leave status (i.e., PTO, annual, sick, military, etc.) will remain in that status and will not be compensated for the closing of County Offices.

Section 5-12: Family and Medical Leave

This policy implements the Family and Medical Leave Act (FMLA) which became effective on August 5, 1993 and as amended by Section 585 of the National Defense Authorization Act on January 28, 2008. This policy is intended to summarize the Act, and is not intended to change or alter any rights of employees under the Act.

As provided by the FMLA, all eligible employees shall be entitled to take up to twelve (12) weeks or twenty six (26) weeks for service member leave of job-protected family and medical leave during any twelve (12) month period for specified family and medical reasons. The County defines the twelve (12) month period as that twelve (12) month period measured forward from the date an employee's first FMLA

leave begins.

Family and medical leave may be either paid or unpaid and runs concurrently with paid time off, sick, and annual leave if the absence qualifies under the FMLA. An eligible employee on FMLA leave must first use all available paid time off, sick, then annual leave before going into an unpaid leave status. An employee on FMLA leave to care for a new child must first use all available annual leave before going into an unpaid leave status.

- (a) To be eligible for FMLA leave an employee must have been employed for at least 12 months, which need not be consecutive, and worked at least 1250 hours during the twelve (12) month period before the leave begins. When both spouses are employed by the County, they are limited to an aggregate of 12 weeks when FMLA leave is for the birth, adoption, or foster care of a child, or to care for a sick parent, or because of any “qualifying exigency” as determined under federal law. In the case of service member leave, the aggregate total is 26 weeks.

- (b) FMLA leave, with the approval of the County Administrator, may be granted for any of the following reasons:
 - (1) The birth of the employee’s child or placement of a child for adoption or foster care by the employee.
 - (2) To care for a spouse, child, or parent with a serious health condition.
 - (3) A serious health condition, as defined by the FMLA regulations, which makes the employee unable to work. In general, a serious health condition is defined as an illness, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider.
 - (4) Any qualifying emergency (as the Secretary of State shall, by regulation determine) arising out of the fact that the spouse, son, daughter, or parent of the employee, is on active duty (or has been notified of an impending call to order to active duty) in the Armed Forces in support of a contingency operation.
 - (5) Service Member Family Leave. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the service member. The leave described in this paragraph shall only be available during a single 12-month period.

- (c) FMLA may be taken consecutively for twelve weeks or twenty-six weeks in the case of service member leave, or on an intermittent basis or part of a reduced workweek whenever it is medically necessary. When an employee’s need for FMLA is foreseeable, the employee must give at least thirty (30) days written notice and must make a reasonable effort to minimize disruption of County operations. When the need is foreseeable leave because the employee’s spouse, son, daughter, or parent is

notified of a call or impending call to duty, the employee must give at least thirty (30) days written notice or as such notice to the employer as is reasonable and practicable. When the need for FMLA is unforeseeable the employee must give notice as soon as practicable (within 1-2 working days) of learning of the need for leave. The County may temporarily transfer an employee using intermittent or reduced workweek to a different job with equivalent pay and benefits if another position would better accommodate the intermittent or reduced schedule.

- (d) Employees on FMLA leave must contact the County Administrator's office within 1-2 working days, if practicable, anytime there is a change in medical condition or requested leave dates. While on FMLA leave the employee must contact the County Administrator's office on the first and third Monday of each month regarding medical status and their intent to return to work.
- (e) The County may require certification from a "health care provider" as provided by the Family and Medical Leave Act. Employees will be notified when certification is required and forms will be provided for this purpose along with instruction for completion and due dates.
- (f) The County may require a second opinion when it reasonably doubts the validity of the certification. If the two health care providers disagree, the County may require the opinion of a third jointly approved health care provider who shall be the final authority on the question. These second and third opinions are at the County's expense. The County may also require the employee to obtain subsequent re-certification on a reasonable basis.
- (g) While on FMLA leave, the County must maintain the employee's group health insurance coverage at the same level and under the same conditions of coverage as existed before the employee took FMLA leave. The County will continue to pay its portion of the group health insurance coverage. It is the responsibility of the employee to maintain his/her portion of the health premium either through payroll deduction if on paid leave status or by submitting a check payable to the insurance carrier to the County Administrator's office no later than the fifteenth (15) of the month if on unpaid FMLA leave. If the employee fails to return from leave, the County may elect to recover the premium paid during the leave period in a manner consistent with the law. Likewise, the County will not make any payments for voluntary benefits on behalf of the employee while on FMLA unless the employee has sufficient funds through payroll deduction to cover the premiums or the employee submits payment directly to the County Administrator's office. Other benefits, such as the accrual of

seniority, will not continue during Family and Medical Leave Act. Anniversary and

evaluation dates will be adjusted to reflect any unpaid leave of absence of over thirty (30) days.

- (h) An employee will be returned to his or her original position or to a position with equivalent pay and benefits upon return from family leave. The County may require a fitness for return certification from an employee who has been on family leave for medically related reasons before the employee returns to work.
- (i) Special provisions related to the application of FMLA leave to members of the armed forces and their families will be implemented in accordance with federal and state law.
- (j) If an employee does not qualify for FMLA leave, he or she may still be eligible for an unpaid leave of absence.

Sec. 5-13 - Employee Leave Sharing Policy

The purpose of this Leave Share Policy is to provide a compassionate mechanism for employees to support their colleagues during challenging personal or family health situations by voluntarily donating and sharing paid leave.

- (a) **Opt-In and Donation Requirement.**

Employees must actively opt into the Leave Share Program one time upon hire or annually during the open enrollment period. Upon opting in, employees are required to donate 8 hours of their accrued paid leave one time to the leave bank. Participation is completely voluntary.

Opt-in periods will be communicated at least 30 days before the annual enrollment deadline.
- (b) **Donor Eligibility**

Regular full-time and part-time employees who have been with the company for at least 12 continuous months. Employees must have a minimum of 40 hours of accrued paid leave remaining after donation (20 hours for part-time leave). Donations cannot be coerced or pressured.
- (c) **Recipient Eligibility**

Only employees who have previously opted into the Leave Share Program and donated 8 hours are eligible to receive donated leave. Opt-in and donation must have occurred before the need for additional leave arises. Employees may receive donated leave under the following circumstances:

 - (1) Personal serious health condition that prevents work
 - (2) Caring for an immediate family member with a serious health condition
 - (3) Complications related to childbirth or adoption

(4) Recovery from a significant medical procedure

The recipient must have exhausted all personal paid leave, must provide medical documentation substantiating the need for additional leave, cannot receive more than 4 weeks (160 hours) of donated leave per calendar year, and must be a regular full-time or part-time employee.

(d) Donation Process

Employees can donate leave during the annual opt-in period or throughout the year if a need for donated leave arises. Donations are irrevocable once processed. Donated leave will be converted to a standard hourly rate for the recipient. Donations are anonymous and do not create any obligation for future reciprocation.

(e) Requesting Donated Leave

Any employee requesting donated leave must:

- (1) Submit a written request to the County Administrator
- (2) Provide comprehensive medical documentation
- (3) Demonstrate exhaustion of personal leave banks
- (4) Verify previous participation in the Leave Share Program

Requests will be reviewed by the County Administrator. Decisions will be communicated within 5 business days.

(f) Limitations and Restrictions:

Donated leave cannot be used for:

- (1) Elective procedures
- (2) Cosmetic treatments
- (3) Conditions not significantly impacting work ability
- (4) Leave donations do not convert to cash
- (5) Employees who do not opt in upon hire or during the annual enrollment period forfeit the ability to receive donated leave
- (6) The County reserves the right to modify or terminate this program

(g) Confidentiality:

- (1) All medical information and leave requests will be treated with strict confidentiality
- (2) Only essential personnel will have access to sensitive information
- (3) Discussions about an employee's medical condition will be limited to those directly involved in the leave approval process

(h) Review:

The Leave Share Policy will be reviewed periodically to assess its effectiveness and make necessary adjustments.

Sec. 5-14 - Compassionate Care Leave Policy

The purpose of this Compassionate Care Leave policy is to support employees during difficult times by providing paid leave to care for a terminally ill close family member.

Employees are eligible to receive up to 4 weeks of paid leave per calendar year to care for a dying close family member, ensuring they can provide essential support and spend meaningful time with their loved ones during a critical period.

Eligibility Criteria:

- (a) Employee Qualifications
 - (1) Must be a full-time or part-time regular employee
 - (2) Must have been employed with the company for at least 6 months
 - (3) Must have exhausted other available paid time off options

- (b) Family Member Definition Close family members for purposes of this policy are defined as:
 - (1) Spouse or domestic partner
 - (2) Parents or legal guardians
 - (3) Children (biological, adopted, or foster)

- (c) Leave Details
 - (1) Duration: Up to 4 weeks of paid leave per calendar year
 - (2) Compensation: 100% of regular base salary
 - (3) Incremental Use: Leave can be taken in full weeks or individual days
 - (4) Medical Verification: Requires a medical professional's certification of terminal condition

- (d) Application Process
 - (1) Employee must submit a written request to the County Administrator
 - (2) Provide medical documentation confirming the family member's terminal condition
 - (3) Discuss leave timeline and potential work coverage with Department Head
 - (4) Requests will be reviewed within 5 business days

- (e) Additional Provisions
 - (1) Job protection during leave period is in accordance with the Family and Medical Leave Act (FMLA)
 - (2) Continuation of benefits remain while in a paid status
 - (3) Flexible return-to-work arrangements may be considered
 - (4) Confidentiality of medical information guaranteed

- (f) Restrictions
 - (1) Unused leave does not carry over or convert to monetary compensation
 - (2) Fraudulent documentation may result in policy revocation and potential disciplinary action

- (g) Support Resources
 - (1) Employee Assistance Program (EAP) counseling
 - (2) Flexible work arrangements upon return

- (h) Policy Review

This policy will be reviewed periodically to ensure it meets the evolving needs of employees and reflects best practices in employee support.

Section 5-15: Leave Accruals Paid at Separation

Employees are paid for accrued leave as set forth below at the time of retirement, resignation, termination, or death:

- (a) Sick Leave: There is no payment for accumulated, unused sick leave to employees who separate from County service.

- (b) Paid Time Off or Annual Leave: Employees who leave County employment after twelve (12) or more months of service shall be paid for all accrued, unused Paid Time Off or annual leave up to the applicable accumulation limit set forth in Section 5-2, subject to the conditions set forth in Section 11-1.

- (c) Exempt employees will be paid up to one hundred twenty (120) hours of earned, unused compensatory leave at separation from county employment.

Chapter 6: Personnel Recruitment, Selection, and Orientation

Section 6-1: Notification and Advertising of Vacancies

- (a) Department Heads shall notify the County Administrator of vacant or soon to be vacant authorized positions in their departments. When a vacancy occurs, the County Administrator determines whether the position is to be filled by promotion or by a recruitment process.
- (b) All job announcements shall be coordinated between the County Administrator and the affected department to insure the content of the advertisement conforms to County policy and the needs of the department. Job announcements must, at a minimum, contain title, the department in which the vacancy exists, the nature of work or examples of work, the minimum qualifications, the closing date, where applications are obtained, and the statement "An Equal Opportunity Employer." Department Heads are to insure that job announcements are posted through the closing date in appropriate departmental locations and made available to their employees as appropriate.
- (c) All recruitment announcements are publicized by posting announcements or advertisements, and by other means deemed necessary to attract qualified candidates and assure compliance with the County's Equal Employment Opportunity policy. Every reasonable effort is made to publicize such vacancies so that all interested persons are informed and qualified people are attracted to compete for County employment. Publicity may include advertisements in newspapers and trade journals, appropriate internet sites, correspondence and other contacts with secondary schools and colleges, and mailings to specific outreach locations for posting.
- (d) Recruitment announcements are advertised in-house for employees only when in the opinion of the County Administrator, upon recommendation of the Department Head, a sufficient pool of employee applicants is anticipated. Should sufficient qualified in-house applicants not apply, the decision may be changed to advertise the announcement publicly. Likewise, the Department Head may recommend the announcement be directly advertised to the public when qualified in-house applicants are not known or anticipated. All announcements to County employees are posted for at least five (5) workdays in a specified location for the County.

Section 6-2: Application for Employment

All applicants for employment must complete an application form and provide the required information to the County Administrator's office in the manner specified in the announcement. Failure to do so may disqualify the applicant from further consideration for the position. The application forms shall solicit information relative to training, experience, salary history, references, information required by law or policy, and other appropriate information. Application forms and applicant flow information shall be maintained for

two calendar years. The County Administrator's office is responsible for promulgating and updating an approved County application form for use under this policy.

All employment inquiries and applicants shall be referred to the County Administrator's office for job information, availability, opportunities, and procedures. To facilitate the collection of certain confidential employee data required by the Equal Employment Opportunity Commission, the County Administrator's office is the sole source for receiving an application for employment.

Section 6-3: Selection

When appropriate, skill assessments may be used which are written, oral, or a combination thereof and must relate to the duties and responsibilities of the position for which the applicant is being considered. Performance tests may be required by the County when appropriate. Testing may be done by the County, the Virginia Employment Commission, or a qualified third party vendor.

The Department Head determines those applicants to be interviewed, conducts or causes the interviews to be conducted, makes a selection from among the applicants referred, and notifies the County Administrator of the recommendation for selection. The County Administrator shall issue appropriate procedures as necessary for conduct of the selection process. Extraordinary recruitment, interviewing, or hiring efforts such as travel, overnight visits, accommodations, moving expenses, or increased annual leave accrual require the approval of the County Administrator. Upon selection, the County Administrator or Department Head issues a letter of offer to the selected individual instructing him or her to report on a date mutually agreed to by the County and the successful candidate.

Section 6-4: Orientation for New Employees

New hires will receive a structured orientation program to help them learn about Westmoreland County and what is expected of them as employees of the County:

- (a) On the date of hire, employees are received in the County Administrator's office and are provided all pertinent information concerning employment with the County necessary to place them on the County's payroll. The employees are given a "New Employee Orientation" package. A prescribed orientation checklist is used to facilitate the process and to insure that all appropriate information is passed on to the new employee.
- (b) The second step in the process, within five (5) days of the date of hire, consists of the supervisor's portion of the checklist which outlines discussion points to explain what is expected in the course of employment with the County.
- (c) The final step is a formal orientation session by the County Administrator's office which is usually conducted within thirty days after the employment date. This step allows the employee to have some work experience upon which to ask questions during the formal session.

Section 6-5: Probationary Period – New Hires

New employees serve a probationary period of twelve (12) months. The probationary period is regarded as an integral part of the evaluation process and is used to observe the employee's work closely, to insure the effective adjustment of a new employee to the assigned position, and to reject any employee not meeting expectations. Employees are released from probationary status upon receiving a formal evaluation and recommendation from the Department Head, and are then considered to be regular employees of the County. The probationary period may not be extended except on those occasions when a period of approved absence exceeds thirty calendar days (for example, when a probationary employee is called to military duty). In such cases, the probationary period may, at the discretion of the Department Head, be extended one day for each day of authorized absence.

Before the end of the probationary period, if an employee is to be granted regular status, the Department Head shall indicate on a prescribed form to the County Administrator's office:

- (a) That they have discussed the employee's accomplishments, strengths, and weaknesses with the employee;
- (b) Whether the employee is performing satisfactory work;
- (c) That the employee should be retained in County service and granted regular status.

Probationary employees may be terminated from employment at any time during the probationary period, at the discretion of the Department Head. The provisions of the County's grievance procedure are not available to probationary employees. If a probationary employee is dissatisfied with the assigned position, the employee may resign from County service without prejudice.

The successful completion of the probationary period does not create a continuing contract or guarantee employment for any specific duration.

Section 6-6: Physical Requirements

Applicants for employment are given a physical examination only when the job specifications contain such a requirement. A physical examination may be requested only after a verbal offer of employment is made to the applicant. The medical report must be completed by a County approved physician and be received and reviewed in conjunction with the essential requirements of work as described in the position description prior to the issuance of a written letter of offer.

Employees must continue to meet, as a condition of employment, the physical standards established in the job specifications for the assigned position and may be given a physical examination at any time after employment when recommended by the Department Head.

All examinations for current employees are to be performed by a physician approved by the County. All required examinations will be paid for by the County. Medical information shall be kept in a separate and confidential medical file.

Section 6-7: Equal Employment Opportunity

Westmoreland County's policy is to insure equal employment opportunity to employees and applicants for employment, without regard to race, color, sex, religion, national origin, age, sexual orientation, gender identity, or disability.

The goals of this policy are to:

- (a) Ensure equal opportunity in all personnel policies and procedures through identification and elimination of policy and procedural areas that unlawfully discriminate on the basis of race, color, sex, religion, national origin, age, sexual orientation, gender identity, or disability.
- (b) Employ a workforce representative of the County's population.
- (c) Encourage promotion of qualified individuals.
- (d) Ensure compliance throughout the organization.

The following actions will be taken, in addition to others, as may be appropriate:

- (a) In recruiting and hiring applicants for employment, advertising shall be conducted in a nondiscriminatory manner using, not only traditional methods, but newspapers, magazines, the internet, and/or other recruiting sources.
- (b) Dissemination, both internally and externally, of the County's policy regarding Equal Employment Opportunity will be a continuing process.
- (c) Training designed to assist employees and supervisors in complying with this policy will be provided as necessary.

All personnel actions, including, but not limited to, administration of compensation, benefits, training, tuition assistance, discipline, termination, layoff, return from layoff, and social and recreational programs, shall be administered to further this policy. Personnel actions are subject to bona fide occupational job qualifications.

Section 6-8: Employment Eligibility Verification

Pursuant to the Immigration Reform and Control Act of 1986, the County will hire only United States citizens and aliens lawfully authorized to work in the United States. The Act requires all new employees to complete prescribed forms and present documents that verify eligibility to work. Without such documentation, the applicant cannot be employed by the County.

Section 6-9: Driver and Criminal Records Checks

Certain jobs in the County require Department of Motor Vehicle (DMV) and/or criminal records checks. These records checks protect citizens that use County services and manage the County's risk of loss. Before entering service, certain employees and volunteers must have records checks as indicated below. Failure on the part of the applicant, employee, or volunteer to provide or authorize these checks, as appropriate, will result in withdrawal of the letter of offer, termination, or denial of participation in the volunteer program.

- (a) Driver Record Checks: All employees and volunteers who will or may drive County vehicles will be subjected to DMV records checks upon hire and as deemed necessary by the County Administrator but not less than once every three (3) years.
- (b) Criminal Record Checks: Certain employees and volunteers are subject to criminal records checks. Those positions requiring criminal records checks and the procedure to be followed are designated by the County Administrator.

Section 6-10: Drug Testing

It is the County's policy to maintain a work place that is free from the effects of drug abuse. In furtherance of this policy, all applicants selected for employment shall be required to submit to a pre-employment, post-offer drug test, which shall be conducted within 48 hours of an applicant's verbal acceptance of an offer of employment. The costs for all drug tests ordered will be borne by the County. Urinalysis will be used for the detection of controlled substances and sample collection must take place at a County approved collection site. Any applicant selected for employment whose test result is confirmed positive shall be denied employment and shall not be eligible for employment in any capacity with the County for a period of one year. Test results shall be kept in a separate and confidential medical file. Failure to execute an appropriate release and consent form for drug testing equates to a refusal to submit to drug testing and shall be cause for immediate withdrawal of the offer of employment. The County's drug testing program shall be administered in accordance with applicable federal and state regulations.

Any former employee who has had 12 months or more elapse since his or her last work day for the County is considered a rehire, and subject to drug testing as outlined above.

Employees offered transfer, promotion, or demotion into a position requiring random drug screening shall be required to submit to a drug test within 48 hours of their acceptance of such offer. Should the employee's drug test result indicate a confirmed positive, the offer of transfer, promotion, or demotion will be withdrawn, and the employee shall be subject to disciplinary action, up to and including dismissal.

Chapter 7: Employee Training and Development

Section 7-1: Employee Training and Development

The County encourages the development of, and attendance at, training and education programs that enhance employees' ability to perform their work more effectively and/or to qualify for promotion within the employees' career fields. Such programs shall be planned, coordinated, and conducted so as to maximize the effectiveness of training and education funds available within departments. Where subject matter or available resources do not permit the use of in-service training, specialized training or education courses by outside resources may be approved. Whenever possible, in-service training shall be provided when the same or similar training is required of groups of employees. Department Heads are encouraged to pool their training resources to facilitate lower cost training in mutual areas of interest.

Section 7-2: Rules for County Funding

The following policies determine when requests for training or education will be approved for County funding:

- (a) **Job Required Training.** The County will reimburse classified employees for approved training or educational expenses when, in the opinion of the Department Head, the subject matter is essential to proper performance of the employee's assigned position and the employee was not expected to have completed the training or education prior to employment. Attendance may be authorized during working hours. Undergraduate or graduate education courses which fall into this category will be approved for reimbursement of the cost of tuition and books only when the employee satisfactorily completes the course (completion of course with grade of "C" or better). The fact that such courses are part of a degree program shall not disqualify them from reimbursement; however, the County will not pay for courses within the degree program which are not job essential. A maximum of \$1,500.00 per fiscal year will be considered for reimbursement of tuition costs of each qualified employee.
- (b) **Job Related Training.** The County will reimburse classified employees for approved expenses when the subject matter is job related and, in the view of the County Administrator or Department Head, should lead to improved performance on the job. Attendance may be authorized during working hours. This training generally consists of short courses, seminars, conferences, meetings, etc., coincident with the employee's routine responsibilities with the County. Undergraduate or graduate courses which fall into this category will be approved for reimbursement of the cost of tuition and books only when employees volunteer to attend classes on their own time and satisfactorily complete the course (completion of course with grade "C" or better). The fact that such courses are part of a degree program shall not disqualify them from reimbursement; however, the County will not pay for courses within the degree program which are not job related.
- (c) **Reimbursement for any training or education program that does not meet the conditions**

set forth in the preceding two sub-paragraphs is not authorized. Employees must have written authorization from his or her Department Head prior to taking the course and requesting reimbursement. The County will provide funding for meals for an employee who is attending approved job related training.

Meals & Incidentals Expenses (M&IE) Breakdown

M&IE Total: the full daily amount received for a single calendar day of travel when that day is neither the first nor last day of travel.

Breakfast, lunch, dinner, incidentals: separate amounts for meals and incidentals. M&IE Total = Breakfast+ Lunch+ Dinner.

First & last day of travel: amount received on the first and last day of travel and equals 75% of total.

M&IE Total	Continental Breakfast/Breakfast	Lunch	Dinner	Incidental Expenses	First & Last Day of Travel
\$55	\$13	\$14	\$23	\$5	\$41.25

Section 7-3: Application

Applications for training or education courses should be made to the employee’s Department Head. Training applications must be submitted and approved by the Department Head and reviewed by the County Administrator for consistency prior to the start date of the training.

Section 7-4: Approval Authority

The County Administrator approves training or education programs for Department Heads. Department Heads may approve training in accordance with this Chapter for assigned employees within the limits of training funds in the departmental budget.

Section 7-5: Repayment of Training Funds

All training payments are contingent upon presentation of satisfactory evidence of successful completion of the enrolled program. Training payments made by the County in advance, are subject to repayment by the employee if 1) conditions for completion are not met, or 2) the employee voluntarily separates from County employment prior to the completion of the training.

The County reserves the right to require that the employee sign a Training Payment Reimbursement Agreement. Such agreements will normally only be used when the training payments and associated costs are expected to exceed \$1,000 or, in the opinion of the County, the training will substantially improve the employee's marketability. The use of an Agreement will be handled on a case-by-case basis and must be approved by the County Administrator to ensure County-wide consistency. If an employee voluntarily separates from County employment within two years following the completion of training, the Agreement will require repayment of training payments and associated costs.

Chapter 8: Performance Appraisal

Section 8-1: General

The Performance Appraisal addresses the following objectives:

- (a) Provides a basis for the determination of the level of performance of the employee, involves the employee in this determination, and identifies areas of work which need improvement.
- (b) Provides a performance-based evaluation for the award of compensation increases based on performance levels.
- (c) Improves communication between employees and supervisors.

Section 8-2: Job Description

The basis for evaluating performance is the job description. Department Heads assure that job descriptions for positions in their departments are accurate, current, and reflect essential functions. Employees are accountable for performing all aspects of the job description in a proficient manner.

Section 8-3: Standards of Performance

The standards expected of an employee are to be established and communicated by the Department Head or supervisor prior to the appraisal process. The Department Head is expected to involve the employee:

- (a) In establishing the criteria by which his/her performance is to be judged;
- (b) In planning future improvements in that performance; and
- (c) In establishing mutual responsibilities and expectations with respect to improving job performance.

Section 8-4: Communication With Employee

The Department Head or supervisor is required to meet with new employees, within 30 days of hire, transfer, promotion, demotion, etc., and with all other employees at the beginning of each evaluation cycle for the following purposes:

- (a) To review the job description to assure that it is accurate. Any necessary revisions in essential functions should be recommended to the County Administrator in the form of a revised job description.
- (b) To identify and clearly define the responsibilities of the employee and the expectations of the supervisor. The weight for each element shall be established by the Department Head or supervisor and communicated to the employee.

- (c) To establish objectives for the employee using a department work plan as a base. This is intended to be a manual setting of objectives, which may be used to establish a basis for the performance rating.

Section 8-5: Interim Review

At any time during the evaluation cycle, the supervisor may arrange a time to meet with the employee for the following purposes:

- (a) Review progress. The supervisor shares with the employee any performance problems that have been noted and outlines measures needed for improvement. Supervisors are encouraged to schedule a review with those employees who are exceeding their performance objectives in order to support their achievements.
- (b) Review employee concerns. The employee shares any problems being experienced which may be hindering job performance. For example, sometimes equipment or personnel problems exist that could be corrected by the supervisor, or daily operations have changed to the point of making it difficult to accomplish an initially agreed upon objective.

At this time, any changes in the initial expectations may be noted. This conference may be requested by either the supervisor or the employee. Whether or not a formal conference is held, it is the supervisor's responsibility to advise the employee of performance deficiencies.

Section 8-6: Evaluation Conference

At least two weeks prior to the employee's Performance Review Date (PRD), the immediate supervisor shall schedule a time for the evaluation conference. Before this conference, the supervisor must complete the appropriate evaluation document and any supporting narrative necessary to clarify the performance appraisal rating or describe any corrective actions necessary to achieve satisfactory performance.

Prior to meeting with the employee, the completed evaluation document must receive any necessary departmental approvals and be forwarded to the County Administrator's office for review.

The employee is provided with a copy of the evaluation document prior to the conference. Discussion between the employee and the supervisor should be related to performance factors and should deal only with job related matters.

The employee should be encouraged to submit a response to the evaluation, particularly if there are areas of disagreement. If an employee refuses to sign the evaluation form and any additional pages, the reviewer should note this on the evaluation form and sign and date the notation.

Section 8-7: Performance Appraisal Rating

Performance appraisal ratings are used to notify the employee of the supervisor's determination as to job performance. The numerical rating scale ranges from 1 to 5 for each element, and specific definitions are provided on the evaluation document. An employee's total score determines the overall performance level.

Actions to be taken based on scores are as follows:

1 = UNSATISFACTORY/MARGINAL

(Performance consistently below expectations)

Termination if employee is probationary, and termination or demotion if regular employee.

2 = REQUIRES IMPROVEMENT

(Performance fails to consistently meet expectations)

Supervisor and employee must develop a Corrective Action Plan with a realistic time frame that identifies those performance factors needing improvement. A re-evaluation within 60 days will take place. Lack of improvement may result in termination or demotion.

3 = PROFICIENT

Performance meets expectations of the position in all areas.

Continued employment.

4 = HIGHLY PROFICIENT

Routinely performs on a level that is above the expectation for the position.

Continued employment.

5 = EXEMPLARY

Performance during the evaluation period has consisted of extraordinary efforts in a single project or a number of specific tasks that would not be considered a routine function of that position.

(Continued employment)

Section 8-8: Corrective Action

A written corrective action plan must be developed for each employee whose performance requires improvement. The plan should clearly identify for the employee the expectations of the supervisor and establish a realistic time frame for achievement. An additional performance evaluation document (reevaluation) must be completed in 60 days. No additional compensation will be awarded to an employee on a reevaluation for corrective action.

Chapter 9: Disciplinary Policy

Section 9-1: Policy

It is the policy of the County to discourage behavior that violates rules, policies, procedures, acceptable standards of ethical conduct, regulations, or laws, or that results in unacceptable performance. Disciplinary action is to be in proportion to the seriousness of the violation. Supervisors are primarily responsible for beginning the disciplinary process when situations that warrant discipline occur.

Section 9-2: Purpose

It is the County's intention to foster an employment relationship with high morale that promotes self-discipline in every employee and group discipline within every work team.

Section 9-3: Reasons for Disciplinary Measures

Reasons for discipline, up to and including termination, include, but are not limited to, the following:

- (a) Commission of any act constituting a crime under federal or state law or county ordinance while on county time or property, or of such a nature (including a violation of law) as to indicate unfitness or unsuitability for continued employment in the particular position, regardless of where or when such act is committed.
- (b) Disregard for work or safety rules.
- (c) Failure to follow County or department policies or procedures whether the same are established in writing or by standard practice.
- (d) Failure to meet job standards.
- (e) Falsification or improper use of County records.
- (f) Gambling on County time or property.
- (g) Incompetence or inefficiency in the performance of required job duties.
- (h) Insubordination.
- (i) Lying, cheating, or stealing in any of the forms these might take.
- (j) Misuse of position with the County.
- (k) Placing property or persons at risk of injury.

- (l) Possession, use, distribution or sale of, or reporting to work under the influence of alcohol or controlled substances. The term “controlled substances” means any drug, narcotic, or other substance that the use or possession of is prohibited or controlled by federal or state law or regulation.
- (m) Provoking, instigating, or participating in a fight while on duty or on County property.
- (n) Refusal to comply with reasonable instructions from an authorized supervisor.
- (o) Recurring tardiness.
- (p) Sleeping on the job.
- (q) Use of offensive, abusive, threatening, coercive, indecent, or discourteous language towards supervisors, other employees, or members of the public.
- (r) Violation of the County’s harassment policy set forth in Chapter 12-9.
- (s) Unauthorized weapons possession and/or physical violence.
- (t) Willful or negligent damage to County property.

The preceding examples are intended only as guidelines and disciplinary action is not limited to these offenses.

Section 9-4: Use of Disciplinary Measures

Graduated forms of discipline will frequently be used in addressing disciplinary matters. Employees will often be informed and reminded about accepted standards and rules of conduct before more severe disciplinary action is taken. However, even in the absence of prior disciplinary measures, any infraction may incur serious disciplinary action up to and including termination.

Section 9-5: Available Disciplinary Actions

The following measures of discipline are established, and, unless otherwise specifically provided, are documented on prescribed forms available from the County Administrator’s office. The County Administrator must approve any disciplinary measure imposed beyond a verbal warning, including dismissals.

- (a) Verbal Warning or Reprimand:

This measure may be imposed by the immediate supervisor and is used in situations where the violation is considered to be minor and the warning or reprimand can be expected to resolve the problem or

alert the employee of expected future conduct and the consequences of re-occurrence of the behavior in question. Verbal warnings or reprimands are not documented for any official file, but shall be noted in writing by the supervisor for the supervisor's use in the event that further discipline is needed.

(b) Written Warning or Reprimand:

This measure is used for more significant first violations or repeated minor infractions. Employees are advised that the behavior must improve or further specified action will be taken. Additionally, they will be advised that the warning or reprimand is being documented and will be included in the employee's personnel file.

(c) Suspension:

Suspension for up to ten (10) days without pay may be used when a more serious violation occurs or when previous warnings have not succeeded in bringing about the desired change in the employee's behavior. For suspensions without pay, the employee shall be notified in writing of the reasons for the proposed suspension and shall be given an administrative hearing with the Department Head prior to the proposed effective date of the suspension. In order to comply with the Fair Labor Standards Act, in situations other than safety rule violations of major significance or violations of workplace conduct rules, employees designated as exempt must be suspended in increments of days that represent a full workweek. In certain appropriate cases, suspension with pay may be imposed.

(d) Demotion or Salary Reduction:

These measures may be used in place of, or in addition to, suspensions when dealing with violations deemed serious enough to otherwise warrant a suspension.

(e) Dismissal:

This measure is used for the most serious violations or when other measures have failed. The Department Head, prior to dismissing an employee, shall compile the complete disciplinary record and forward it to the County Administrator. Prior to any final decision concerning the dismissal of a non-probationary employee, the Department Head shall conduct an administrative termination hearing, if requested by the affected employee, to determine whether the charges leading to the recommendation for dismissal are founded. (See Chapter 11 on Separation and Termination.)

Section 9-6: Review of Proposed Action

In each instance of the imposition of a disciplinary action beyond a verbal warning or reprimand, a copy of the prescribed disciplinary form must be sent to the County Administrator for inclusion in the employee's official personnel file. To assure the consistency of discipline throughout the County workforce, all disciplinary actions beyond verbal and written warnings must be reviewed for compliance and consistency by the County Administrator prior to any action being taken by the Department Head.

Chapter 10: Grievance Policy and Procedures

Section 10-1: Purpose

This Chapter establishes an effective process for the fair, expeditious, and orderly adjudication of grievances before they become major issues of discontent or dispute. Nothing in this Chapter is intended to imply that employees may be dismissed only “for cause” or to otherwise alter an employee’s “at will” status. Employees also have access to the open door policy for discussion of employment issues. (See Section 12-19).

Section 10-2: Policy

The County seeks to employ and retain the most qualified persons available for positions with the County and is justly proud of the accomplishments of its staff in serving the public. When an employee of the County believes that any condition affecting him or her is unjust, inequitable, arbitrarily applied or a hindrance to work performance, the employee may use the following procedure without fear of reprisal. The same procedure may be followed by a group of employees. Because justice delayed is justice denied, grievances must be resolved with dispatch.

Responsible action under the grievance procedure is a right of employment. Each step of the procedure is to be conducted with the open, thoughtful communication and mutual respect that is characteristic of successful day-to-day contact between employees and their supervisors. Responsibility for finding satisfactory solutions to employment-related problems is shared by all participants at each stage of the grievance procedure.

Section 10-3: Objective of Procedure

The grievance procedure is intended to provide an immediate and fair method for resolving problems that may arise during the course of an employee’s service with the County. The grievance procedure is designed to assure the employee of the fairness of the process by providing for a right of appeal in the event that an employee believes that fair treatment has been denied.

Through the good faith observance of this procedure, the County hopes to prevent conditions which may give cause for grievance. This can be achieved in many ways, among which are:

- (a) a reduction in employee concerns caused by supervisory decisions;
- (b) a more uniform application and interpretation of policies and conditions which govern employment;
- (c) avoidance of prejudice;
- (d) alerting management to supervisory problems.

Section 10-4: Coverage

This grievance procedure is available to all regular permanent full-time and part-time County employees in the classified service, except probationary employees, Department Heads, and employees otherwise covered by applicable grievance procedures of state or local agencies. The procedure is not available to unclassified employees.

Section 10-5: Definition of Grievance

- (a) A grievance is a complaint or dispute relating to the employment of the employee or employees making the complaint. A grievance involves, but is not necessarily limited to, one or more of the following:
 - (1) disciplinary actions, including those that involve dismissal, demotion or suspension, provided that dismissals shall be grievable whenever resulting from formal discipline or unsatisfactory job performance;
 - (2) concerns regarding the meaning, interpretation, or application of personnel policies, procedures, rules, and regulations;
 - (3) acts of retaliation for using the grievance procedure or for participation in the grievance of another County employee;
 - (4) complaints of discrimination on the basis of race, color, sex, religion, national origin, age, sexual orientation, gender identity, or disability;
 - (5) acts of retaliation because the employee has complied with any law of the United States or of the Commonwealth of Virginia, has reported any violation of such law to a governmental authority, or has sought any change in law before the Congress of the United States or the General Assembly of Virginia.
 - (6) acts of retaliation because an employee has reported an incident of fraud, abuse, or gross mismanagement.

- (b) The Board of Supervisors and its County Administrator shall retain the exclusive right to manage the affairs and operations of County government. Accordingly, the following complaints, among others, are non-grievable:
 - (1) the contents of ordinances, resolutions, statutes, or established personnel policies, procedures, rules, and regulations;
 - (2) work activity accepted by the employee as a condition of employment or work activity which may be reasonably expected to be a part of the job content;
 - (3) establishment and revision of wages or salaries, position classifications, or general benefits;
 - (4) failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly;
 - (5) the methods, means, and personnel by which such work activities are to be conducted;
 - (6) (i) discharge; (ii) demotion; (iii) layoff because of lack of work or reduction in work force; or (iv) job abolition, except where such action affects an employee who has been reinstated within the previous six months as the result of a grievance;

- (7) the hiring, promotion, transfer, assignment, and retention of employees;
- (8) the relief of employees from duties of the County in emergencies.

In any grievance brought under the exception contained in (6) above, the action shall be upheld upon a showing by the County that: (a) there was a valid reason for the action, and (b) the employee was notified of such reason in writing prior to the effective date of the action.

Section 10-6: Determination of Grievability

Decisions regarding whether or not a matter is grievable, including questions of access to the procedure, shall be made by the County Administrator at the request of the Department Head or the grievant. The issue of grievability may be raised at any step of the procedure subsequent to the submission of a written grievance and prior to the panel hearing, but once raised the issue shall be resolved before further processing of the grievance. The issue of grievability must be resolved prior to the panel hearing or it shall be deemed to have been waived. The request for a determination of grievability is made by completing a request and forwarding it to the County Administrator. The decision on grievability shall be made within ten (10) calendar days of the request. A copy of the ruling shall be sent to the grievant. Decisions concerning grievability may be appealed by the grievant to the Circuit Court of Westmoreland County for a hearing on the issue of grievability.

Proceedings for review of the County Administrator's decision about grievability shall be instituted by filing a notice of appeal with the County Administrator within ten (10) calendar days from the date of the grievant's receipt of the decision, and giving a copy thereof to all other parties. Within ten (10) calendar days thereafter, the County Administrator or his designee shall transmit to the Clerk of the Circuit Court a copy of the decision, 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 County Administrator to transmit the record within the time allowed shall not prejudice the rights of the grievant. The court, on motion of the grievant, may issue a writ of certiorari requiring the County

Administrator to transmit the record on or before a certain date. The court may affirm the decision of the County Administrator or may reverse or modify the decision. The decision of the court is final.

Section 10-7: Procedural Steps

Step I: Supervisory Level. An employee who has an employment-related complaint or problem shall first discuss it directly with his or her immediate supervisor. The grievance need not be placed in written form at this step. The grievance shall be reported within twenty (20) calendar days from the time that the employee first becomes aware of the condition or work activity giving rise to the grievance. The supervisor shall render a verbal response to the aggrieved employee within five (5) workdays of the complaint. This first step is intended to provide for an informal, initial processing of employee complaints by the immediate supervisor through a non-written, discussion format.

Step II: Department Head. If a satisfactory resolution of the problem is not reached through Step I, the employee may file a written grievance, identifying the nature of the complaint and the expected remedy. The written grievance is presented to the Department Head and a copy is given to the immediate supervisor within five (5) workdays of the supervisor's response to Step I. A meeting to review the grievance shall be held among the grievant, the immediate supervisor, and the Department Head within five (5) workdays of receipt of the grievance, unless this time limit is extended by mutual agreement for a period not to exceed an additional five (5) workdays. The Department Head shall provide a written reply to the grievant within five (5) workdays after the second step meeting. Concurrently, a copy of the grievance and reply, together with a copy of all related materials, shall be forwarded by the Department Head to the County Administrator. For purposes of this policy, "Department Head" shall mean the head of the employee's department.

Step III: County Administrator Level. If a satisfactory resolution of the problem is not reached at the second step, the employee may submit the written grievance to the County Administrator (Step III). Submission of the written grievance to the third step shall occur within five (5) workdays of the second step reply. The County Administrator and the immediate supervisor shall meet with the employee within five (5) workdays or indicate that an extension is necessary. Such extension shall not exceed five (5) additional workdays except by mutual agreement of the County Administrator and the grievant. The Department Head or other intermediate supervisor may attend this meeting if requested by the grievant, the immediate supervisor, or the County Administrator. A written reply by the County Administrator shall be provided to the grievant within five (5) workdays of this meeting.

Step IV: Panel Level. If the response of the County Administrator does not resolve the grievance, the employee may proceed with the grievance by requesting a panel hearing. This request shall be made in writing to the County Administrator within five (5) workdays of the grievant's receipt of a response from Step III, or Step II if applicable. The County Administrator shall insure selection of the panel and arrange an organizational meeting of the grievance panel within thirty (30) working days of receipt of the request. The date of the hearing shall be established at the organizational meeting and shall be within thirty (30) working days of such meeting. The County Administrator shall provide the panel with copies of the grievance record at their organizational meeting. The County Administrator shall provide the grievant with a list of the documents furnished to the panel. The grievant and/or the grievant's 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. Documents, exhibits, and lists of witnesses shall be exchanged between the parties at least five (5) days in advance of any panel hearing.

Section 10-8: Panel Procedures

The panel is charged with the responsibility of interpreting the application of appropriate government policies and procedures in the case. It does not have the prerogative to formulate or to alter existing policies or procedures nor to direct subsequent action of management when the panel determines that the action of management grieved was inappropriate.

The conduct of the panel hearing is as follows:

- (a) The panel determines 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.
- (b) The panel may at the beginning of the hearing ask for statements clarifying the issues involved.
- (c) Exhibits, when offered, may be received in evidence by the panel, and when so received, are marked and made part of the record.
- (d) The grievant and then the grievant's supervisor, or their representative(s), present the claim and proofs and witnesses who submit to questions or other examination or cross-examination. The panel may, at its discretion, vary this procedure but must afford full and equal opportunity to all parties and witnesses for presentation of any material or relevant proofs.
- (e) The parties may offer evidence and shall produce such additional evidence as the panel may deem necessary to an understanding and determination of the dispute. The panel is the judge of relevancy and materiality of the evidence offered. The panel has the authority to determine the admissibility of evidence, without regard to the burden of proof or the rules of evidence. All evidence shall be presented in the presence of the panel and the parties, except by mutual consent of the parties.
- (f) The panel chair shall specifically inquire of all parties whether they have any further proof to offer or witnesses to be heard. Upon receiving negative replies, the chairman shall declare the hearing closed.
- (g) The hearing may be reopened by the panel on its own motion or upon application of a party for good cause shown at any time before a decision is made.
- (h) The majority decision of the panel is final and binding in all its determinations, and
- (i) shall be consistent with existing policies, procedures, and law. No panel member shall be allowed to abstain from voting.
- (j) Any relief granted by the panel shall not be final if the County Administrator, or his designee, determines that the relief granted is not consistent with law or written policy of the County. In the event that the County Administrator has had a direct personal involvement with the event or events giving rise to the grievance, the question of consistency of the relief granted by the panel with law or written policy of the County shall be made by the Commonwealth's Attorney.
- (k) Either party may petition the circuit court for an order requiring the implementation of the decision of the panel.

The decision shall be filed in writing by the panel chairman with the County Administrator not later than ten (10) working days after completion of the hearing. Copies of the decision shall be transmitted to the employee and to the employee's supervisor by the County Administrator within five (5) working days after the County Administrator receives it.

Section 10-9: General Provisions

- (a) Step II is not observed by direct reports of Department Heads; such grievants proceed from Step I to Step III.
- (b) A grievance shared by a group of employees begins at Step II, using Step I time limits.
- (c) References to “workdays” are to the days during which the administrative offices of the County are customarily open, from Monday through Friday, not including holidays observed by the County. All time periods listed in this procedure may be extended by mutual agreement of the grievant and the County Administrator, or by others as specifically provided elsewhere in this procedure.
- (d) 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 reasonable excuse, 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 County Administrator. The County Administrator, may require a clear written explanation of the basis for such extensions or exceptions. The County Administrator, shall determine compliance issues. Compliance determinations made by the County Administrator shall be subject to judicial review upon the filing of a petition with the circuit court seeking such review within thirty (30) days of the compliance determination.
- (e) All stages of the grievance beyond the first step shall be prepared in writing on forms supplied by the County Administrator’s office.
- (f) The only persons who may normally be present at Step I or II meetings are the grievant, the individual hearing the matter, and appropriate witnesses for each side. The grievant shall bear the cost, if any, of calling the grievant’s witnesses. Witnesses shall be present only while actually providing testimony. At Step III, the grievant, at his option, may have present a representative of choice. If the grievant is represented by legal counsel, the County may also be represented by counsel. Either or both parties may be represented by legal counsel at Step IV. The County Attorney or his assistants or designees will represent management in such hearings unless disqualified by a conflict of interests.
- (g) Once an employee reduces the grievance to writing, the specific relief expected to be obtained through use of this procedure must be stated on the appropriate form and may not later be changed by the grievant.
- (h) The determination that an employee is not covered by this grievance procedure or that a complaint is not grievable shall not be construed to restrict any employee’s right to seek, or management’s right to provide, customary administrative review of complaints outside the scope or coverage of the grievance procedure.

Section 10-10: Composition of Panel

The panel shall be impartial and composed of three (3) members. One member shall be chosen by the grievant, one member shall be chosen by the County Administrator, and the third member shall be chosen by the first two. If no agreement on a third member can be reached, the selection shall be made by the Judge of the Circuit Court. In all cases, the third panel member shall be the Chairperson of the panel.

Such panel shall not be composed of any persons having direct involvement with the grievance being heard by the panel, or with the complaint or dispute giving rise to the grievance. Managers who are in a direct line of supervision of a grievant, any person 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 such an attorney shall serve as a panel member.

Chapter 11: Separation and Termination

Section 11-1: Resignation

To resign in good standing, employees must give notice in writing to the Department Head at least fourteen (14) days prior to the effective date of the resignation; Department Heads must give 30 days' notice prior to the effective date of the resignation in writing to the County Administrator. Failure to provide the required notice results in forfeiture of accrued PTO or other leave up to eighty (80) hours notwithstanding the provisions of Chapter 5.

A resignation shall be effective when tendered. No written acceptance of a resignation shall be required as a condition precedent to its effectiveness. The notice period is for the benefit of the employer and should the Department Head decide that an effective separation sooner than that proposed by the employee is in the County's best interest, an earlier date may be established after consultation with the County Administrator. If an earlier separation date is decided, the affected employee shall not lose accrued PTO or annual leave for failure to give required notice as discussed in paragraph one of this Section. Department Heads shall transmit all resignations to the County Administrator within 24 hours of receipt.

Section 11-2: Retirement

The County is a member of the Virginia Retirement System (VRS) and employees are entitled to retire pursuant to the rules established by VRS.

Section 11-3: Death

When an employee dies while in the service of the County, all compensation due is paid to the legal representative of the employee's estate or any other properly designated individual. Assistance and benefit counseling is provided to survivors of the employee by the County Administrator's office. Pay and benefits accrue to the last day of actual service provided to the County.

Section 11-4: Termination

Termination is defined as a separation for disciplinary reasons. The process for termination is as set forth below:

- (a) If termination of a non-probationary employee is warranted, the Department Head shall provide the employee with a written notice. In situations when it is not possible to deliver personally a written notice to an employee, the notice may be sent as provided in paragraph (d) of this section. Such notice shall set forth the following:
 - (1) A statement of the reasons for which the dismissal of the employee is being considered, in sufficient detail to enable the employee to understand fully the violation, infraction, conduct or offense for which dismissal is being considered.
 - (2) That the employee's past performance, including any prior disciplinary records has been considered;
 - (3) The effective date of the proposed dismissal, which should be no sooner than seventy-two (72) hours from the employee's receipt of the notice;

- (4) That the employee is suspended, generally with pay, but for no longer than five (5) work days from the date of the notice of proposed dismissal or until a final decision is made, whichever occurs sooner.
 - (5) That the employee has the right to respond either in person at the informal hearing, or at the option of the employee, in writing within two (2) working days of receipt of the notice;
 - (6) That the employee has the right to file a grievance pursuant to the County's grievance policy, if termination is imposed.
- (c) When termination is being considered, the Department Head should immediately schedule an informal hearing and if possible include the time and place of that hearing in the written notice.
- (1) The employee should be afforded an opportunity to explain his or her side of the story, to present any documentary evidence on his or her behalf, and to argue his or her side of the case.
 - (2) Such hearings are intended to be informal, and legal representatives are not permitted.
- (e) If, after the hearing or consideration of the employee's written response, the Department Head finds that the charge or charges against the employee are valid and support(s) the dismissal, a written notice of such dismissal shall be given to the employee.
- (f) After reasonable attempts have been made to deliver in person a written notice of proposed termination or notice of termination to an employee, delivery may be made by sending notice by certified mail to the last known address of the employee. For purposes of this section, such notice shall be deemed to have been received either on the actual day it was received, or, five (5) days after it was mailed, whichever date is earlier.

Section 11-5: Employee Separation Procedures

All pay and benefits accrue to the last day of actual service provided to the County and employees cannot expect to receive any compensation or benefit for periods of time beyond the last day of actual service, including pay for holidays, sick, PTO or vacation days, etc., that occur after the last day of actual service. Since benefit accruals occur on the last day of the month, the employee must have actual service the last day of the month in order to receive this accrual. For purposes of this section, actual service shall mean the last day the employee actually worked or was on approved leave.

Section 11-6: Layoffs

Any involuntary separation other than for disciplinary reasons is considered a layoff.

Layoffs occur when in the opinion of the County Administrator proper management requires a reduction or change in the work force or the elimination of certain positions or programs. Employees to be laid off are, at a minimum, given the same notice as that required when an employee resigns.

Section 11-7: Clearing Debt and Property Accounts

Employees who separate from County service must clear all debts to the County and account for and turn in all County equipment or other property in their possession or for which they are responsible, including keys, uniforms, tools, equipment, credit cards, identification cards, books, manuscripts, papers, etc. to the Department Head. It is the responsibility of the Department Head to forward a list to the County Administrator's office of any property held by the separating employee or a statement that all such property has been returned. The County reserves the right to file charges for financial loss associated with failure to return County property or to recover training paid for by the County.

Failure to clear all debts and turn in all County property will result in the initiation of collection procedures to recover any losses.

Section 11-8: Separation Pay

Generally, all compensation due and any settlement for accumulated PTO or other leave is included in the paycheck due on the next regularly scheduled payday.

Section 11-9: Post-Separation Benefits

The County Administrator's office will provide information and counseling to separated employees regarding the availability of post separation benefits such as health insurance, life insurance, and retirement account options.

Section 11-10: Severance Pay

Severance pay may be approved by the County Administrator for separations that do not involve gross misconduct, if deemed to be in the best interest of the County. This payment is in addition to payment for accumulated annual leave.

Section 11-11: Exit Interviews

The County Administrator may conduct exit interviews of separating employees. An exit interview properly conducted often corrects misinformation, modifies negative attitudes, and provides valuable information to the employer. Such interviews become a part of the employee's official personnel file and the employee's signature is required to acknowledge the correctness of the information on the interview form.

Chapter 12: Miscellaneous Employment Policies

Section 12-1: Applicability

This Chapter applies to the classified service and to the unclassified service to the extent set forth in any contract or in the absence of a contract, to the extent the Board is authorized by law to apply the particular policy to the unclassified service.

Section 12-2: Hours of Work

The standard weekly work period for all Westmoreland County Employees shall be from 12:01 a.m. Sunday through midnight Saturday. The core hours for administrative offices of the County to be open for public business are 8:30 a.m. to 4:30 p.m., Mondays through Fridays.

Unless otherwise specified, the normal work schedule for regular full-time employees is forty (40) hours per week, eight (8) hours per day, Mondays through Fridays. The workday begins at either 8:00 a.m. and ends at 4:30 p.m., with a thirty (30) minute unpaid lunch period or 8:30 a.m. and ends at 5:00 p.m., with a thirty (30) minute unpaid lunch. Because of differing requirements, schedules may vary from these times. Department Heads may adjust the workday beginning and ending times and lunch schedules provided that full-time employees work eight (8) hours each day, no work responsibilities are assigned during the lunch periods, and administrative offices are adequately staffed and open from 8:30 a.m. to 4:30 p.m., Monday through Friday. Any normal work schedule for more or less than eight (8) hours per workday must be recommended by the Department Head and approved by the County Administrator. The fifty-two (52) week work year consists of 2,080 hours. For law enforcement officers, the standard work period is 160 hours over a 28-day period or the equivalent thereof.

Employees are required to use the standard County time and attendance form to track hours worked and approved time off.

Section 12-3: Time and Attendance Records

Attendance and time reports for employees are prepared by each department and agency of the County and are furnished to the Finance office for proper posting. The Finance Department shall provide a monthly "due date" deadline for each 12-month calendar year.

Section 12-4: Emergency Closing of County Facilities

Working hours and schedules may be adjusted by the County Administrator in response to inclement weather or other emergency conditions. Individuals are notified through media of the change in hours or schedules.

Employees essential to operations during inclement weather or emergencies may be required to report to work as normally scheduled. Such employees are generally notified by the Department Head in

advance of any announcement to report to work as scheduled and receive pay in accordance with policy. Others, in the interest of public safety, receive paid emergency conditions leave. Please see Section 5-11 for information regarding emergency conditions leave.

Section 12-5: Holidays

Westmoreland County observes the following holidays and other such holidays as may be prescribed by the Board of Supervisors:

New Year's Day	First day of January
Martin Luther King Day	Third Monday in January
Washington's Birthday	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	Fourth day of July
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Election Day	Tuesday after the first Monday in November
Veteran's Day	Eleventh Day of November
Thanksgiving	Fourth Thursday in November
Day After Thanksgiving	Fourth Friday in November or First Friday in December
Christmas Day	Twenty-fifth day of December

In addition to the above holidays, the County will follow special state holidays as announced by the Governor. When a holiday falls on a Saturday, the preceding Friday shall be observed; when a holiday falls on a Sunday, the following Monday shall be observed.

The Board of Supervisors may designate other days as official holidays of the County. Employees receive compensation for such designated holidays in the same manner as for regular holidays.

Section 12-6: Uniforms and Personal Equipment

The County may provide uniforms for uniformed employees and certain field and maintenance employees. All clothing and equipment issued by the County shall be inventoried by the issuing department and remains the property of the County. Non-serviceable clothing and equipment is replaced on a one-for-one basis when the particular item is returned to the County's inventory.

Employees are expected to maintain issued uniforms and equipment and return them to the County's inventory upon separation from service. All lost or negligently damaged clothing or equipment will be replaced at the employee's expense.

Section 12-7: Bonds

The County provides a blanket security bond covering employees when required by law for the assigned position, and for other employees when it is in the best interest of the County to do so.

Section 12-8: Use of Alcohol and Other Controlled Substances

It is the policy of the County to maintain a workplace that is free from the effects of drug and alcohol abuse. The County is concerned when its employees violate laws, create situations that cause potential safety hazards to themselves or to their fellow employees, or are parties to an act or situation that is detrimental to the image of the County in the eyes of the public it serves.

In furtherance of this policy and concern, unless prescribed by a duly licensed physician and the employee's supervisor is notified in advance, the possession, use, gift, distribution, sale, or being under the influence of any of the following substances by an employee in the course of County employment is prohibited and is cause for dismissal:

- Amphetamines.
- Barbiturates.
- Hallucinogens.
- Any other substance defined and listed as a controlled substance in the "The Drug Control Act" (Chapter 34 of Title 54.1 of the Code of Virginia, as amended).
- Any drug, narcotic, or other substance that the use or possession of is prohibited or controlled by federal or state law or regulation.

As a condition of employment each employee shall notify his or her supervisor if the employee is arrested for any criminal drug statute violation, within one (1) workday after such arrest. The employee shall also notify the supervisor within one (1) workday of the final disposition of such charges.

Additionally, being in possession of or drinking alcoholic beverages in the course of employment, or reporting for work in an intoxicated condition or under the influence of alcohol, are causes for dismissal. For purposes of this policy, "in the course of employment" or "work" refers to normal working hours, including lunch periods, periods between office hours, and night meetings of boards and agencies attended by the employee, and in addition includes after hours activities and functions during which an employee is serving in an official capacity as a representative of the County.

The fact of intoxication or degree of influence must be a determination made by the Department Head or supervisor involved. Any employee who is observed by a supervisor to exhibit overt symptoms of the use of alcohol or other prohibited substances may be required to submit to testing for both alcohol and other prohibited substances.

In furtherance of this policy, any position whose work involves the operation of a County vehicle or vehicular equipment on more than an occasional or intermittent basis in order to carry out County business; any position with direct responsibilities for public safety and health; and any position whose work involves hazardous or potentially hazardous equipment will be entered into a random drug screen pool. This random drug screen pool will be separate from the random drug screen pool as described in Section 12-8(b.) Commercial Drivers). The County Administrator shall designate the aforementioned positions and may add

or delete positions from the list as deemed appropriate. The County Administrator shall administer the County's random drug testing program in accordance with applicable federal and state laws and regulations.

Employees who test positive or who refuse to submit to such testing for alcohol or other prohibited substances shall be subject to disciplinary action up to and including dismissal.

Section 12-9: Harassment

- (a) **Policy Statement:** Employees shall be treated with respect and courtesy. Abusing the dignity of others through derogatory or objectionable conduct will not be tolerated and is cause for disciplinary action. More specifically, the County does not tolerate any kind of harassment of its employees, especially when based on an employee's gender, race, national origin, or sexual orientation, and will promptly initiate an investigation whenever a complaint is brought to the attention of management. Any employee who perceives the conduct of co-workers and supervisors to be harassment are expected to immediately inform his/her supervisor or department head that the conduct is unwelcome and make a report through the complaint procedure outlined in this section. Employees should not attempt on their own to confront inappropriate remarks or other harassing conduct by customers, volunteers, contractors or other visitors to County workplaces, but such occurrences should be immediately reported to the department head or County Administrator for appropriate response.

- (b) **Sexual Harassment:** Sexual harassment is an infringement of an employee's right to work in an environment free from sexual pressure of any kind. The determining factor as to whether or not an action or remark is offensive is if the recipient deems it to be so and if a reasonable person in similar circumstances would find it offensive.
 - (1) Sexual harassment may consist of unwanted advances, requests for sexual favors, or other verbal/nonverbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly as a term or condition of employment; using the submission to or rejection of such conduct as the basis for decisions affecting the individual; or conduct which has the purpose or effect of unreasonably interfering with the individual's work, performance, or full participation in the benefits of employment, or creates an intimidating, hostile, or offensive environment for work.
 - (2) Sexual harassment may take many forms and includes physical assault, subtle or overt pressure or direct requests for sexual favors, inappropriate display of sexually suggestive objects or pictures, a pattern of unwelcome and unwanted conduct that would be offensive to a reasonable person including unnecessary touching, using sexually abusive language or gestures (including remarks about a person's clothing, body, or body movements, or sexual activities) and teasing and joking of a sexual nature.

- (c) Enforcement: Enforcement of this policy is the responsibility of all employees.
 - (1) Department Heads are to advise all employees that County policy prohibits all types of harassment and that complaints of such harassment should be brought to the attention of management. Department Heads must also advise all employees of this policy and the means by which complaints can be filed and resolved.
 - (2) Department Heads are also to brief all supervisors on the problems of sexual harassment and their duty to take timely corrective action when they believe that such problems exist.
 - (3) Prior to the initiation of an investigation and the imposition of remedial/disciplinary actions, the Department Head shall notify the County Administrator that a complaint has been received. The County Administrator will assist with the investigation of violations of this policy and handling any follow up necessary to ensure compliance.
 - (4) Employees must report any known or suspected violations of this policy.
 - (5) Impeding an investigation or otherwise covering up a violation is prohibited conduct. Any employee who willfully fails or refuses to cooperate with the investigation of a sexual harassment complaint shall also be the subject of a disciplinary action.
 - (6) Employees bringing complaints or identifying potential violations, or witnesses interviewed during the investigation will be protected from retaliatory acts.
 - (7) If a violation by a County employee is found, remedial/disciplinary action will be imposed on the offending employee(s).

- (d) Complaint Procedure: Employees must initiate a complaint on any matter that is believed to be in violation of this policy.
 - (1) Employees may report a violation or bring a complaint in person, by phone, or in writing. Any employee found, upon investigation, to have brought a complaint in bad faith shall be subject to disciplinary action.
 - (2) Employees may complain to their immediate supervisor, or in the event the immediate supervisor is the source of the complaint, to the next supervisor in the organizational chain of command. If preferred, employees may go outside the chain of command and complain to the County Administrator, the Assistant County Administrator, or any Department Head.
 - (3) If the complaint is brought anonymously, the County will have the matter investigated but may be limited in its ability to investigate the matter fully.
 - (4) The County reserves the right to have the matter investigated by persons external to the organization.

- (a) Investigations and Confidentiality of Information: Complaints will be investigated promptly. Although absolute confidentiality cannot be legally guaranteed, to the extent possible, the complaint and information from witnesses will be kept confidential and the

complainant and witnesses will be protected from retaliatory action by a harasser.

- (1) All employees are charged with maintaining confidentiality of information.
 - (2) If the complainant has not already confronted the accused, and name of the complainant must be revealed to the accused, the complainant will be informed prior to that communication.
 - (3) State and Federal law may require disclosure of information in certain circumstances.
 - (4) In the event that the County Administrator, or any elected official of the County, is the subject of the complaint, the investigating official shall be the Commonwealth's Attorney. The Commonwealth's Attorney shall provide a written report to the appropriate body or official authorized to discipline the offender and/or correct the behavior and/or take such other steps as the Commonwealth's Attorney deems necessary.
- (f) Rights of the Accused: An employee accused of violating this policy will be fully informed of the allegations and will be able to offer to management an explanation or defense to the charges prior to any report being prepared. If a violation should be found, the accused employee will be provided an opportunity to respond to the charges prior to the imposition of remedial/disciplinary action.
- (g) Retaliation Prohibited: Retaliation for reporting harassment is illegal and is contrary to this policy. Retaliation embraces more than just economic harm; it includes words and actions that are intimidating or hostile.
- (1) If any employee who has made a complaint or has participated in an investigation believes they are being retaliated against for doing so, they should report it to their immediate supervisor, or in the event the immediate supervisor is the source of the complaint, to the next supervisor in the organizational chain of command. If preferred, employees may go outside the chain of command and complain to the County Administrator or any Department Head.
 - (2) Those who are found to be acting in a retaliatory fashion will be disciplined for such conduct.
- (h) Remedial Action: Appropriate disciplinary action will be taken against those who violate this policy. Such discipline will be consistent with the County's disciplinary policies. Remedial actions may also include participation in further training or counseling. Interim actions may be taken when there is a reasonable belief that the employee involved in the complaint may be adversely affected by the status quo. Interim actions may include, but are not limited to, internal transfers or the placement of the accused on leave until such time as the investigation is concluded.

- (i) Questions: The County Administrator, as well as the Assistant County Administrator, are available to discuss any concerns of employees or questions arising under this policy.
- (i) Application and Distribution: This harassment policy shall apply to all officers and employees of the County, including all those in the classified and unclassified service. A copy of this policy shall be distributed to all present employees of the County. Each such employee shall acknowledge his or her receipt in writing and such acknowledgment shall be kept on file. New employees of the County shall be furnished with a copy of this policy at the time of hire and they shall provide written acknowledgment of the receipt of same.

Section 12-10: Workplace Violence Prevention Policy

The County strives to maintain a safe and secure workplace. Accordingly, the County does not tolerate any acts or threats of violence in the workplace, whether involving a friend, acquaintance, stranger, or family member. The County will not tolerate any acts or threats of stalking or domestic violence against any employee while on County property or while conducting the County's business. Employees who threaten, harass, or abuse anyone either at the workplace, or from the workplace, while conducting the County's business and/or using any of the County's property, such as computers, telephones, facsimile machines, mail, vehicles, or other means, may be subject to disciplinary action, up to and including discharge.

Employees who become aware of threats or acts of stalking or domestic violence that may occur or have occurred in the workplace must immediately inform their Department Head. In addition, employees with stalking or domestic violence Protective Orders must provide their Department Head with a copy of the Order. In response to possible threats, the Department Head will confer with the County Administrator, and others as needed, to undertake an assessment of the risk and implement a safety response plan specific to the circumstances of the threat, implementing security options to minimize the risk. This plan will take into consideration the needs and rights of the targeted employee and others in the workplace, maintaining confidentiality when to do so would not interfere with safety needs.

Section 12-11: Safety Policy

It is the policy of the County to maintain a work place that is both safe and healthful for employees. Prevention of occupational-induced injuries and illnesses is of such consequence that it shall be given precedence over operating productivity, whenever necessary. No employee shall be required to work at a task that is not safe or healthful. Employees shall inform their supervisor immediately of any unsafe or unhealthful situation they encounter. It is the responsibility of every employee at every level of the organization to cooperate with others in detecting hazards and, in turn controlling them.

Section 12-12: Americans with Disabilities Act

Procedures for filing complaints alleging discrimination on the basis of disability in the provision of County services are as follows:

- (a) The County Administrator is hereby designated as the County's Americans with Disabilities (ADA) Coordinator. The ADA Coordinator shall be responsible for coordinating the County's efforts to comply with 28 C.F.R. Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services.
- (b) It is the policy of the County to comply fully with the requirements of the ADA applicable to local governments and that no qualified individual with a disability as defined in the ADA shall, on the basis of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the County, or be subjected to discrimination by the County.
- (c) This procedure is adopted pursuant to the requirements of 28 C.F.R. Section 35.107(b), and is intended to provide for prompt and equitable resolution of complaints alleging any action by the County that is prohibited by the ADA.
- (d) Persons who wish to complain of a perceived violation of any provision of the ADA are encouraged to contact the ADA Coordinator. The ADA Coordinator shall promptly investigate the complaint, and attempt to resolve it to the satisfaction of the complainant if determined to be well founded.
- (e) If the ADA Coordinator is not able to resolve a complaint to the satisfaction of the complainant, the complainant may submit to the County Administrator a signed written complaint containing the complainant's name and address and a description of the alleged discriminatory action in sufficient detail to describe the date and nature of the alleged violation.
- (f) The County Administrator shall promptly investigate any written complaint, and, if unable to resolve the complaint to the complainant's satisfaction, shall schedule a meeting with the complainant within fifteen (15) days of receiving the complaint, at which meeting the complainant shall be accorded the opportunity to present evidence as to the nature of the complaint. A record of such meeting shall be maintained, and the County Administrator shall provide the complainant with a written response to the complaint within seven (7) days of the meeting. This response shall be final, but shall not impair the complainant's right to pursue other State or Federal remedies.

Section 12-13: Use of Tobacco Products and Electronic Delivery Systems (vaping) in Public Facilities and Vehicles

Smoking and vaping are prohibited in all enclosed areas within this worksite without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, employee break areas, stairs, restrooms, employer owned or leased vehicles, and all other enclosed facilities.

Smoking refers to the traditional tobacco products. Vaping refers to the use of electronic nicotine delivery systems or electronic smoking devices. These are commonly called e-cigarettes, e-pipes, e-hookahs, and e-cigars.

The Circuit Courthouse comes under the auspices of the Judge of the Circuit Court who establishes the smoking/tobacco and vaping use policy within the entire building. Tobacco products include but are not limited to cigarettes, cigars, pipes, chewing tobacco, and snuff.

Section 12-14: Political Activity

Every County employee is entitled to exercise the right to vote and may join or affiliate with civic organizations of a partisan or political nature, attend political meetings, advocate and support the principles and policies of civic or political organizations in accordance with Federal, State, and local laws.

No employee, may (1) engage in any political campaigning or electioneering while on duty; (2) be required to contribute to, solicit for, or act as a custodian of funds for political purposes; (3) be coerced or compelled to contribute by any other employee of the County for political purposes; or (4) use any County supplies, materials, equipment or facilities for political purposes or to aid a political candidate, party, or cause.

Section 12-15: Gifts and Gratuities

An employee is subject to disciplinary action if the employee accepts gifts or gratuities of more than nominal value from any individual, organization, or business concern with whom they have official relationships in the business of County government. The provisions of the Virginia Conflict of Interest Act govern the acceptance of gifts and gratuities and County employees should familiarize themselves with the provisions of that Act. County related business trips paid for by others must receive prior approval of the Board of Supervisors. Although certain courtesy gifts of nominal value may be accepted under law, as a general rule employees should discourage any gifts whenever possible.

Section 12-16: Outside Employment

A position with Westmoreland County is considered to be the employee's primary occupation. Employees may not engage in other employment which presents a conflict of interest with their County position and/or which interferes with and detracts from the efficient and effective performance of their duties with the County. All outside employment must be approved in writing by the County Administrator.

Section 12-17: Employment of Immediate Family Members/Nepotism

It shall be the policy of the County to avoid relationships by blood or marriage among employees in positions which require a supervisory link in the organizational chain. Employment of immediate family members in the same department or division where the relationship, influence, or physical location could create conflicts, difficulties, or a supervisor-subordinate situation is prohibited. Any employment of family members in the same department is subject to review and prior approval of the County Administrator.

Immediate family members are defined as: spouse, parent, guardian, brother, sister, son, daughter, grandparent, grandchild, or any of these as a relationship in-law or as a step relation.

This policy pertains to new hires, promotions, demotions, transfers, and reinstatements.

Section 12-18: Reference Inquiries

Inquiries regarding employment reference checks, whether written or telephonic, are referred to the County Administrator for response. It is the policy of the County to release only such information which is in the public domain, *i.e.*, classification title, salary, and dates of employment. Reasons for termination, and references as to character and performance are not to be released without written authorization from the subject of the information. Referring inquiries to the County Administrator assures proper application of policy in these matters.

Section 12-19: Open Door

Employees have the opportunity to use the organization "chain of command" whenever they desire to raise job related concerns to higher levels of supervision. The issue must first be discussed with the immediate supervisor. If the issue cannot be resolved, the employee has the right to discuss the concern with the next level of supervision. Until a resolution can be found, the employee may continue up the organizational chain, talking eventually with the Department Head, and finally the County Administrator. No adverse effect on the employee shall result from the use of this prerogative. If the employee has filed a formal grievance, this process is not available and the use of this process shall not toll the time periods within which a grievance must be filed.

Normally, both the employee and a supervisor will be present when discussing the issue with a higher level of supervision or management. If the job-related issue happens to involve the actual person in the employee's chain of command, the employee has the right after attempting to resolve the issue with the supervisor involved, to seek a solution through the organizational command.

Any employee may contact the County Administrator to seek information or discuss work related problems.

Section 12-20: Confidential Information

An employee may not make use of or permit others to make use of confidential information acquired by virtue of employment with the County for the purpose of furthering the employee's or another's private interest. To do so is grounds for dismissal.

Section 12-21: Travel and Expense Reimbursement

Travel funds are provided for employees who travel on official County business. The County Administrator approves such travel for Department Heads. Department Heads are delegated the authority to approve travel for assigned employees. While specific determinations will be made by the applicable approving authority, expenditures to be paid for by the County shall be in connection with travel or official business to an area where the employee incurs costs that he or she would not normally incur had the travel or business not taken place. There will be no travel advances unless unusual circumstances exist and such advances are approved in advance by the County Administrator.

Other business related expenses may be reimbursed with the approval of the Department Head or County Administrator as appropriate.

Requests for travel advances or reimbursements for expenses are made to the County Administrator's office on a voucher which itemizes all expenses and has attached, appropriate receipts. The voucher is submitted as soon as practical but no later than thirty (30) days after completion of the travel. Reimbursement for such expenses will normally be made within two (2) weeks of submission of the voucher. The employee certifies to the accuracy of the expenses by submission of the voucher. Employees should be aware when traveling on County business that the County will only reimburse up to a specific amount a day for documented meal expenses. (Please refer to Section 7-2 Rules for County Funding for specific meal limits.) No alcoholic beverages are permitted to be reimbursed using County funds. The County Administrator validates travel vouchers and is to establish internal procedures to assure proper accounting and control of travel advances and reimbursement payments.

Section 12-22: Membership in Professional Organizations

When approved by the County Administrator or Department Head, as appropriate, and subject to budget constraints, the County will pay the professional dues for membership in job-related associations, travel expenses, and registration fees required for attendance at annual meetings, training sessions, or similar gatherings of appropriate professional associations.

Section 12-23: Personal Appearance

A neat professional appearance is a requirement of employment and it is expected that all employees will exercise good judgment and dress appropriately for their jobs. Department Heads are responsible for compliance within their departments.

Section 12-24: Solicitations

The solicitation of County employees on County property other than for participation in bona fide benefit programs offered by the employer is prohibited.

Section 12-25: Special Requirements

When required as a condition of employment, any licenses or certifications required for County positions are identified as a licensing requirement of work in the official position classification description.

Section 12-26: Use of County Vehicles

County vehicles are provided for the use of employees and authorized appointees in conducting official business of the County. Personal use of County vehicles is prohibited. Certain employees are required or allowed to take a County vehicle home at night, as they are required to respond to the needs of the County outside of normal business hours. Take home vehicles must be approved by the County Administrator who shall maintain a current record of all authorized take home vehicles.

Operators of County vehicles should practice “defensive driving” and anticipate and observe the actions of other drivers and control their own vehicle in such a manner so as to avoid an accident.

Operators of County vehicles and all passengers therein shall properly use seat belts at all times. Injury resulting from a failure to wear seat belts may constitute gross negligence on the part of the individual and upon case review may jeopardize an employee’s eligibility for relief normally provided under the worker’s compensation or disability claims.

In unusual situations, it may be necessary for a County employee to use his personal vehicle for County business. This situation should be approved by the department head before it takes place, if possible. The employee may be reimbursed for the use of his personal vehicle at the prevailing Internal Revenue Service mileage schedule if recommended by the department head and approved by the county administrator.

Smoking or vaping is not permitted in County vehicles.

Section 12 – 27: Weapons Possession

Other than the Sheriff, Sheriff’s deputies and officers, Animal Control Officers, and any other County employee whose official job description requires that a weapon be carried, no County employee shall carry about his or her person any weapon during work hours or while on County property, unless the carrying of such weapon is approved in writing by the County

Administrator. In addition, other than the aforementioned County positions, no employee shall store any weapons on County property including weapons stored in private vehicles, unless such storage is specifically authorized by state law or is approved in writing by the County Administrator.

The term weapon shall include, but not be limited to, the following: (a) any pistol, revolver, rifle, shotgun, or other weapon designed or intended to propel a missile of any kind, or (b) dirk, bowie knife, switchblade knife, ballistic knife, slingshot, spring stick, metal knucks, blackjack, or (c) any flailing instrument consisting of two (2) or more rigid parts connected in such a manner as to allow them to spring freely, which instrument may also be known as a nunchuck, nunchucks, nunchalcu, shuriken or fighting chains or (d) any disc, of whatever configuration, having at least two (2) points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or (e) any weapon of like kind as those enumerated.

Section 12 – 28: Internet and Cellular Telephone Use

The County has an Adopted Electronics Systems and Tools Use and Cellular Telephone Use Policy. All current and new employees will receive a copy of this policy when first employed and are expected to understand and follow it. An acknowledgment of the receipt of the policy will be signed by each employee and maintained in his/her personnel file. The policy is available for review in each department and the County Administrator’s office.

Section 12 – 29: Bidding to Purchase County Property

No County employee or member of his/her immediate family shall be eligible to bid to purchase any County property at County sponsored auctions. For the purpose of this policy, a member of the immediate family shall be defined as any person who is a natural or legally defined offspring, spouse, or parent of the employee.

**RECEIPT and ACKNOWLEDGEMENT
of WESTMORELAND COUNTY PERSONNEL POLICY**

Please read the following statements carefully.

Understanding and Acknowledging Receipt of Westmoreland County Personnel Policy.

I have received a copy of the Westmoreland County Personnel Policy and understand that I am responsible for reading and abiding by the policies and procedures described therein. I agree to read and keep the manual for future reference and to direct any question about the Policy or its contents to my Supervisor or Department Head. I understand that this Policy is not a contract of employment and does not alter my at-will-employment relationship with the County as defined in the Policy. I further understand that the County reserves the right, as it deems appropriate and necessary, at any time, to modify, change, delete, or add to this manual, the policies, procedures, practices, and benefits mentioned in the manual.

Printed Name: _____ Title: _____

Signature: _____ Date: _____