Leesburg

Personnel Procedures Manual

Adopted April 22, 2008
Revised November 8, 2021

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Section 1: General Scope and Application

1.1 Purpose and Jurisdiction

These policies and procedures are adopted to establish a personnel system for present and future employees and to provide the means to recruit, select, compensate, develop, and maintain an effective and responsible work force that will meet the service requirements of the citizens of Leesburg.

This manual is not an employment contract, expressed or implied, nor does it create any contractual obligations. Employment with the Town of Leesburg is at will. No individual or company may enter into an employment contract with the Town unless the contract is in writing and signed by the Town Manager. This manual is designed to incorporate as many as possible practices and procedures that relate to the employees and applicants for employment with the Town of Leesburg. It may be revised as needed with or without notice.

While the Town anticipates some future elaboration, modification, and refinement of this manual, the manual is not expected or intended to cover every policy or procedure the Town has adopted and observes. If there is uncertainty about any provision or intent of a particular policy, the Town Manager, in consultation with the Town Attorney, will be the arbiter of interpretation.

Particular ordinances or sections of the Town Charter, Town Code, or Code of Virginia, as amended, govern the provisions in this manual. In the event of a conflict between the contents of this manual and the provisions of any pertinent law, the current Town, state or federal law shall be controlling.

1.2 Categories of Positions

Positions are defined in the following categories:

A. Elected and Appointed Officials

1. **Mayor and Council**

   The Town operates under the Council-Manager form of government. The Town Council is the legislative body of the Town and is empowered by the charter to make Town policy. The Council is composed of a mayor and six council members elected at large on a non-partisan basis.

2. **Boards and Commissions**

   - Board of Architectural Review
   - Economic Development Commission

- Environmental Advisory Commission
- Executive Airport Commission
- Thomas Balch Library Commission
- Parks and Recreation Commission
- Planning Commission
- Commission on Public Art
- Technology and Communications Commission
- Tree Commission
- Utility Rate Advisory Committee
- Board of Zoning Appeals
- Diversity Commission

B. Council-Appointed Positions

- Town Manager
- Town Attorney

C. Town Manager Appointed/Council Confirmed Position

- Chief of Police

D. Employees

- Regular Full-time
- Temporary Full-Time
- Regular Part-Time
- Flexible Part-Time

1.3 General Provisions

A. The Town Manager hires all employees that are not Council appointed or confirmed positions.

B. This Personnel Procedures Manual applies primarily to employees working for the Town Manager and generally does not apply to the Town Council or Boards and Commissions, although exceptions are identified in specific sections in the manual.

C. These rules shall not limit or prohibit the Town Council from executing agreements with any Town Council appointed positions. Such agreements shall supersede only those rules that are in conflict with provisions of agreement.

1.4 Functions of the Town Council

The Town Council is responsible for the following:

A. Approving the Merit Principles.

B. Appointing the Town Manager and Town Attorney.
C. Confirming the appointment of the Chief of Police.
D. Establishing a Compensation Plan for Boards and Commissions.
E. Approving the Salary Schedule and related changes and amendments as part of the annual budget for the Town.
F. Approving the Classification and Compensation Plan and related changes and amendments as part of the annual budget for the Town.

1.5 Functions of the Town Manager

The Town Manager is responsible for the following:

A. Making changes to and amending the Personnel Procedures Manual as appropriate.
B. Making changes to and amending the Employee Handbook as appropriate.
C. Making changes to and amending the Personnel Policy Manual as appropriate as directed and ultimately approved by the Town Council.
D. Recommending to the Town Council the annual Classification and Compensation Plan, including a separate report including any new classifications and reclassifications if necessary.
E. Recommending to the Town Council the annual Salary Schedule, including a separate report recommending any changes or amendments if necessary.
F. Approving compensation for present and new employees within amounts appropriated for that purpose.
G. Developing and requiring an orientation program for Town employees to take place within a reasonable time subsequent to their date of hire.

1.6 Functions of the Human Resources Director

The Human Resources Director is responsible for the following:

A. Recommending to the Town Manager policy and procedural changes to the Personnel Procedures Manual and the Policy Manual.
B. Recommending to the Town Manager classification of positions, position specifications, and compensation.
C. Establishing qualifications for all employment positions in consultation with Department Directors.
D. Developing and administrating employee training and developmental programs.
E. Maintaining personnel files as required and in accordance with the law.
F. Ensuring the development and distribution of the Employee Handbook.
G. Other Human Resources functions as assigned by the Town Manager.

1.7 Revisions

A. The Town Council may amend the Personnel Policy Manual at any time.
B. The Town Manager may amend the Personnel Procedures Manual at any time.
C. A comprehensive review of the Personnel Procedures Manual will be conducted at least every 3 years by the Town Manager or his/her designee.

1.8 Unlawful Acts

A. No employee shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provision of this manual, or in any manner commit or attempt any fraud preventing the impartial execution of this manual and the rules established hereunder.

B. No employee shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the classified service.

C. No employee of the Town or other persons affiliated with the Town shall obstruct or provide unfair advantage to a person in his right to pursue employment with the Town.

D. Any employee violating the provisions of this section shall be guilty of a Class 3 misdemeanor in accordance with Section 1-13 of the Town Code.

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Section 2: Merit Principles

The Town of Leesburg is committed to a merit based system in handling all aspects of Human Resources management.

2.1 Equal and Fair Treatment

All Town employees and applicants for Town employment will receive fair and equitable treatment in all aspects of Human Resources management without regard to race, religion, color, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, military service, or other factors not substantially related to successful performance of the duties of the position.

2.2 Merit-based Recruitment and Selection

Recruitment will be from qualified individuals from various sources to achieve a diversified work force. Selection and advancement should be determined solely on the basis of relative knowledge, skills and ability after fair and open competition, which assures equal opportunity for all applicants. Internal recruitment and promotional opportunities will be encouraged where possible and appropriate.

2.3 Equal Pay for Equal Work

Equal pay will be provided for work of equal value, with appropriate consideration of local, regional, and national rates paid by employers in the public and private sectors. Appropriate incentives and recognition should be provided for excellence in performance. The Town Manager may make adjustments to compensation for all employees if in his judgment there is a violation of the equal pay for equal work policy.

2.4 Access to Resources, Education, Training and Development

Employees should be provided appropriate access to education and training opportunities to enhance organizational and individual performance, and to encourage promotion from within the organization.

2.5 Employee Integrity

All employees will maintain high standards of integrity, conduct, and concern for the public interest.

2.6 Effective Use of Work Force

The Town work force will be used effectively and efficiently to provide the best possible programs and services.

2.7 Employee Performance and Retention

Employees should be retained based on the adequacy of their performance. Inadequate performance should be corrected, and employees, who cannot or will not improve their

performance to meet the required standards, as reflected in the job description, should be separated from Town service.

2.8 Protection against Reprisal

Employees will be protected against reprisal for the lawful disclosure of information that the employees reasonably believed evidences a violation of any law, rule or regulation or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

2.9 Protection from Arbitrary Action

Employees will be protected against intimidation, arbitrary action, and personal favoritism or coercion for any reason.

2.10 Equitable Policies

All employees should be provided with access to this manual on the Town's intranet, Tolnet where they will find clear and equitable policies and procedures necessary or required to perform their duties.

2.11 Employees Serving on Town Advisory Commission and Committees

Generally, employees may not serve on Town Council-appointed advisory boards, commissions or committees. However, on a case-by-case basis, regular part-time and flexible part-time employees may be eligible to serve on Town Council-appointed advisory commissions or committees. No employee shall be eligible to serve on the Board of Architectural Review, Planning Commission or Board of Zoning Appeals, or other Town Council-appointed legislative body that may be created.

The following guidelines shall apply to regular part-time and flexible part-time employees serving on Town Council-appointed advisory commissions or committees:

A. The commission/committee's work does not influence or affect the department in which the employee works.
B. The employee shall not complete any commission/committee work during the employee's scheduled working hours.
C. If the work of the employee's commission/committee has an unforeseen effect on the employee's employing department, the employee is expected to recuse himself/herself from those discussions, decision-making and voting.
D. Because some commission/committee seats carry a monthly stipend, the employee is required to receive authorization from his/her department director before working more than the regularly-scheduled hours in any work week.

Eligible regular part-time and flexible part-time employees seeking an appointment to an advisory commission/committee shall notify their department director before seeking appointment. The department director shall make a recommendation to the Town Manager

for consideration of the request. The Town Manager will determine the employee's eligibility in accordance with the guidelines set forth in this policy.

If a member of an advisory commission/committee is selected for regular part-time or flexible part-time employment with the Town, the department director shall make a recommendation to the Town Manager for consideration of the request to hire the member. The Town Manager will determine the member's employment eligibility in accordance with the guidelines set forth in this policy.

When the Town Manager determines a conflict with this policy exists, and an individual is excluded from serving as both a regular part-time or flexible part-time employee and on a Town Council-appointed advisory commission or committee, the individual has the option to resign from, or decline, one of the positions.

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Section 3: Classification System

3.1 Policy

A. Classification and Compensation Plan approved by Town Council

All regular positions in the Town government are approved by the Town Council in the Classification and Compensation Plan as submitted with the annual budget.

B. Classification Authority delegated to Town Manager

The Town Manager has the authority and complete discretion to classify and reclassify positions, and will keep the Town Council informed of such actions by providing a separate report when the annual Classification and Compensation Plan is submitted to the Town Council for approval.

3.2 Application

The terms of this section shall not apply to the following positions:

- Town Manager
- Town Attorney
- Temporary Full-Time Positions
- Flexible Positions

3.3 Classification and Compensation Plan

The purpose of the Classification and Compensation Plan is to ensure that all positions within the Town are properly classified with regard to the work being performed. This plan includes title, grade, exempt/non-exempt status, number of positions, the department to which each position is assigned, and other categories as appropriate.

3.4 Fair Labor Standards Act (FLSA) Definitions

A. Exempt Positions

Exempt positions include employees who meet one or more of the FLSA exemptions test who are paid on a fixed salary basis and are not entitled to overtime.

B. Non-Exempt Positions

Non-exempt positions include employees who are not exempt from the FLSA exemptions test and are paid on an hourly basis and covered by wage and hour laws regarding hours worked and overtime.

C. Public Safety Personnel

1. Per FLSA guidelines, Section 7(k), non-exempt law enforcement personnel are required to receive overtime after 86 hours of work during a 14-day work period. The

Town has elected to grant non-exempt law enforcement overtime after 80 hours of work during a 14-day work period.

3.5 Job Descriptions

A. The Town Manager shall issue and approve as necessary job descriptions for each position within the Town service, which shall be on file with the Human Resources Division.

B. Department Directors and the Human Resources Director should approve the job descriptions utilized within their respective departments. The Human Resources Director and the Town Manager will approve generic job descriptions that cross departmental lines.

3.6 Classification / Reclassification Process

A. Annual Classification and Compensation Plan Review

The Classification and Compensation Plan shall be reviewed on an annual basis by the Town Manager and Human Resources Director. The purpose of such a review shall be to assure the plan accurately reflects the work being performed and that the positions are properly classified with regard to:

1. Knowledge, skills, and abilities (education and experience) required to do the job;
2. Job complexity;
3. Scope and impact of decisions;
4. Level of supervision exercised or received;
5. Purpose and nature of work contacts;
6. Work environment; and
7. Physical and sensory demands and hazards.

B. Reclassifications:

From time to time, job responsibilities or duties of certain positions will change. When this occurs, a Department Director may request the Human Resources Director to conduct a reclassification study to determine if the position should be reclassified to a higher (or lower) grade. Once the analysis is complete, the recommendation is submitted to the Department Director. If the Department Director supports the Human Resources Director's recommendation, the Human Resources Director will send the action to the Department of Finance and Administrative Services (DFAS) for a fiscal impact analysis. Upon completion of the analysis, the file will be forwarded to the Town Manager for review and action. If the Department Director does not support the Human Resources Director's recommendation, he/she has the right to appeal the recommendation to the Town

Manager. Once approved, the Town Manager will notify the Human Resources Division and DFAS.

The Town has created a career path progression program for specific job descriptions in order to be recognized for their accomplishments in reaching the next set of knowledge, skills and abilities for reclassifications. Any employee that is recognized for his/her skills may be reclassified to the next grade within the series. The Town requires that the employee remain within a classification period for one year prior to being eligible for reclassification or a transfer to another department, *unless otherwise approved by the Town Manager.*

3.7 Periodic Classification & Compensation Survey

The Human Resources Division should attempt to conduct a classification and compensation survey, as needed, in order to ensure the Town remains a competitive employer.

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Section 4: Recruitment and Selection

4.1 Policy

It is the policy of the Town to recruit qualified individuals to achieve a diversified work force. Selection should be determined solely on the basis of relative knowledge, skills and ability after fair and open competition, which assures equal opportunity for all applicants. Internal transfers and promotional opportunities will be encouraged where possible and appropriate, including but not limited to, vacancies created as the result of disciplinary action, a reduction in force or an immediate need to fill for a critical service.

A. Equal Employment Opportunity (EEO) Policy

Town employees and applicants for employment are protected by federal laws, Presidential Executive Orders, and state and local laws designed to protect employees and job applicants from discrimination on the basis of race, religion, color, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, military service, or other factors not substantially related to successful performance of the duties of the position. These protections extend to all management practices and decisions, including recruitment and hiring practices, appraisal systems, promotions, and training and career development programs.

In its efforts to provide equal employment opportunities, the Town will continue to do the following:

1. The Town will monitor and refine its recruitment efforts in order to attract the best qualified applicants within the labor force.

2. The Town will review the selection process to ensure that job requirements, hiring standards, and methods of selection and placement meet federal, state and local requirements.

3. The Town will make every effort to ensure that all employees work in an environment which is free from harassment and discrimination and will promptly investigate any such allegations.

4. The Town will work to ensure that no retaliatory action is taken against any employee for opposing employment practices which are prohibited by federal and state laws or by the Town's own policies and procedures.

5. Through the implementation of this EEO Policy Statement, the Town will undertake to comply fully with all expressed or implied obligations contained in federal and state law relating to equal employment opportunity.

B. Americans with Disability Acts (ADA) Policy

In accordance with the Americans with Disabilities Act (ADA), the Town does not discriminate against any applicant or employee because of a disability. If an applicant requests a reasonable accommodation during the recruitment process, Human Resources shall proceed in accordance with the Americans with Disabilities Act (ADA) Accommodation Request SOP. An employee requiring a reasonable accommodation to perform the essential functions of his/her job may request a reasonable accommodation from his/her supervisor or from Human Resources at any time during the employee's length of employment in accordance with the Americans with Disabilities Act (ADA) Accommodation Request SOP.

4.2 Recruitment

A. Job Vacancy

In order to attract an adequate number of candidates for present and future vacancies and to successfully compete with other employers, the Human Resources Director will issue job announcements and otherwise publicize vacancies through such media as the Town Manager may deem appropriate. The recruitment and selection of Town personnel and all personnel actions shall be made without regard to race, religion, color, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, military service, or other factors not substantially related to successful performance of the duties of the position, and shall be based on the applicant's ability to meet the specified qualifications. Publicity for job vacancies shall be conducted for a sufficient period of time to ensure reasonable opportunities for persons to apply and be considered for employment.

B. Recruitment

See the SOP entitled "Recruitment- New Hire Checklist" for the appropriate procedure when engaging in internal and external recruitment.

The hiring Department Director shall submit a Recruitment Requisition Form for full-time and regular part-time positions (along with copy of the approved job description) to the Human Resources Division for approval by the Town Manager prior to processing.

1. **Internal Recruitment**

In those instances where current employees may possess knowledge, skills, and abilities required for a vacant position, the Department Director may request that recruitment be advertised to Town employees. Lateral transfers and promotions within a specific department should be considered by the Human Resources Director for internal recruitment. The Human Resources Director prepares a job vacancy announcement for each vacancy.

I. *Promotion and Transfer*: The Town believes in recruiting and promoting employees from within, and has established a job-posting program to give all employees an opportunity to apply for positions for which they qualify.

- **i.** The Human Resources Director shall prepare a job vacancy announcement for each vacancy. Such announcements shall be posted by the Human Resources Division on the Town's internet, intranet, and when appropriate, by email notices to all Town employees. Department Directors are responsible for posting the vacancies. Internal vacancies shall be posted on the HOME page of the Town Internal Web page (TOLNET).
- **ii.** The vacancy announcement shall be of sufficient form and content to adequately inform prospective applicants of the typical duties, required qualifications, examining process or listing of examination parts, and final closing date. Positions are posted for a minimum of five (5) business days. To be eligible to apply for a posted position, employees must meet the minimum hiring specifications for the position, be capable of performing the essential functions of the job with or without a reasonable accommodation, and be in good standing in terms of their overall work record.
- **iii.** Employees are responsible for monitoring job vacancy announcements and for completing and filing an online application form with the Human Resources Division during the posting period for a specific opening. Dates specified in any vacancy announcement may be extended, postponed, or canceled by the Human Resources Director, at the request of the Department Director, if such action is necessary to meet the needs of the Town.

II. *Reinstatement*: Any employee who was laid off, or who resigns in good standing may be reinstated to a vacant position in the same class or title, provided all department employment requirements and qualifications are met. If reinstatement occurs within one year, sick leave, if any, is restored

and reinstated at original hire date for service, unless the employee was compensated for unused sick leave when separated from the Town.

2. External Recruitment

In those instances where recruitment is not restricted within the organization, recruitment for the vacant position shall be conducted externally, and applications from the general public and employees shall be accepted. The Human Resources Division reviews the Recruitment Requisition Form to confirm the information is accurate. The "Closing Date" is at least 15 business days following the 1st day the advertisement is placed on the Town website, unless an Open Until Filled option is used.

I. The Human Resources Division distributes the job announcement to all Department Directors. Department Directors are responsible for posting the job announcements to bulletin boards and other such locations as are available for employee's information.

II. The Human Resources Division also provides advertising in local newspapers and relevant websites. Should additional advertising be requested by Department Directors, advertising costs may be paid from their individual department funds.

i. Timelines, locations, and contracts for reference by the Human Resources Division in posting job announcements for external recruitment may be located in the "Employment Advertising Information" document.

III. The Human Resources Division is to review all applications for all full-time and regular part-time positions having either a closing date or are marked open until filled. Employment applications which meet the advertised qualifications for the position will be forwarded to Department Directors within five business days following the closing date and initial processing through the Human Resources Division. Department's hiring managers should complete interviewing within one month of receiving applications for a position.

3. Temporary Services: As soon as the need for temporary personnel is identified by a department, the Human Resources Division will be contacted. The Human Resources Division shall attempt to place a temporary employee in the position, or place an advertisement in the local newspaper, before using the services of an agency to fill the temporary position requested.

4. **Under filling Positions:** Under filling of positions shall be used only in those instances that meet the following conditions:

   I. A vacancy exists that the Town has been unable to fill after a good faith recruitment effort and a candidate is available who will meet the minimum standards and be able to perform the basic functions of a position, if he or she is given additional training. The Human Resources Director makes the final decision as to whether under-filling a position is appropriate.

   i. ***Immediate supervisors*** must inform an employee under filling a position of the following:

   a. The expectation of the supervisor on how the employee can advance with his/her training/education to fully meet the requirements of the posted position.

   b. An employee who is not advanced must be informed of the reasons why and what he/she must do in the future to advance to the next level.

   c. Immediate supervisors are responsible for tracking employee eligibility for promotion, demotion, or termination.

4.3 Application Screening and Distribution

A. Human Resources Application Review and Distribution

1. The Human Resources Division accepts only an electronic application via NeoGov.

2. Applications must be received in the Human Resources Division by 5:00 PM on the advertised closing date to be considered.

3. Applications are generally reviewed by the Human Resources Specialist where appropriate, to screen out candidates who do not meet the minimum requirements of a position.

4. All original applications are retained by the Human Resources Division for three (3) years in compliance with the record retention policies as set forth in the Code of Virginia.

B. Department Review

1. Following the closing date for a position, the department's hiring manager reviews the applications to determine the best qualified candidates.

C. Nepotism

Generally, Virginia law does not prohibit employment of a current employee's immediate family members provided that:

a) The current employee does not exercise any control over the employment, evaluation, supervision, salary, promotion, or retention of a member of his or her immediate family.

b) Employment of an immediate family member of the Town Council, Town Manager, Deputy Town Manager, Assistant Town Manager, Town Attorney, and Deputy Town Attorney is prohibited. It is also recommended that immediate family members of Department Directors and Deputy Directors should not be employed.

c) If two employees become members of the same household, both may retain their positions, provided one is not under the direct or indirect supervision of the other.

d) It is the responsibility of the supervisor/manager to advise the Department Director if such a relationship is established.

e) If there is a direct supervisory relationship between the two employees, one of the employees should be reassigned within the department, if possible, or transferred to another Town department if a position for which the person is qualified exists. If no position is available, one of the employees must resign.

f) Any questions regarding the interpretation of this policy should be directed to the Town Attorney.

4.4 Interviews

A. Interview Panel

The requesting department establishes an interview panel in consultation with the Human Resources Division, generally comprised of two to three (2-3) staff members. For internally posted positions, the interview panel will include one staff member from the Human Resources Division. For telephone interviews the panel should be comprised of at least two (2) members. For in person interviews, the panel should contain at least three (3) staff members.

B. Interview Questions

1. Standard interview questions should be established, and the same questions should be used to interview each candidate.

2. Interview questions may be reviewed by the Human Resources Division prior to interviews.

C. Interviews

Initial interviews may be completed via telephone, video chat, in person, or in a similar method, but each applicant must be offered the same interview method. If an applicant chooses to opt out of that method for an alternative, he/she may do so.

D. Travel Expenses

1. The Town may reimburse preauthorized travel expenses such as mileage and lodging to out-of-area (defined as a distance of more than 150 miles from the Town) job applicants for costs related to interviews when such reimbursements are considered essential to successful recruitment of a position. Prior approval by the Town Manager or his/her designee is required.

2. Department Directors may reimburse applicants and new hires for travel, lodging and moving expenses deductible under IRS regulations where appropriate.

3. Any expenses (approved by the Town Manager) concerning reimbursements for bringing in new potential hires from out of the area for an interview shall follow the criteria of section 9.13 of this manual, and all expenses shall be covered by the hiring Department's budget.

E. Pre-Employment, Promotion, and Transfer Contingencies/Screening Requirements

The hiring manager is responsible for informing finalists of contingencies related to specific positions.

a) ***Reference checks*:** At least two work-related reference checks are to be conducted by the hiring manager prior to an offer of employment for all positions.

b) ***Approval by Town Manager*:** All offers of compensation up to ten percent (10%) above the entry level of the hiring range must be approved through consultation with the Human Resources Director. Those above ten percent (10%) over the entry level of the hiring range must be approved by the Town Manager who may exercise his discretion with respect to the offer and final

amount of compensation.

c)***Background checks***: It is the hiring manager's responsibility, prior to the start date to have all new employees 18 years and older complete and sign a criminal background check form.

d) ***Fingerprinting***: All new employees 18 years and older must be fingerprinted by the Leesburg Police Department on or before their start date. For more information and the Town's policies on fingerprinting new employees, see "Pre-Employment Fingerprinting on New Employees."

e) ***Verification of credentials***: Official verification of education, training, licenses and certifications must be provided to the Human Resources Division, where these credentials are a condition of employment for a position.

f***) Credit check (where required)***: All Department Directors, DFAS employees and other employees, 18 years and older, who handle money are required to have a credit check prior to hiring. For more information on credit check procedures see "Background and Credit Checks."

g***) Physical examinations (where required)***: Physical examinations are required as a condition of employment for CDL drivers and some safety-sensitive positions, such as: all maintenance employees and full-time staff in the Parks and Recreation department; all superintendents, supervisors, inspectors, heavy equipment operators, Street & Grounds maintenance workers I-IV, Building maintenance workers I-II, Fleet maintenance technicians I-III, and Traffic technicians in the Public Works department; all Police Officers; and all Utility Department employees except administrative positions. It is the hiring manager's responsibility to inform the applicant that he/she is required to make an appointment for a physical examination and have completed that physical examination at least one week prior to the start date (if possible) with a physician from the list provided by the Town of Leesburg

h***) Drug Screening (where required)***: Pre-employment drug screening is required for employees holding a Commercial Driver's License (CDL) as a condition of their employment and for Safety Sensitive positions. It is the hiring manager's responsibility to inform the applicant that he/she is required to make an appointment for a drug screening with a physician from the list provided by the Town.

i***) Financial Disclosure Statement (where required)***: All members of the Town Council, Planning Commission, Board of Zoning Appeals and Board of Architectural Review and the Town Manager, Deputy or Assistant Town Managers, and all grade 18 Department Directors shall file, as a condition

upon assuming office or employment, a disclosure statement of personal interest and such other information as specified on the forms set forth in the Code of Virginia. The Chief of Police is exempt from this requirement. For more information, refer to Section 10.2 Financial Disclosure Statement.

j) ***Motor Vehicle Licenses (where applicable)***: The hiring manager shall request the applicant to present a valid driver's license, where said license is considered a required qualification to be able to perform an essential function of the position. This includes new employees requiring a Commercial Driver's License (CDL) license for their employment.

k) ***Town Residency***: Town Residency is required for the Town Manager.

F. Special Screening Requirements-Law Enforcement Personnel

Police Department personnel may be required to undergo additional screening procedures. This may include, but is not limited to the following:

a. Written Examination
b. Listening and Comprehension Examination
c. Physical Agility Examination
d. Polygraph Examination
e. Psychological Examination
f. Criminal History Check
g. Credit Checks
h. Physical

4.5 Selection of Regular Full-Time Staff and Part-Time Staff

A. Selection

Once a successful candidate has been selected through the recruitment screening process and the necessary references have been obtained, the hiring manager shall submit the following documentation to the Human Resources Division:

1. **Personnel Action Form:** A completed Personnel Action Form shall accompany the selected candidate's application.

2. **Offer Letter:** Upon receiving all necessary approvals, a hiring letter to the successful candidate should be drafted detailing all pertinent information including: salary, grade, start date, evaluation timeline information, work schedule, exempt or non-exempt status, as well as any prerequisite, pre-offer requirements that must be completed. The letter should be approved by

Human Resources in advance, and signed by the Department Director or hiring manager.

B. Post Offer Procedures

1. Once the applicant accepts the position, the hiring manager shall promptly notify the Information Technology Department and complete the "Recruitment New Hire List," so that appropriate computer, phone, etc., access can be established.

2. Once a position is filled, Departments shall promptly return all applications and recruitment paperwork to the Human Resources Division. Applications should be returned no later than two weeks after the start date of the new employee. All original applications are retained by the Human Resources Division for three (3) years in compliance with the record retention policies as set forth in the Code of Virginia.

3. Notification to all unsuccessful candidates will be sent out by the Human Resources Division.

4. The Human Resources Division should input regular employees' information in the MUNIS database immediately after they are hired.

5. Human Resources are responsible for reporting new hires, including re-hired employees, to the Virginia New Hire Reporting Centers. This must be completed once every two (2) weeks. For procedures see the document entitled "Virginia New Hire Reporting."

6. Within the employee's first week of employment, the Human Resources Division should have the employee sign the Town's "Work Product Policy".

4.6 Employee Referral

A. **Overview**

The Town of Leesburg has established an Employee Referral Program as part of our comprehensive recruitment strategy to attract and develop a pool of diverse and highly qualified candidates for all regular full-time and regular part-time positions. The intention of the Employee Referral Program is to provide an incentive award of one day off from work to

current regular full-time and regular part-time employees who help bring new talent to the Town by referring applicants who are selected and successfully employed based on the following requirements:

1. All referred applicants will be evaluated for employment consistent with the Town's recruitment policies and procedures. All information regarding the hiring process will remain strictly confidential and an employee referral will not be considered in hiring decisions.
2. Eligible regular full-time and regular part-time positions are those external open positions posted on the Town's website. Internal recruitments and promotions are not eligible for the referral.
3. The referring employee must complete a referral form and submit to the Human Resources Division in order to be considered for the program.
4. Referral forms must be submitted before the prospective employee receives an employment offer.
5. The name of the employee making the referral (referring employee) must be documented on the employment application submitted by the applicant.
6. Employees will not receive a referral award for referring themselves or applying for another position within the Town.
7. There is no limit to the number of referrals an employee can make or the number of referral awards received.
8. Only one referral award can be given per applicant. If an applicant is referred by more than one employee, the first referral form received will be the one rewarded if the applicant is hired and the referring employee is named on their employment application.
9. To be eligible for the referral award, the referring employee and referred employee must be in good standing at the conclusion of the referred employee's one year probationary period.
10. The Town Manager has the final authority to interpret the Employee Referral Program.

B. Eligibility

1. All regular full-time and regular part-time employees are eligible to receive a referral incentive except for:
    a. Town Manager, Deputy Town Manager, Town Attorney, Deputy Town Attorney, Department Directors, Deputy Department Directors and Human Resources staff.
    b. Hiring managers, members of an interview or selection panel, or individuals who would have a supervisory relationship with the applicant.
2. Applicants must be referred by a current regular full-time or regular part-time Town employee.

3. Applicants must complete an employment application through the Town's applicant tracking system and provide the name of the referring employee on the employment application.
4. All eligible applicants must meet the following criteria in order for the current employee to be eligible for the referral award:
    a. The applicant cannot be a current or former employee (for example, rehire, retiree, temporary, contract employee, intern, etc.).
    b. A current employee cannot receive the incentive for referring an immediate family member as defined in PPM section 6.6.D.
    c. The applicant must be filling a position advertised externally. Internal recruitments and promotions are not eligible.
    d. The applicant cannot already be active in the interview process before a referral form is submitted.

C. Award

1. After a referred employee successfully completes the one-year probationary period, the referring employee will receive a time off award equivalent to one day off based on the referring employee's normal work schedule.
2. Human Resources and Payroll will keep track of the referral award.
3. The referred employee and the employee responsible for the referral must remain employed and be in good standing at the conclusion of the referred employee's one year probationary period in order to receive the award.
4. A referring employee who is on leave at the time of award eligibility will have the award deferred until the employee returns from the leave of absence.
5. If either employee is separated from employment at any time during the referred employee's probationary period, the referral award will not be granted.
6. Any disputes or interpretations of the referral program will be handled through the Human Resources Division and interpreted by the Town Manager

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Section 5: Employee Compensation

5.1 Application

The terms of this Article shall not apply to the following positions and categories unless allowed by agreement:

- Town Manager
- Town Attorney

The merit increase provisions of this Section shall not apply to flexible part-time or temporary full-time employees.

5.2 Direct Deposit

Employees are required to receive wages in the form of Direct Deposit. Employees may verify receipt of wages via electronic pay stubs.

5.3 Timesheets

All nonexempt employees are responsible for recording and submitting their hours worked each pay period, including all leave taken, overtime and/or compensatory time earned, or other circumstances. All exempt employees must record their time in accordance with their job classification rules. All timesheets must be submitted to the Payroll Specialist in the Department of Finance and Administrative Services no later than noon on the first business day following the end of the pay period.

5.4 Salary Schedule

The salary schedule is the formal method used to identify and uniformly establish the range of compensation for all positions within the classified service. The salary schedule is based on the grade number assigned to each position and the salary range assigned to that pay grade as adopted annually by the Town Council.

5.5 Administration of Salary Schedule

The rates of pay established in the Compensation Plan reflect the gross annual compensation for full-time service employees in the various classifications. The regular hours of work for full-time service are established as 37.50 or 40 hours per week dependent on terms of employment established upon hire.

Employees' hourly rates shall be determined from the salary schedule based upon the number of regular hours of work per pay period assigned to the position using a 52 week year. The hourly rate of pay for employees appointed on a part-time basis shall reflect, when practicable, the hourly rate determined for the applicable pay grade for the position based on the hours worked.

The Town Manager shall include in the proposed fiscal year budget any recommended changes to the salary schedule for consideration and approval by the Town Council.

Authorized deductions from an employee's gross pay include: federal and state income taxes, contributions for social security (FICA), Medicare, Virginia Retirement System (VRS), health insurance premiums, supplemental insurance, court-ordered garnishments, including those court-ordered garnishments of wages for taxes or fees owed by the employee to the Town, and other deductions that may be allowed by local, state, and federal law. These deductions should be added into the MUNIS system as soon as possible. The Human Resources Division is responsible for adding this information.

Compensation shall be payable in appropriate installments on a bi-weekly basis.

The Compensation Plan shall be adjusted for cost of living allowance (COLA) and other increases as approved by the Town Council. The COLA amount is effective on the first full pay period of the fiscal year, when approved by Town Council. If adjustment causes an employee to fall below the minimum pay rate for grade, the employee must be raised to the minimum pay rate.

Any increase in salary must be added to MUNIS by the Human Resources Division once the increase is to be implemented.

5.6 Pay Determination

A. Entry Level Pay

The entry-level pay rate for new employees normally shall be at the minimum rates within the pay ranges provided for the position. However, compensation of employees with qualifications and experience beyond the minimum required may be fixed at higher amounts within the respective ranges. Department Directors have authorization to make entry-level offers at the minimum pay for the respective range. Entry-level offers above the minimum pay for the respective pay range must be approved by the Town Manager upon consultation from the Human Resources Director. No employee shall receive an entry level pay rate below the minimum pay rate prescribed for the class to which he/she is appointed. Employees below the minimum pay rate must be raised to the minimum pay rate.

B. In-grade Service Increments

No service increment shall be granted above the maximum rate prescribed for the pay grade by the compensation plan. The exception would be a justified and approved pay increase that would place an individual above the maximum rate prescribed provided this increase is included in the approved budget, and does not generally exceed five percent (5%), unless adjusted by the Town Manager if appropriate.

C. Merit Increase

Regular full-time and regular part-time employees are eligible for a merit increase which may be in the form of a percentage increase to their base salary or a lump sum payment, or a combination of the above. Said increases will generally be available on their evaluation date dependent upon funding by the Town Council in the annual budget or upon approval of the Town Council. The criteria for eligibility and the administration of the process shall be determined by the Town Manager.

D. Other Pay Rate Adjustments

The following personnel actions shall also affect the pay status of an employee:

1. **Promotion**: When an employee is promoted from one position to another having a higher pay grade, he/she shall receive an increase of not less than five percent (5%) but not more than ten percent (10%), or at least the minimum of the new grade. In general, increases related to promotions represent five percent (5%) per pay grade. The evaluation date for an employee changes to the date the promotion becomes effective. If it has been 30 or more days since the employee's most recent performance evaluation, prior to the effective date of the promotion, the promoted employee shall receive a performance evaluation reviewing performance since the last evaluation. If budgeted, a merit increase pro-rated for the time in the position will be given to the employee. The Town Manager in the exercise of his discretion may decrease or increase the amount of the adjustment if it is equitable to do so.

2. **Demotion:** When an employee is demoted for cause or takes a voluntary demotion from one class to another having a lower pay range, he/she shall be placed within a lower pay range which generally provides a five percent reduction in pay. The Town Manager may exercise discretion in whether to make such adjustment. When an employee is demoted for administrative purposes through no fault of the employee, his/her pay shall continue at his/her current rate of pay. Regardless of the reason for the demotion, the employee's pay may not be above the maximum of the pay range, unless approved by the Town Manager. The evaluation date for the employee changes to the date the demotion becomes effective.

3. **Position Reclassification:** When an employee's position is reclassified to a higher grade within the classification plan, he/she shall be placed at the minimum salary within the grade, which equals to or exceeds his/her previous rate of pay. The employee may receive a percentage increase in certain situations when approved by the Town Manager. The evaluation date for the employee does not change for reclassification.

4. **Out of Cycle Increase:** A salary increase to an employee authorized by the Town Manager for reasons outside the scope of the other provisions outlined in this policy.

5. **Layoff:** When an employee, following layoff, is re-employed in the same class from which he/she was laid off, he/she may be placed in the same pay range he/she occupied at the time of layoff. When an employee is re-employed in a class having a lower pay range, his/her rate of pay shall be the same as that he/she received at the time of the layoff, provided that the pay rate is within the range of this lower class; otherwise, his/her rate of pay should be reduced to the maximum of the pay range in the lower class. Any employee re-employed under the provisions of these rules shall receive credit for previous service for the purposes of pay and benefits subject to prevailing state or federal law.

6. **Reinstatement:** An employee who resigns in good standing and is reinstated within one year from the date of resignation, may be placed in the same pay within the class from which he/she resigned, or such other pay in a lower class which equals or exceeds his/her previous rate of pay. Annual leave accrual rates shall be based on prior years of service.

7. **Retiree Pay:** When an individual who has retired from the Town comes back to work for the Town on a temporary basis, the work performed is paid at the rate appropriate to the work being performed. Compensation rates will be determined on a case-by-case basis by the Town Manager.

8. **Serving in an Acting or Interim Capacity:** In the absence of the Department Director, an acting or interim director may be appointed by the Town Manager to serve until the director position is filled. An acting or interim director shall be compensated at no less than an additional five percent (5%) of their current salary. Interim Directors may be appointed by the Town Manager, internally or externally, and may not be promoted to Department Director without participating in the recruitment process. If an employee returns to his/her previous role after serving as Interim Director, the additional pay increase shall cease.

   When an employee below the director level is appointed to work in the capacity of a higher-level supervisory position, in a higher pay grade with supervisory and overall greater responsibilities, for at least a full pay period, such employee shall be paid additional acting or interim pay for assuming the higher-level duties and responsibilities. Acting or interim pay for these purposes will generally be 5% above the employee's base salary. Requests for acting or interim pay should be made by the Department Director or Human Resources Director to the Town Manager.

9. **Certification/Licensing**: The Town encourages employees to pursue education and professional development opportunities that maintain or improve skills related to the performance of their jobs. In recognition of the completion of such education and professional development, the Town will provide compensation to eligible regular full-time employees upon the receipt of the pre-approved job related professional licensing or certification. The Town Manager, Department Director and Human Resources Director will maintain a list of all Town approved licensing or certifications including compensation payment.
    a) ***Review Committee:*** A review committee, comprised of senior management, will meet annually or as needed to discuss and approve requests for new licenses, certifications or certificates not already on the approved Town list. Per the Town Manager, there will be a process described herein for revisiting terms and conditions for pay increases for licensing and certifications.
    b) ***Procedure Including Process for Requesting Pay Increases:***
        i. It shall be the responsibility of the employee to submit a Certification or Licensing Request Form with all supporting documentation to the Department Director <u>prior to pursuing certification</u>.
        ii. The Department Director shall determine the approval or disapproval for each request. The Town Manager will initial concurrence on the Certification or Licensing Request Form.
        iii. The Department Director's approval and any applicable documentation shall be made part of the employee's official personnel record and maintained by the Division of Human Resources.
        iv. Upon completion of the certification or license all requests for pay increases for certifications and/or licensing will be submitted by an employee on a Personnel Action Form, with an attached copy of the license or certification, through the Department Director to the Human Resources Division.
        v. The Human Resources Division will verify the licensing/certification information and forward it to the Budget Officer for a fiscal impact analysis. Upon completion of the analysis, the file will be forwarded to the Town Manager for action.
        vi. If approved by the Town Manager, the increase in pay becomes effective upon the date on which the license or certification is awarded. The Personnel Action Form will be forwarded to the Payroll Administrator for processing.
        vii. Additional compensation for licenses or certifications may not raise the employee's pay above the maximum of his or

her pay range. However, a one-time bonus may be made with the approval of the department Director and the Town Manager if the employee is at the top of his or her grade.

c) ***Additional Compensation Conditions:***

i. Employees will receive compensation as outlined on the approved Town Certification and Licensing List **Appendix F: Certifications/Licenses**.

ii. An employee whose position requires or allows multiple licenses or certifications may receive no more than one tier one (% of base salary) and no more than a total of $2,000 for tier two per fiscal year.

iii. If employees are unable or unwilling to renew a tier one license or certification, they will forfeit additional compensation in the same percentage as they received for the license or certification, based upon the salary at the time of the increase. The employee shall be responsible for any expenses incurred to reinstate the license or certification including re-examination fees. The employee will be required to request annual leave when reinstating the license or certification or schedule during a work day.

iv. Costs for job-required licenses and certifications, including renewals, shall be borne by the Town if sufficient funds are appropriated within the employee's respective department. Department Directors will have discretion in determining what costs should be covered or shared by employees in obtaining licenses or certifications that are preferred but not required.

v. Employees have authorized administrative leave in order to sit for the initial license or certification exam. In the event, a retake is required, the employee will be required to request annual leave or sit for the exam on a non-work day.

vi. Employees who benefit from a license or certification program (more than $1,000) will be required to reimburse the Town for training expenses in the same manner as outlined in the tuition reimbursement program if they leave Town employment (see Section 9.11, subsection I.).

vii. Compensation may be received for positions up through Grade 14. Senior management staff are expected to maintain their required licenses or certifications with no additional compensation.

viii. Retroactive requests for received certifications or licensing will not be approved or granted.

ix. Employees who are covered by the Leesburg Police Department (LPD) career development program or any other

Town approved career progression/ladder program are not eligible.

x. Employees currently on a Performance Improvement Plan (PIP) are not eligible for additional compensation for achievement of any license or certification.

5.7 Fair Labor Standards Act (FLSA) (Overtime and Compensatory Time)

A. Overtime and Compensatory Time

I. As a matter of policy, the Town strives to provide adequate staff to handle normal operations. However, employees may be required to work overtime, at the discretion of the supervisor, to resolve operating emergencies; to handle peak workloads; to meet temporary conditions where the Town is unable to secure qualified personnel to fill authorized positions; or on other occasions as deemed necessary in the judgment of the responsible supervisor. Overtime starts from the point of arrival to the worksite where the Town vehicle is picked up – not at the assigned location, unless the employee drives directly to the assigned work location. An example includes a police officer driving to where the police cruiser is parked and then driving to a special event in that Town vehicle.

II. The Town has determined that various executive, administrative, and professional employees are exempt from the overtime requirements of the FLSA. The list of these positions is maintained by the Human Resources Division. (See current Classification and Compensation Plan in the Town Budget.)

i. The Pay and Classification Plan is updated annually by the Human Resources Division and includes (1) a note defining that officers are employees at grade 15 and above and (2) the FLSA exempt status of each position.

III. All nonexempt employees shall receive overtime pay or compensatory time off for the time worked in excess of 40 hours per week during any payroll period. This is calculated in increments of 15 minutes. Under FLSA, the Town is permitted to round the number of minutes worked to the closest 15 minutes. For example, if an employee works *under* 8 minutes, the Town will round the number down to the nearest 15 minutes; if the employee works at least 8 full minutes, the Town will round up. So, an employee who works 67 minutes will receive overtime for 60 minutes (1 hour). An employee who works 68 minutes will receive over time for 75 minutes (1 hours, 15 minutes). Likewise, an employee who works 7 minutes will not receive overtime, but an employee who works 8 minutes, will receive 15 minutes overtime. Overtime pay and compensatory time shall be at the rate of one and one-half times regular pay. Nonexempt employees on a 37.5-hour-per-week work schedule shall earn

overtime pay at a rate of one hour for each hour worked past 37.5 hours and up to 40 hours. Time worked between 37.5 and 40 hours must be paid and may not be accrued as compensatory time. For purposes of determining overtime, time spent on authorized paid leave (not including Town-observed holidays and closures) shall be computed as time worked. Notwithstanding the above, employees on paid annual or sick leave required to report to work during their regular hours, shall have the time worked deducted from the annual or sick leave previously authorized. For example, an employee who was authorized for five days of annual leave and is called in on the third day and works for the next two days will have the two days restored to his/her annual leave balance.

IV. All non-exempt employees called back to the work site outside their regular work hours shall receive compensation at a rate of one and one-half times their regular rate of pay for, a minimum of two hours' work.

V. Regular compensation for all positions grade 15 and above includes amounts for overtime in performance of duties in excess of the regular workweek, which may include attendance at meetings of the Town boards and commissions, emergencies, and other job related activities. Positions grade 15 and above are not eligible for overtime pay or compensatory time as provided in this article.

VI. The Town reserves the right to offer exempt employees compensatory time off in lieu of payment for overtime hours worked, consistent with the provisions of the FLSA. Use of compensatory time must have the approval of the Department Director, or their appointed designee. Exempt employees below grade 15 will be permitted to accumulate compensatory time off up to a maximum of eighty (80) hours. Once the eighty-hour cap is reached, any additional time worked will be unpaid.

VII. Such personnel are permitted, when authorized by the Department Director, to use compensatory hours earned during regular work hours when needed without deducting said time from annual leave. An employee who has accrued compensatory time and requests use of the time must be permitted to use the time off within a reasonable period after making the request. Supervisors may deny the request if the use of compensatory time will unduly disrupt the department's operations. Supervisors can require an employee to take compensatory time off to manage the accrual limitation.

VIII. Per FLSA guidelines, Section 7(k), non-exempt law enforcement personnel will receive overtime after 86 hours of work during a 14-day work period.

IX. For non-exempt employees: The total number of hours for any work day where leave (compensatory time, sick leave or annual leave) is used may not exceed the regularly scheduled hours for that work day. In other words, an employee

may not be paid overtime or earn compensatory time simply because he/she worked past the scheduled work time when that employee has used leave during that day. In those instances, the employee should offset the number of leave hours taken by the number of overtime hours worked during the same day.

Examples:

(1) If the employee used 3 hours of leave during the day and worked 3 hours of overtime, no leave or overtime should be recorded.

(2) If the employee used 3 hours of leave during the day and 2 hours of overtime, 1 hour of leave and no overtime should be recorded.

(3) If the employee used 3 hours of leave during the day and worked 4 hours of overtime, no leave and 1 hour of overtime should be recorded.

B. Travel Time

The principles which apply in determining whether time spent in travel is compensable time depends upon the kind of travel involved.

I. Paid Travel Time

a) Travel that is **All in the Day's Work** – Time spent by an employee in travel as part of his/her principal activity, such as travel from job site to job site during the workday, is work time and must be counted as hours worked.

b) **Travel Away from Home Community** – Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is clearly work time when it cuts across the employee's workday. The employee is simply substituting travel for other duties. The time is not only hours worked on regular working days during normal working hours but also during corresponding hours on nonworking days. Thus, if an employee regularly works from 9 a.m. to 5 p.m. from Monday through Friday the travel time during these hours is worked time on Saturday and Sunday as well as on the other days.

II. Un-paid Travel Time

a) **Lectures, Meetings and Training Programs** – Attendance at lectures, meetings, training programs and similar activities is not considered work time if all four of the following criteria are met: (1) it is outside normal hours, (2) it is voluntary, (3) it is not job related, and (4) no other work is performed at the same time.

b) **Home To Work Travel** – An employee who travels from home before the regular work day and returns to his/her home at the end of the workday is engaged in ordinary home to work travel, which is not work time.

c) **Travel Away from Home Community –** The Town will not consider as work time that time spent in travel away from home outside of regular

working hours as a passenger on an airplane, train, boat, bus, or automobile.

5.8 Holiday Pay

Employees required to be on duty during a holiday because of the nature of their position, emergencies or any other reason shall receive holiday pay equal to one and one-half times the regular hourly rate for each hour worked or compensatory time, either of which shall be in addition to their regular pay. Employees required to report for duty at hours outside their regularly scheduled workday within the 24-hour period of a paid holiday shall be paid at the rate of one and one-half times regular pay or given compensatory time

A. Examples:

1. Holiday pay shall be granted based on the scheduled work day of the employee. Example: Employees regularly scheduled for a 7.5 hour day will receive 7.5 hours of holiday pay; employees scheduled for eight, 10 or 12-hour shifts will receive holiday pay in accordance with the hours scheduled.

2. Holiday pay shall be at the regular rate. Employees working on a holiday shall receive holiday pay and pay for the hours worked at one and one-half times the regular hourly rate. Example: An employee working an 8 hour shift on a holiday would be paid 8 hours of straight time, and 12 hours of holiday pay (time and a half) for a total of 20 hours of paid time.

3. Employees who are called into work on a holiday during their regular shift for emergencies will receive full holiday pay and regular pay for the hours worked. Example: An employee who worked a regular 10-hour day is off on a holiday, but is called in to work for four hours. The employee would receive 10 hours of holiday pay and four hours of pay equal to one and one-half times the regular hourly rate of pay or compensatory time.

4. Employees required to report for work at hours outside their regularly scheduled work day within the 24-hour period of a holiday shall be paid at a rate of one and one-half times regular pay or given compensatory time at the rate established for exempt or non-exempt employees.

B. Coordinating Holiday Pay with Other Paid Leave

Employees may not use paid leave (annual, sick, parental, compensatory) on any full-day Town holiday. Employees may use up to a half-day of paid leave on a half-day Town holiday in order to receive their normally scheduled hours.

C. Holidays for Regular Part-time Employees

All regular part-time employees scheduled to work an average of 20 hours or more per week on a continuous basis shall receive four hours holiday pay for each holiday provided to regular full-time employees. Holiday pay shall be based the same as annual leave pay. Regular part-time employees will also receive one and one-half times the regular hourly rate of pay for each hour worked on a holiday.

5.9 Emergency Pay

A. Essential, nonexempt employees who are called away from their regular work to provide specific kinds of essential emergency services for the public as directed by the Town Manager during a declared town-wide emergency may be entitled to compensation of emergency pay in addition to regular pay. In the event the nonexempt employee's assigned schedule during the emergency differs from the regular work schedule, the emergency assigned schedule shall be used in calculation of pay. See Section 6.18, Inclement Weather/Liberal Leave and Closure Leave, and Section 17, Glossary for definitions of "essential personnel" "assigned schedule" and "Town-wide Emergency".

B. Non-essential, nonexempt employees who are called away from their regular work to provide specific kinds of essential emergency services for the public as directed by the Town Manager during a town-wide emergency will be compensated similarly to essential, nonexempt employees.

C. If, as a result of a declared town-wide emergency, an employee (essential or non-essential) is required to work two or more consecutive shifts or significantly beyond his/her assigned scheduled hours so that reporting to work on the next scheduled workday is not advisable, the supervisor or director shall consider altering the employee's work schedule for that week rather than requiring the employee to take annual or compensatory leave. See Section 6.15, Administrative Leave.

D. Essential, nonexempt employees who earn both emergency pay and regular pay will earn double time for the duration of his/her work assignment that is "essential" to emergency operations as determined by the Town Manager. No employee may earn more than double time for work completed during a declared town-wide emergency.

E. Refer to Appendix E: Emergency and Closure Pay Matrix for more detail regarding Emergency Pay.

5.10 Closure Pay

A. Essential, nonexempt employees who are assigned to work during Closure Leave providing essential services or in direct support of the event causing the closure are

entitled to compensation of Closure Pay in addition to regular pay. In the event the nonexempt employee's assigned schedule during Closure Leave differs from the regular work schedule, the closure assigned schedule shall be used in calculation of pay. See Section 6.18, Inclement Weather/Liberal Leave and Closure Leave, and Section 17, Glossary for definitions of "closure leave" and "assigned scheduled".

B. Non-essential, nonexempt employees who are assigned to work during a closure providing essential services or in direct support of the event causing the closure will be compensated similarly to essential, nonexempt employees if they are performing work that is considered "essential" to emergency operations.

C. Employees able to telework during a closure may continue to work with supervisory approval but will only receive Closure Pay if they are providing essential services or are in direct support of the event causing the closure.

D. If, as a result of closure, an employee is required to work two or more consecutive shifts or significantly beyond his/her assigned scheduled hours so that reporting to work on the next scheduled workday is not advisable, the supervisor or director shall consider altering the employee's work schedule for that week rather than requiring the employee to take annual or compensatory leave. See Section 6.15, Administrative Leave.

E. Essential, nonexempt employees who earn both closure pay and regular pay will earn double time for the duration of his/her work assignment that is "essential" to emergency operations as determined by the Town Manager. No employee may earn more than double time for work completed during a closure. An employee may earn closure pay or emergency pay but may only record one type if regular worked time is also recorded.

F. Essential, nonexempt employees may earn no more than 40 hours or 37.5 hours (depending on the number of the employee's regularly scheduled workweek hours) of closure pay per pay period.

G. Employees receiving Closure Pay for hours worked will not receive shift differential for those same hours worked.

H. Refer to Appendix E: Emergency and Closure Pay Matrix for more detail regarding Closure Pay.

5.11 Other Items Affecting Compensation

See Section 7 Employee Benefits for additional items not listed below.

A. Cell Phones

Town cell phones are provided to employees based upon recommendations from Department Directors.

B. Uniform Allowance

Work clothes and uniform allowance and reimbursements must meet the following criteria to be non-taxable: 1) be specifically required as a condition of employment; 2) not be adaptable to general usage as ordinary clothing; and 3) not be worn for general usage. Generally, clothing with a readily distinguishable logo or employer's name is not considered suitable for general wear. (Note: if the clothing qualifies as tax free, the cleaning is also tax free when paid by the entity.)

Any employee receiving a uniform allowance and reimbursement to purchase clothing that may be worn for general usage will be included in taxable wages and subject to federal income tax withholding and FICA withholding.

C. Safety Shoes

The safety shoe reimbursement to employees is considered a taxable benefit as the reimbursement does not meet the following criteria to be non-taxable: 1) be specifically required as a condition of employment; 2) not be adaptable to general usage as ordinary clothing; and 3) not worn for general usage.

D. Town Vehicles

For employees who receive a vehicle allowance as a contingency for hiring, this allowance is a taxable benefit and will be included in taxable wages and subject to federal income tax withholding and FICA withholding.

***IRS Treatment of Take-home Vehicles**:* IRS regulations state that any use of a take-home vehicle including the daily commute is considered a taxable fringe benefit. Each day of vehicle use to and from work shall constitute a benefit, determined by the IRS, for taxation purposes; including temporary take home vehicle use. The Town's police and some utility vehicles (as defined by the IRS) are exempt from these regulations. The Director of Finance and Administrative Services shall be responsible for providing a process whereby the taxable benefit can be applied only on days where the car is used for commuting purposes.

E. Withholding Wages

In the event that an employee engages in some activity that is prohibited by this Manual, prohibited by state and/or federal law, or other such action the result of which is the loss of money by the Town, the Town reserves the right to withhold wages from such employee's paycheck, to the extent that the Fair Labor Standards Act ("FLSA") permits. The Town reserves the right to withhold wages, as permitted by FLSA, until the employee's debt to the Town is repaid in full.

Once the employee's debt to the Town is repaid in full, the "Wage Withholding Certification" form is to be completed and included in the employee's file, and a copy is to be sent to the employee.

5.12 On Call Pay

A. On call time is not considered in calculating total hours worked. Employees are assigned to be on call during non-operating hours. No on call hours are permitted during the employee's normal operating hours.

B. On call time should be scheduled in weekly increments of seven (7) hours per week, regardless of the number of regularly-scheduled days that week. One (1) on call hour per day will be earned whether or not the employee is called into work.

C. Hours actually worked while on call will be calculated at the employee's overtime rate of pay.

D. For the administration, policy and procedures of on call pay, see Section 6.3.B.

5.13 Shift Differential

A. Due to Town service responsibilities, certain employees are required to work in shifts. Shift workers are those regular full-time and part-time employees who are assigned to work in shifts, and who work a qualifying shift.

B. A qualifying shift means an established work period, regularly scheduled to meet required staffing levels, as defined by the employee's Department. The list of eligible positions and qualifying shift schedule shall be approved by the Town Manager on an annual basis and maintained on file with the Human Resources Division.

C. Shift differential will not be paid for hours worked during the regular day-time shift. For example, the 8:30 am-5:00 pm employee would not receive shift differential pay if he/she works past 5:00 pm to finish an assignment during normal working hours. In that case, overtime pay/compensatory time may apply.

D. An employee temporarily assigned to a qualifying shift for any period is entitled to shift differential pay.

E. Shift differential pay, which may be adjusted from time to time, is approved by the Town Manager.

F. Shift differential is not paid when an employee is receiving Closure Pay for time worked.

G. Employees responding to emergency calls or call-back are ineligible to receive shift differential for those hours.

H. This policy excludes employees who voluntarily work flex-time schedules.

I. This policy includes all part-time employees within the Parks and Recreation Department, excluding camp counselors and instructors.

J. Shift differential pay is paid only for hours worked; not for paid leave hours. An employee who works only a portion of his/her qualifying shift and uses leave for the remaining portion shall receive prorated pay.

K. Shift differential pay is not considered part of salary for retirement income.

5.14 Call Back Pay

Nonexempt regular full-time employees who are called back to the worksite outside of their normal work schedule shall be paid for the time worked or a minimum of two (2) hours, whichever is greater. Employees who telecommute outside normal work hours will receive pay for time worked only.

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Section 6: Holidays, Work Schedules, and Leave Policy

6.1 Policy

A. Leave balance management is the responsibility of the employee.

B. For all leave, with the exception of official holiday, sick, administrative or unscheduled leave, an employee is required to submit a signed Personnel Action Form indicating the type of leave, duration and dates of departure and return. The leave form must be approved prior to taking the leave. In the case of sick leave or unscheduled leave, the leave form shall be completed and submitted for approval immediately upon the employee's return to work.

Unscheduled leave is used in the context of severe weather situations or other severe unforeseen circumstances which prevents normal Town operations. Unscheduled leave refers to a liberal use, which does not require supervisory approval of leave or leave without pay on such days. If an employee is scheduled to work on a day that is declared unscheduled leave and does not report to work that day, the employee shall decide whether to use accrued leave benefits or leave without pay. Employees in essential positions or public safety positions may be required to report to work on unscheduled leave days. Refer to Section 6.18 for more information.

C. All employees who are absent from duty without approval shall receive no pay for the duration of the absence and shall be subject to disciplinary action, which may include termination.

D. It is recognized that there may be extenuating circumstances beyond the employee's control for unauthorized absence and due consideration shall be given on a case by case basis by the employee's supervisor.

E. Leave used shall not exceed the balance at the end of the prior payroll period. Any leave used on a time sheet for which there is no current balance will be considered leave without pay. Employees may use annual leave or compensatory leave for sick leave when sick leave credits are exhausted.

F. All leave credits held by a regular full-time or part-time employee at the time of promotion or transfer from one department to another shall be transferred to the new department.

6.2 Application

The terms of this section shall only apply to all regular full-time and regular part-time employees. Flexible and temporary full-time employees may have additional procedures that must be followed as directed by their Department Director.

6.3 Department Work Schedules

A. Scheduling

1. Department Directors, or their appointed designee shall establish work schedules for employees in accordance with the current Fair Labor Standards Act.

2. All employees are expected to report to work on time and are to be absent only in the event of illness, pre-approved leave, or an emergency situation.

3. Flexible work schedules may be utilized by departments in order to meet operational demands and to the extent possible, the needs of the employees. Flexible work schedules may include beginning early and working late provided the Department Director assures that adequate staffing is maintained during the regular operating hours. Department Directors, or their designees will determine and approve flexible work schedules for their employees.

B. On-call Status

1. "On call" is defined as designated FLSA non-exempt positions that require the employee to be available for work during non-operating hours and arrive to the worksite or other designated area on short notice during an emergency. The Town's Department Directors shall determine who are essential employees required to be on call. On call requirements shall be designated as such in the job descriptions. Each department director shall be responsible for maintaining his/her department's current list of on call employees on the Emergency site of the Town's intranet (https://vault.leesburgva.org/Pages/EmergencyInformation.aspx). Any changes to the approved on call schedule must be approved by the supervisor.

2. An emergency call-back is defined as an unscheduled request made by an appropriate supervisor for an on call employee to return to work to perform emergency work. A nonexempt regular full-time employee who is on call and called back to work outside his/her normal work schedule shall be paid for the time worked or a minimum of two (2) hours, whichever is greater.

3. Fit for Duty. An on call employee is not required to remain on Town premises, but is required to be fit for duty at all times while on call. The on call employee must be able to respond and arrive to the work site within 60 minutes or as soon as safely practical considering weather, traffic and other circumstances. On call employees shall refrain from the use of alcohol and/or other substances, which may impair their ability to operate Town vehicles/machinery and perform their duties, and must adhere to all Town personnel policies and procedures. At the discretion of the supervisor and/or department director, an on call employee may be removed from on call status at any time if there is any question whether the on call employee is able to carry out his/her on call responsibilities. Any violation of the personnel policies and procedures may result in disciplinary action, up to and including termination.

4. Required Response. When contacted, on call personnel are required to respond in a timely manner while maintaining safe work habits. On call employees using cellular phones, internet phones or land lines as a form of contact shall ensure they can be reached when called. The on call employee must contact his/her supervisor with an alternate number if outside of the primary coverage area or away from his/her normal contact number.

5. Inability to Perform On-call Duties. Any on call employee who is, or becomes unable to meet his/her on call obligation shall immediately notify his/her supervisor. Failure to respond to a telephone call or a page and/or refusal to report for duty when called shall result in loss of on call pay for that shift, and may also result in disciplinary action, up to and including termination.

6. On call Criteria. To be eligible for on call status, an employee must have a minimum of three (3) months employment with the Town in the essential position, have satisfactory performance and have demonstrated the ability to perform duties without supervision.

7. On call Duty Schedule. Departments shall publish a four-month advance on call duty roster. Employees wishing to exchange scheduled on call weeks are responsible for finding a replacement. Exchanges must be approved by the appropriate supervisor and the department director. An employee who is unable to locate a replacement must meet his/her on call obligation. Any proposed changes to the duty roster should be brought to the attention of the supervisor before Wednesday of the week prior to the scheduled on call time.

8. On call and Leave Events. Employees on call are permitted to take leave during their regularly-scheduled work hours even when scheduled to be on call.

9. Call-in Documentation. Employees working in an on call status shall record the following information on the appropriate timesheet:
    a. Name of supervisor/department initiating the emergency call-back
    b. Date and time of arrival
    c. Nature of the problem/location, if applicable
    d. Time of completion

10. For the compensation of on call status, see Section 5.12 On Call Pay.

C. Re-Call Status

1. Department Directors, or their designees, are authorized to schedule work where employees may be required to be on “re-call status.”

2. Re-call status is when employees are placed on the Town’s Emergency Call List. These employees may be called upon during non-operational hours when an emergency or

other situation requiring immediate attention arises. Usually, the first person on the list is contacted first. If that person is not available, the next person on the list would be contacted, until someone is found who is available to respond.

3. Non-exempt employees will be paid overtime when these situations arise. For additional pay related details, please refer to Section 5 Employee Compensation.

D. Temporary Modified Duty Policies

1. It shall be the policy of the Town to provide, when possible, temporary modified duty assignments to employees recovering from an injury or illness when restrictions have been set by the treating physician. This policy is intended to maximize employee productivity time as well as provide a therapeutic work assignment consistent with the employee's physical or mental capabilities during the recuperation period and prior to returning to full activity.

2. This program will include employees who are recovering from a job-related injury or illness for which workers' compensation benefits are being provided. It may also include employees who are recovering from non-work-related injury or illness, at the discretion of the employee's Department Director, or designee. Written restrictions must be provided from the treating physician to the employee's Department Director, or their designee prior to assignment to temporary modified duties. Employees must have been employed by the Town for at least one year.

3. The employee's Department Director, or designee shall make the initial determination of eligibility for participation. In cases of doubt or dispute, the Town Manager shall make the final determination.

4. Temporary modified assignments shall be in the employee's regular department. If no such assignment is available, the employee may be temporarily assigned to another department. Wages shall be at the rate of the pay the employee receives in his/her regular position and will be charged to the employee's regular department.

5. The Town is under no obligation to provide a temporary modified duty assignment. Temporary modified duty assignments will be given at the discretion of the Human Resources Director, the employee's Department Director, or their designees. In cases of doubt or dispute, the Town Manager shall make the final determination. Any action concerning temporary modified assignments shall not be subject to the grievance procedure.

6. Every attempt will be made to accommodate the employee's schedule to ensure that the employee is able to attend medical appointments and maintain consistency in his/her personal life.

7. Temporary modified duty assignments initially will be available for a period of up to 120 calendar days. If at the conclusion of 120 calendar days it is determined by the employee's treating physician that the employee is unable to return to his/her regular position without limitations, the Department Director shall determine whether a permanent accommodation may be made which would allow the employee to perform the essential functions of his/her job, continue temporary modified duty, or if a job reassignment is possible without undue hardship to the Town. Temporary modified duty assignments are not permanent.

8. Once off temporary modified duty status, an employee must be back to work in his/her regular position at least 120 calendar days before being eligible for temporary modified duty status again.

9. Employees offered temporary modified duty assignments who do not accept such an assignment shall receive no salary or disability payments unless the Town or Workers' Compensation Appeals Board makes a determination to the contrary.

10. Employees on temporary modified duty status shall not be permitted to work overtime.

11. The employee may continue to work in the temporary modified duty assignment, if approved by the Human Resources Director and the Town Manager, during a workers' compensation appeals process; or may elect to remain off work in a non-pay status by obtaining an approved leave of absence without pay pursuant to the personnel rules of the Town until medically cleared to return to their regular position or a decision is rendered by the workers' compensation board.

12. Should the employee refuse temporary modified duty status or if a temporary modified duty assignment is not available, the Town shall hold the position for as long as required by state and federal law.

E. Telecommuting

1. Introduction

The Town supports telecommuting as an alternative work arrangement when appropriate based on job responsibilities and the employee. Telecommuting is an arrangement between an employee and the Town which allows an employee to work at a designated remote location on a pre-determined basis. Telecommuting reduces transportation costs and traffic while encouraging energy conservation and allows employees to better manage work-life responsibilities. Such programs aim to reduce absenteeism and increase job satisfaction and employee retention rates.

2. Policy

Telecommuting, as an alternative work arrangement, may be designed to address a specific circumstance or be on a regularly scheduled basis. While many work situations may lend themselves to telecommuting, the Town maintains the authority to determine

when, and if, telecommuting is appropriate and suitable for a position and an employee. Telecommuting is a mutually agreed upon arrangement – not a benefit or entitlement. It is an effective work option when technology permits work to be performed at a remote location without loss in quality, service, health, safety, and overall standards of performance. Telecommuting does not change the conditions of employment or required compliance with Town policies.

3. Arrangements

Arrangements should be reached on a case-by-case basis and require the prior approval of the Department Director, Information Technology Director, and the Town Manager.

Generally positions with the following characteristics may be appropriate for telecommuting:

- Require independent work
- Require infrequent face-to-face interaction
- Require concentration
- Result in specific, quantifiable work products
- Can be monitored via output rather than time spent on job

Generally employees who will be successful in telecommuting have the following qualities:

- Self-motivated and flexible
- Experienced; knowledgeable about the job
- Independent
- Dependable
- Possess above average performance records
- Organized
- Good communication skills

6.4 Holiday Leave

A. Holiday Observance:

The Town provides all employees with a minimum of 13.5 paid days off from work for each calendar year for holiday observance. The actual dates of holidays are published by the Human Resources Division each year and distributed to all departments for posting.

B. Holiday Dates: The following will be observed as paid holidays for all Town employees not specifically exempt from this section:

1. First day of January – *New Year's Day*
2. Third Monday in January – *Martin Luther King, Jr.'s Birthday*
3. Third Monday in February – *President's Day*
4. Last Monday in May – *Memorial Day*
5. Nineteenth day of June – *Juneteenth Day*
6. Fourth Day of July – *Independence Day*
7. First Monday in September – *Labor Day*
8. Second Monday in October – *Columbus Day*
9. Eleventh Day in November – *Veteran's Day*
10. Fourth Thursday in November – *Thanksgiving Day*
11. Fourth Friday in November – *Day after Thanksgiving*
12. Twenty-fourth day of December – *Christmas Eve half-day off*
13. Twenty-fifth day of December – *Christmas Day*
14. Twenty-sixth day of December – *Day after Christmas*
15. Last Day of December - *New Year's Eve half-day off**
16. Other days as determined by Town Council.

*To be observed when New Year's Eve falls on a weekday. Employees will receive half-day off.

C. Pay for Employees Required to Work on Holidays. Refer to Section 5 Employee Compensation.

D. Holidays for Part-Time Employees
All eligible regular part-time employees scheduled to work an average of 20 hours or more per week on a continuous basis shall receive half of the holiday pay for each holiday that regular full-time employees receive.

E. An employee must be in a paid status on their scheduled work day before and after the holiday to receive the holiday. Employees on leave without pay (LWOP) on their scheduled work day immediately preceding and/or immediately following the holiday will not receive the holiday.

6.5 Annual Leave

A. Annual Leave Accrual
All regular full-time employees in the service of the Town shall be credited with annual leave after it is earned at the following amounts (with the exception of Department Directors):

YEARS OF SERVICE:	***DAYS PER YEAR:***
Less than two years	12 days
2 years	13 days
3 years	14 days

4 years	15 days
5 through 9 years	18 days
10 through 14 years	21 days
15 through 19 years	24 days
20 years plus	26 days

Regular part-time employees who work an average of 20 hours or more per week shall be eligible to accrue annual leave benefits at half the rate of regular full-time employees. Employees must use annual leave in amounts proportional to their normal work hours. Employees working a regular 40-hour week (80-hour payroll period) shall use annual leave based on an 8-hour day. Employees working a 37.50-hour week (75-hour payroll period) shall use annual leave based on a 7.50 hour day. Employees that work a 12 hour shift shall use annual leave based on a 12 hour day. Part-time employees working a 20-hour week (40-hour payroll period) or more shall use annual leave based on a 4-hour day.

B. All annual leave requests will require prior approval from the applicable Department Director.

C. The Town Manager shall require that all employees use a minimum of five days of annual leave of the total accrued during each year.

D. Employees are able to maintain a maximum balance equal to twice the highest accrual rate (416 hours for regular employees with 80-hour pay periods, 390 for 75-hour pay periods, and 208 for part-time 40-hour pay periods). Annual leave balances will be checked only at the end of each fiscal year. Any annual leave balance above these limits will automatically convert to sick leave at the end of the fiscal year. Upon separation, an employee will be paid for the unused balance of annual leave not to exceed their total leave cap as above.

E. At the time of hire, six months of annual leave will be advanced to all full-time regular employees and part-time regular employees up to and including Grade 14 (excluding new hires at Grade 15 or above), based on the accrual rate associated with the first year of employment, as set out in Section A, above. Annual leave earned by new employees for the first six months will be applied toward this advance. Beginning in month seven of employment, those employees will begin to accrue leave at the rate associated with the first year of employment.

New hires at Grade 15 and above will be granted 15 days of annual leave on their hire date and each subsequent anniversary date until the fourth anniversary. On the fourth anniversary date, those employees will begin to accrue annual leave at the same rate as all other regular full-time employees.

Any employee who voluntarily separates from the Town during the first six months of employment shall be paid for any unused accrued annual leave remaining after advanced leave is subtracted out. If such separated employee has used more annual leave than the prorated accrual, that employee may be required to pay back to the Town the excess advanced annual leave used.

The Town Manager reserves the right to approve additional leave as he sees fit.

6.6 Sick Leave

A. All regular employees in the service of the Town shall be credited with sick leave after it is earned at the following rates:

Regular hours worked per 2-week payroll period	Hours accrued per 2-week payroll period	Days accrued Annually
80	3.70	12
75	3.46	12
40	1.85	6

Sick leave is earned regardless of the years of service. Regular part-time employees who work an average of 20 hours or more per week shall accrue sick leave benefits at half the rate of regular full-time employees. There is no limit on the amount of sick leave that may be accrued.

Employees must use sick leave in amounts proportional to their normal work hours. Employees working a regular 40-work week (80-hour pay period) shall use sick leave based on an 8-hour day. Employees who work a 37.50-hour week (75-hour pay period) shall use sick leave based on a 7.50 hour day. Employees who work a 12 hour shift shall use sick leave based on a 12 hour day. Employees who work a 20-hour week (40-hour pay period) shall use sick leave based on a 4-hour day.

B. Employee use of sick leave shall be limited to the following circumstances:

1. Personal illness or injury
2. Visits to physicians, dentists, optometrists, and other approved medical professional health care
3. Family illness or injury
4. Quarantine

C. To receive paid sick leave, an employee must notify his/her Department Director prior to his/her starting time unless some other arrangement has been approved by the Department Director. A physician's statement or examination by a physician designated by the Town may be required by the Department Director when frequent sick leave occurs or a period of sick leave exceeds three (3) days.

D. Sick leave may be used for illness, injury or death of an immediate family member. For the purposes of sick leave, immediate family member includes spouse, parents, grandparents, child, grandchild, stepchild, brother, sister, mother-in-law, father-in-law, or relative living in the same household. The amount of sick leave used for a family member shall be limited to five (5) days, per incident. If an illness/injury is severe or catastrophic, additional use of sick leave may be permitted with the Town Manager's approval.

E. Employees who retire from the Town services shall be paid twenty-five percent (25%) of their unused sick leave accrued during Town employment.

F. Employees who have lost time because of illness or injury and have exhausted sick leave may have such time deducted from annual leave.

G. The Town may approve sick leave sharing for any employee who becomes seriously ill or injured, and will be out of work for an extended period of time, and has 40 hours or less of combined sick and annual leave. The Town Manager and the Human Resources Director shall jointly determine the qualifying event. Requests for sick leave sharing will be forwarded to the Human Resources Division by the employee's Department Director, or designee.

Sick leave sharing is not intended to be used for Parental Leave.

Sick leave sharing is not intended to be used in place of Long Term Disability after the first 30 days of the illness. Employees must apply for Long Term Disability after the first 30 days or return to work with a doctor's release. An employee may apply for sick leave sharing if it is determined that Long Term Disability is inappropriate as determined by the Town Manager. VRS Hybrid employees who have worked for the Town at least one (1) year are exempt from sick leave sharing due to short term disability (STD) and long term disability (LTD) benefits under the VRS Hybrid Plan (see PPM section 7.8 for more information). Coverage during this time for those employees is provided through the Virginia Local Disability Program (VLDP) as outlined in the VLDP handbook (http://www.varetire.org/pdf/publications/vldp-handbook.pdf). Please see PPM Section 7.4 for more information.

Employees may voluntarily participate in sick leave sharing, where they are able to donate hours from their sick leave balance to those employees who qualify to receive leave from sick leave sharing. Donating employees should consider the amount of sick leave needed for their own use prior to donating their hours.

Employees must maintain a minimum balance of 100 sick leave hours to be eligible to donate sick leave.

Employees receiving donations will be issued the necessary sick leave to maintain their salary at the end of a payroll period and will not receive sick leave in a lump sum of donated hours.

Employees, who separate from Town employment through resignation, dismissal, retirement, etc., are not eligible to donate sick leave and may not be paid for donated sick leave that has not been used...

H. Sick leave sharing is not intended to be used to care for ill or injured family members. In rare cases such as this, the Town Manager may approve annual or sick leave sharing on a case by case basis.

I. At the time of hire, six months of sick leave will be advanced to all full-time regular employees and part-time regular employees, regardless of position grade, based on the accrual rate, as set out in Section A, above. Sick leave earned by new employees for the first six months will be applied toward this advance. Beginning in month seven of employment, employees will begin to accrue leave at the rate, as set out in Section A, above.

The Town Manager reserves the right to approve additional leave as he sees fit.

6.7 Compensatory Time

Compensatory time is offered by the Town to employees whose job classifications fall into grades 5 through 14. These employees may accumulate no more than 80 hours of compensatory time and must adhere to the following rules:

A. The employee must obtain prior approval from his/her supervisor to work overtime.

B. Hours worked in excess of 40 hours will be earned at one and one-half times the regular time. Compensatory time for employees on a 40 hour schedule shall earn one and one-half times the regular time for hours worked in excess of 40 hours.

6.8 Family and Medical Leave Act (FMLA)

The Federal Family and Medical Leave Act (FMLA) of 1993 requires that all eligible employees are provided up to 12 weeks of protected FMLA leave annually for certain family and medical reasons. The object of this policy is to explain to employees and supervisors when FMLA leave may be taken and how FMLA leave is calculated and accounted for, giving consideration to the leave benefits employees already receive. **An employee's leave may qualify for FMLA leave, and may be designated by the Town as FMLA leave, even when an employee does not specifically request FMLA leave**. **Effective July 10, 2017 employees are responsible for promptly contacting CareWorks Absence Management to make FMLA leave requests at 1-**

888-436-9530. Failure to promptly notify CareWorks will result in notification to the employee's supervisor for follow up.

A. Eligibility

To be eligible for leave, employees must have been employed for at least 12 months with the Town, but the 12 months do not need to be consecutive. Employees must also have worked 1,250 hours for the Town during the 12 months prior to the beginning of leave. In determining the number of hours worked, annual, sick or unpaid leave, including leave taken under workers' compensation are not included.

B. Purposes for using FMLA Leave

If the employee meets the eligibility requirements, he/she is qualified to receive twelve work-weeks of FMLA leave for the following purposes:

1. To care for the spouse, son, daughter, or parent of the employee with a serious health condition;
2. For the birth or placement of a new child. This will apply in the case of Parental Leave, and the employee will be required to exhaust sick leave first.
3. For the employee's own serious health condition that makes the employee unable to perform the essential functions of his/her job.
4. For any qualifying exigency arising out of the foreign deployment of the employee's spouse, son, daughter or parent, who is a member of the Armed Forces on covered active duty. Please refer to the Department of Labor's Fact Sheet #28M(c) for "qualifying exigency" categories. https://www.dol.gov/whd/regs/compliance/whdfs28mc.pdf

Twenty-six work-weeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is a servicemember's spouse, son, daughter, or parent, or next of kin (military caregiver leave).

C. Defining a Serious Health Condition

A serious health condition is defined by the Department of Labor to mean an illness, injury, impairment, or physical or mental condition that requires inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health care provider. The regulation specifically excludes routine physicals, eye examinations or the evaluation of an illness.

D. Amount of Leave to be Taken

An eligible employee is entitled a maximum of 12 weeks of leave during any 12 month period.

FMLA leave may be taken all at once, intermittently or on a reduced leave schedule. Intermittent leave includes leave taken in hourly, daily and weekly increments, or spread

over several months due to a single qualifying reason. Intermittent leave will be granted if medically necessary. The Town and employee must agree on the use of intermittent leave when taking leave for the birth, or placement for adoption or foster care. A reduced leave schedule is a leave schedule that reduces an employee's usual number of working hours per day or week. FMLA leave must be taken within a year of the birth and/or placement of a new child.

In cases where both spouses work for the Town, leave for the birth, adoption or placement of a child is limited to a combined 12 weeks of FMLA leave.

Once an employee has exhausted FMLA leave and cannot return to work, the Town may terminate employment even if the employee has a remaining accrued leave balance.

E. Calculation of FMLA Leave

The method used to determine the employee's eligibility for FMLA leave will be a "rolling" 12-month period measured backward. Under this method, each time an employee takes FMLA leave, the remaining leave entitlement would be the balance of the 12 weeks which has not been used during the immediately preceding 12 months. Please refer to the U.S. Department of Labor's Fact Sheet #28H for examples: https://www.dol.gov/whd/regs/compliance/whdfs28h.pdf. In determining the amount of leave taken, a holiday occurring within a week has no effect; the week is counted as a week of FMLA leave.

F. FMLA Leave with or without pay

The law provides that an employee may elect, or an employer may require the employee to substitute accrued annual leave for unpaid leave. Eligible Town employees will be required to use paid leave prior to taking unpaid leave, with the exception of up to a total of 40 hours of any combination of paid leave categories.

H. Benefits while on FMLA Leave

Employees who take FMLA leave are entitled to be restored to the same job or an equivalent job at the conclusion of their leave. Taking FMLA leave cannot result in the loss of any employment benefit accrued before the leave began.

The Town will maintain healthcare coverage for employees who take FMLA leave based on the same conditions that would have been provided had the employee not taken leave. That is, group policies remain in effect, with both employee and employer paying their respective share of any premiums.

The employee's share of the health insurance premiums will be deducted from his/her payroll check while on paid leave. Premium payments that are due when the employee is on unpaid leave will be collected on a pre-tax basis upon return from FMLA leave; the Town will make multiple health care premium deductions per pay period (not to exceed 4). Upon expiration of FMLA leave entitlement, an employee must reimburse the Town

for all health benefit premiums paid by the Town (i.e., the employee's share) during the period of unpaid FMLA leave if an employee fails to return to work in his/her original or equivalent full-time position.

Evaluation dates and leave accrual dates for employees on FMLA leave will not change during their absence.

The Town will maintain life insurance and long-term disability benefits while the employee is on FMLA leave without pay. Contributions toward the Virginia Retirement System are discontinued when an employee is on FMLA leave without pay.

I. Workers' Compensation

An employee who is on disability status for more than three consecutive business days due to a work injury will be subject to Family Medical Leave. Workers' compensation and FMLA leave shall run concurrently. For more information on the Workers' Compensation program see PPM section 7.15.

An employee who is receiving workers' compensation benefits while on FMLA leave may not be forced to return to work in a temporary modified duty assignment prior to the expiration of the FMLA leave entitlement.

J. Employee's Responsibility

Employees are required to give their employers at least 30 days' notice that leave is required if the need to leave is foreseeable; where the leave is not foreseeable 30 days in advance, the employee must provide notice as soon as possible; and, in an emergency situation, the employee must provide notice no later than two business days after the absence begins.

Employees must contact CareWorks Absence Management if they are requesting FMLA leave.

K. Procedures for Employees Requesting FMLA Leave

When an employee requests FMLA leave, CareWorks Absence Management will provide the employee with required notifications and forms to complete. In order for an employee to use and benefit from FMLA leave, the following criteria must be met:

1. **Employee eligibility:** The employee must have worked for the Town at least 12 months (not necessarily consecutive) as of the date leave will begin. The employee must have worked at least 1,250 hours during the 12 months immediately preceding the beginning of leave.

2. **Determine the estimated date for the leave**: The employee must give at least 30 calendar days' notice, unless it is not practical.

3. **Determine the type of leave requested:** The employee may take intermittent leave. Intermittent leave for the birth, adoption, or foster care placement of a child should be agreed upon by both employer and employee.

4. **Determine the anticipated duration of leave:** A total of up to 12 work weeks within the rolling 12-month period is permitted under FMLA.

5. **Check the employee's leave balance:** A review of the employee's sick, annual and compensatory leave balances will be conducted. For the employee's own serious health condition, the employee must exhaust all sick leave before using annual leave, compensatory leave or leave without pay.

6. **Is the employee's spouse also an employee of the Town?** For new children, a combined maximum of 12 work weeks is permitted between both employees. The employee must arrange for a health care provider to complete and return required medical certification forms to CareWorks Absence Management.

When possible, the employee must provide medical certification prior to starting leave. When this is not possible, the employee must provide certification within fifteen (15) calendar days of the request, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

6.9 Paid Parental Leave

The Town of Leesburg will provide up to six weeks of paid parental leave to employees following the birth of an employee's child or the placement of a child with an employee in connection with adoption or foster care. The purpose of paid parental leave is to enable the employee to care for and bond with a newborn or a newly adopted or newly placed child. This policy will run concurrently with Family and Medical Leave Act (FMLA) leave, as applicable. This policy will be in effect for births, adoptions or placements of foster children (age 17 or younger).

Eligibility

Eligible employees must meet the following criteria:

- Be a regular full- or regular part-time employee.
    - Flexible part-time and temporary employees are not eligible for this benefit.
- The employee is required to request leave under the FMLA.

In addition, employees must meet one of the following criteria:

- Have given birth to a child.
- Be a spouse or partner of a person who has given birth to a child.

- Have adopted a child or been placed with a foster child (in either case, the child must be age 17 or younger).
    - The adoption of a step-child is excluded from this policy.
- Intend to return to work with the Town in the same class and pay grade following parental leave.

Amount, Time Frame and Duration of Paid Parental Leave

- Eligible employees will receive a maximum of six weeks of paid parental leave per birth, adoption or placement of a child/children. The fact that a multiple birth, adoption or placement occurs (e.g., the birth of twins or adoption of siblings) does not increase the six-week total amount of paid parental leave granted for that event. In no case will an employee receive more than six weeks of paid parental leave in a rolling 12-month period, regardless of whether more than one birth, adoption or foster care placement event occurs within that 12-month time frame.
- Each week of paid parental leave is compensated at 100% of the employee's regular, straight-time weekly pay. Paid parental leave will be paid on regularly scheduled pay dates.
- Approved paid parental leave may be taken at any time during the six (6)-month period immediately following the birth, adoption or placement of a child with the employee. Paid parental leave may not be used or extended beyond this six (6)-month time frame.
- At the approval of the employee's supervisor, employees may use paid parental leave to return to work on a modified work schedule during the six (6)-month time frame indicated above. Any unused paid parental leave will be forfeited at the end of the six (6)-month time frame.
- Upon termination of the individual's employment with the Town, he or she will not be paid for any unused paid parental leave for which he or she was eligible.

Coordination with Other Policies

- Paid parental leave taken under this policy will run concurrently with leave under the FMLA; thus, any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or placement of a child due to adoption or foster care, will be counted toward the 12 weeks of available FMLA leave per a 12-month period. All other requirements and provisions under the FMLA will apply. In no case will the total amount of leave—whether paid or unpaid—granted to the employee under the FMLA exceed 12 weeks during the 12-month FMLA period. Please refer to the Family and Medical Leave Policy (section 6.8) for further guidance on the FMLA.
- After the paid parental leave is exhausted, the balance of FMLA leave (if applicable) will be compensated through the employee's other available paid leave balances. Upon exhaustion of paid leave, any remaining leave will be unpaid leave. Sick leave sharing is not intended to be used for parental leave. Paid and unpaid parental leave may be granted to an employee

for up to six months. Please refer to the Family and Medical Leave Policy for further guidance on the FMLA.

- All benefits during the paid parental leave period will continue as if any other paid leave was being used.
- If a Town holiday occurs while the employee is on paid parental leave, such day will be charged to holiday pay; however, such holiday pay will not extend the total paid parental leave entitlement.

Requests for Paid Parental Leave

- The employee will request paid parental leave at least 30 days prior to the proposed date of the leave (or if the leave was not foreseeable, as soon as possible). The employee must complete the necessary FMLA forms and provide all documentation as required by Human Resources to substantiate the request.
- The Town Manager has the exclusive right to interpret this policy.

6.10 Bereavement Leave

A. All eligible employees shall be granted up to five (5) consecutive work days of leave with pay for death occurring in the employee's immediate family. With the approval of the Town Manager, sick leave may be used if additional time is needed. Immediate family, for purposes of bereavement leave, includes spouse, child, parent, brother, and sister. For extended family members, three consecutive work days of leave with pay will be granted. For the purpose of this leave, extended family members consist of the employee's grandparents, grandchildren, mother-in-law, father-in-law, or relative living in the same household.

Under special circumstances and with the Town Manager's approval, bereavement leave may be granted for up to five (5) consecutive work days for the death of other members of the employee's family, not listed above.

B. With the Town Manager's approval, one day of bereavement leave may be granted for the attendance at the funeral of a former employee.

C. Employees requesting bereavement leave may be required to provide documentary evidence of the relative's death to qualify for paid leave.

6.11 Military Leave

A. Military Leave with Pay

An employee who is a member of an officially recognized reserve or National Guard unit shall be entitled to 15 business days, per fiscal year, of military leave for training purposes or active duty and shall be paid regular pay based upon their typical Town schedule (of standard work hours). Fifteen (15) days per fiscal year is normally meant to be consecutive, but may be fragmented or nonconsecutive if supported by military orders. There will be no

charge against any other leave. The employee must be on paid status to be paid military leave. Employees who have been on long-term military leave for deployment may receive the 15 days of military leave pay per fiscal year.

When performing reserve drills or training that is in excess of fifteen (15) business days, the employee will be considered to be on military leave without pay. Such employees shall not be charged with annual or compensatory leave when absent for attending reserve drills or training, unless the employee elects to use annual or compensatory leave (sick leave may not be used).

B. Advance Notice

An employee who is leaving to perform military service must provide advance written notice to his/her immediate supervisor (including the best approximation of the expected dates of leave). If military orders are not available in advance of the military leave, the employee shall provide his/her immediate supervisor with oral notice as soon as the date of the military leave is known. A copy of the orders or other documentation shall be provided to the immediate supervisor as soon as possible, as the orders or documentation become available. If orders are not available, a letter from the commanding officer or other authorized representative will suffice.

C. Military Leave Pay for Reservist Called to Active Duty

An employee who is called to active duty may have his/her military salary supplemented for up to one year provided he/she submits military salary information to the Human Resources Division before the commencement of the leave. Additional pay supplement may be approved by the Town Manager.

Sick leave and annual leave will continue to accrue while the employee is on active duty.

D. Voluntary Enlistment in the Uniformed Services of the United States

Employees who plan to serve for up to five years in the uniformed services shall be placed on a military leave of absence status. Employees may use their annual leave and/or compensatory leave before being placed on military leave. These employees will not accrue annual or sick leave while on voluntary military leave. Reemployment will be afforded if required conditions are met.

E. Basic Provisions and Requirements for Re-employment

The Town shall reemploy military service members to the same or an equivalent position if they meet the following criteria consistent with Federal law:

1. The employee must have given notice to his/her department that he/she was leaving the job for service in the uniformed services, unless giving notice was precluded by military necessity or otherwise impossible or unreasonable;

2. The period of service must not have exceeded five years;

3. The employee must not have been released from service under dishonorable or other punitive conditions; and

4. The employee must have reported back to the job in a timely manner or have submitted a timely request for reemployment.

   The restoration timelines are based on the duration of military service. The time limits for returning to work are as follows:

   a) ***Less than 31 days of service*:** The employee must request reemployment by the beginning of the first regularly-scheduled work period after the end of the **last** calendar day of duty, plus any time required to return home safely and an eight-hour rest period. If this is impossible or unreasonable, then as soon as possible.

   b) ***31 to 180 days of service*:** The employee must request reemployment no later than 14 days after completion of military service. If this is impossible or unreasonable through no fault of the employee, then as soon as possible.

   c) ***181 days or more of service*:** The employee must request reemployment no later than 90 days after the completion of military service.

   d) ***Notice by disabled persons*:** Returning employees who are hospitalized for or convalescing from injuries incurred in or aggravated by military service may apply for reemployment within two (2) years following the recovery from such injuries. Generally, employees selected to fill vacancies created by persons on military leave shall be employed on a provisional basis. Department Directors may waive this provision if they believe there will be a comparable vacancy available upon the departing employee's return from military service. Upon returning to the Town, the employee may return to the same or comparable position.

F. Health Insurance

When Military Leave is less than 31 days, the Town will provide health insurance coverage under the same conditions that existed prior to the leave.

When Military Leave lasts more than 31 days, the Town will continue to provide health insurance coverage for the employee and his/her family under the same conditions that existed prior to the leave, for up to one year. Upon the conclusion of the first year of military service, the employee will be entitled to continue health insurance coverage for an additional year, paying no more than 102 percent of the full premium. The employee may choose to decline health insurance coverage while on military leave.

Upon return from Military Leave, the employee's health insurance coverage will be reinstated without any waiting period or exclusion for preexisting conditions. However, this rule will not apply to the coverage of any illness or injury determined by the Secretary of Veterans Affairs to have incurred in, or aggravated during the employee's performance on military duty.

G. Retirement Plan

Each period of time served by an employee in the uniformed services on Military Leave shall, upon reemployment, not be treated as a break in service with the Town. The Town will continue to pay retirement contributions during Military Leave during the first year. The Town Manager may approve payment for additional time.

6.12 Jury/Court Leave

Jury Leave - Employees called upon for jury service shall be entitled to their regular salary in as well any pay received for jury duty. Such leave shall not be deducted from any other leave earned by the employee. If after reporting for jury duty it is determined that the employee's service is not required and he/she is dismissed for the day, the employee shall be return to his/her regular job, if time permits. Prior to using jury leave, employees shall notify and present a copy of the official notice to the applicable Department Director when they are selected for jury service.

Court Leave - An employee who is subpoenaed to appear in court may be allowed to do so using Court Leave without loss of compensation. If an employee, other than an employee of the Police Department, is subpoenaed to appear in court on a matter related to his/her official capacity with the Town, a copy of the subpoena or summons must be provided to the Department Director. The Department Director should forward a copy of the subpoena or summons to the Town Attorney if the Town's interests or image might be affected. If an employee is a plaintiff/petitioner or defendant/respondent in a suit or criminal proceeding unrelated to his/her official capacity, then personal leave must be used. Time spent on Court Leave must be reported for time and attendance purposes.

6.13 Public Safety Leave

Employees who are listed by the Loudoun County Department of Fire and Rescue Services as active members of the Leesburg Volunteer Fire Department or Rescue Squad may respond to calls within the Town's corporate limits during normal working hours without loss of pay and without charge of any leave accrued. Regular volunteer activities, events or training are not included.

A. Eligible employees are responsible for:

1. Making their supervisors aware of their commitment and volunteer status.
2. Providing proof of hours and calls to which they have responded if requested by supervisor.
3. Assisting with an emergency situation without undue disruption to the operational requirements of the department. The employee will return to

normal work duties as soon as practicable following the completion of functions associated with the emergency situation.

B. Ineligible Employees.

1. Police Officers and civilian Police Department employees who are deemed essential by the Chief of Police are not eligible for Public Safety Leave.
2. A Department Director may deem essential employees ineligible for Public Safety Leave.

6.14 Professional Leave

At the Department Director's discretion, employees may attend local, regional and/or state meetings, serve on boards, committees, task forces, etc., in an official capacity during normal working hours and shall not be required to use their annual or compensatory leave. Employees shall use annual or compensatory leave for attendance at functions which are determined to not be official.

6.15 Administrative Leave

Leave of absence with or without pay is for the purpose of (1) placing an employee on leave, as recommended by the Department Director, and approved by the Town Manager; (2) allowing an employee who has worked during a town-wide declared emergency time off when it is not advisable for that employee to report to work, as determined by that employee's supervisor or director (see Section 5.9, Emergency Pay); or (3) investigating disciplinary charges against an employee. In cases where compensation is not approved, annual, sick or compensatory leave may not be used.

6.16 Leave Without Pay

Except for newly-hired employees, as stated in Section 6.1, above, no advance leave shall be granted when leave has not yet accrued except in cases of exceptional circumstances and with the recommendation from a Department Director. The Department Director may approve leave without pay of four days or less within a work week. Leave without pay for a full work week or more, or five days in two consecutive weeks requires Town Manager approval. While in a leave without pay status for three days or more, employees may not accrue sick or annual leave. While in a leave without pay status for more than two full work weeks, employees may not continue health insurance coverage or any other benefit without appropriate payment to the Town to continue such benefits (this does not apply when employees are covered by FMLA). Employees are not eligible for holiday pay while on leave without pay, pursuant to Section 6.4 Holiday Leave. Leave without pay does not pertain to suspension without pay. Refer to Section 13.4 Disciplinary Actions for information on suspension without pay.

6.17 Education Leave

The Town Manager may grant an employee leave without pay for a period not to exceed one year for education leave, when it is in the best interests of the Town. Conditions for the use of this leave will be determined by the Town Manager on a case-by-case basis.

The employee on education leave may be entitled to continue to participate in the Town's group health insurance plan. However, the employee will be responsible for the payment of the total cost.

6.18 Inclement Weather/Liberal Leave and Closure Leave

A. Policy

Closure Leave and Liberal Leave are granted by the Town Manager. These types of leave are most frequently authorized when severe weather makes it hazardous to travel to work, requires an early release from work, when equipment breaks down or facility closings make it impossible to work. It may be limited to specific shifts, time periods, or groups of employees. The policy as described below applies on weekends as well as during the regular Monday through Friday work week. This policy applies to regular full-time employees and regular part-time employees. See Section 17, Glossary for definition of "closure leave".

1. ESSENTIAL PERSONNEL

a) Definition:

Those employees who, due to the nature of their specific job duties or the nature of the emergency that has occurred, must report to work to ensure that public health and safety needs of critical operational requirements are met.

b) Procedure:

Department Directors are responsible for clearly designating those employees considered essential personnel. Essential personnel should be designated upon hire and on an annual basis. The requirement that these employees report to work during periods of emergency leave and/or liberal leave must be stated. See Section 17, Glossary for definition of "essential personnel".

2. LIBERAL LEAVE

a) Liberal Leave is granted by the Town Manager. It authorizes all employees, except those designated as essential personnel, to use their own leave to cover a period of missed work without obtaining prior approval from their supervisor. Employees taking leave shall, however, notify their supervisor in accordance with departmental policy. Employees may use annual leave, compensatory leave, or leave without pay during the time liberal leave is in effect.

b) The Town Manager determines the period of Liberal Leave. Unless otherwise notified, if declared prior to beginning of business, Liberal Leave extends from 6:00 A.M., on the day declared until 12:01 A.M., the following day. If declared later in the day, it is in effect until 12:01 A.M. the following day.

c) Effect on Emergency Service Personnel:

During Liberal Leave, essential personnel are required to report for work or to secure approval from their supervisors otherwise.

d) Notice of Liberal Leave:
At all times, including weekends, announcements may be made by television, radio stations, and the Town website.

e) Time and Attendance Reporting:

i. The payroll report is coded for annual, compensatory, or leave without pay as appropriate.

ii. Sick leave may never be used during a period of liberal leave unless the employee is actually sick or meets the conditions described in Section 6.6 Sick Leave, above.

3. CLOSURE LEAVE

a) Definition:
Closure leave is granted by the Town Manager. It is paid leave granted to employees scheduled to work the day of declared closure. This time is not charged to an employee's annual or compensatory leave balance.

b) Notice of Closure Leave:
Departments will be notified by the Town Manager's office when closure leave is declared during normal working hours. At other times, including weekends, announcements may be made by email, television, radio stations, the Town website and other means. The Town Manager determines the period of closure leave.

c) Effect on Essential Personnel:
During Closure Leave, essential personnel are required to report to work or to secure approval from their supervisors otherwise. If an employee so designated cannot report to work and the supervisor has been appropriately notified, closure leave shall be granted upon department approval.

d) Time and Attendance Reporting:

i. Employees who are not designated as essential personnel are not required to report to work during periods of closure leave.

ii. Employees already on scheduled leave with pay are eligible for closure leave if declared during the period of scheduled leave.

iii. If the Town opens offices late, employees who do not report to work are not eligible for closure leave during the hours the offices are open. Employees who report to work late may combine annual or compensatory leave and closure leave to cover hours missed.

iv. Nonexempt employees who are required to work during a period for which closure leave has been granted are entitled to compensation in addition to closure pay in accordance with Section 5, Compensation.

v. Employees who cannot report to work because their work site is closed are eligible for closure leave for all regularly scheduled hours.

vi. Employees able to telework during closure leave may continue to work with supervisory approval. Teleworkers will only receive Closure Pay if they work providing essential services and/or are in direct support of the event causing the closure.

6.19 Executive Discretionary Leave

Executive Discretionary Leave is available to employees at grades 15-18 and other positions, as designated by the Town Manager.

6.20 Blood Donation Leave

A. Eligible employees may be granted up to two (2) hours of paid leave to donate blood during a time when the American Red Cross has declared a critical shortage or need for blood donations.
B. Employees are required to submit their request and receive approval in advance.
C. The Town Manager has the exclusive right to interpret this policy.

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Section 7: Employee Benefits

7.1 Benefit Eligibility

A. All employees currently participating in the Town's Life, Health, Disability Income/Group Insurance Program and the Town retirement program shall continue to do so following the enactment of these rules. All eligible employees shall participate in the VRS pursuant to Title 51.1 of the Code of Virginia.

B. This Section shall not apply to the following positions and categories of positions:

- Flexible employees (all benefits)
- Regular part-time employees (some benefits may not be available)
- Temporary full-time employees (some benefits may not be available)

7.2 Health Insurance

A. All employees and elected officials of the Town, unless provided otherwise by these rules, are eligible to participate in the group health insurance programs as approved by the Town Council. Participants shall pay a portion, as determined by the Town Manager, of their own health insurance premiums, as well as a portion for their spouse, family or other dependent coverage when the employee requests such coverage. For procedures to enroll in health insurance and other such relevant information, see the document entitled “Health Insurance Enrollment.”

B. Employees retiring under the state retirement system with a minimum of 10 years of Town service shall be eligible to participate in the Town’s group health insurance until the employee becomes eligible for supplemental Medicare insurance, in compliance with all state and federal laws (GASB, etc.). Refer to Section 15.6 Retirement Benefits for more information.

C. Health Insurance Continuation under COBRA

Federal law entitled the "Consolidated Omnibus Budget Reconciliation Act (COBRA)” (Public Law 99-272, Title X) requires most employers sponsoring a group health/dental plan to offer employees and their families the opportunity for a temporary extension of coverage (called "continuation coverage") at group rates in certain instances where coverage under a plan would otherwise end.

An employee of the Town covered by the one of the Town’s Group Health Insurance Plans has a right to choose this continuation coverage if group health coverage is lost because of reduction in hours of employment or the termination of employment (for reasons other than gross misconduct on the employee’s part).

An employee's spouse covered by one of the Town's Group Health Insurance Plans, has the right to choose continuation if group health coverage is lost for any of the following four reasons:

1. The death of employee-spouse;
2. A termination of the spouse's employment (for reasons other than gross misconduct) or reduction in spouse's hours of employment;
3. Divorce or legal separation; or
4. Eligibility for Medicare.

A dependent child of an employee covered by one of the Town's Group Health Insurance Plans, has the right to coverage continuation if group health coverage under the plan is lost for any of the following five reasons:

1. The death of a parent;
2. The termination of a parent's employment (for reasons other than gross misconduct) or reduction in a parent's hours of employment;
3. Parent's divorce or legal separation;
4. A parent becomes eligible for Medicare; or
5. The dependent ceases to be a "dependent child".

Under the law, the employee or a family member has the responsibility to inform the Human Resources Division of a divorce, legal separation, or of a child losing eligible dependent status under the Plan within sixty (60) days of the date of the event, or the date in which coverage under the Plan would end because of the event, whichever is later.

When the Human Resources Division receives notification of such qualifying event, it will notify in writing the employee or qualifying family member of the option to elect continuation of coverage. The first insurance premium payment is due no later than 45 days after election to continue coverage. If coverage is not chosen, group health insurance coverage will end. If notification is not received within the 60-day period stated above, rights under COBRA shall be deemed waived.

If the employee or family member elects continuation coverage, the Town is required to provide coverage that is identical to the coverage provided under the Plan to similarly situated employees or family members. The law requires employees to be afforded the opportunity to maintain continuation coverage for 36 months unless the group health coverage was lost due to termination of employment or reduction in hours. If either of these two events occurs, the required continuation period is 18 months. These 18 months may be extended to 36 months from termination of employment if other events (such as a death, divorce, legal separation, or Medicare entitlement) occur during that 18-month period.

In no event shall continuation coverage extend beyond 36 months from the date of the qualifying event. The 18 months may be extended to 29 months if the Social Security Administration determines that a qualified beneficiary is disabled (for Social Security disability purposes) at any time during the first 60 days of COBRA coverage. This 11-month extension is available to all individuals who are qualified beneficiaries due to a termination or reduction in hours of employment. To benefit from this extension, a qualified beneficiary must notify the Human Resources Division of the eligibility determination within 60 days and before the end of the original 18-month period. The affected individual must also notify the Human Resources Division within thirty (30) days of any final determination that the individual is no longer disabled.

A child who is born to, or placed for adoption with the covered employee, during a period of COBRA coverage, will be eligible to become a qualified beneficiary. In accordance with the terms of the Town's Group Health Insurance Plan and the requirements of federal law, these qualified beneficiaries may be added to COBRA coverage upon proper notification to the Human Resources Division of the birth or adoption.

The law also provides that COBRA continuation coverage may be terminated for any of the following five reasons:

1. The Town no longer provides group health insurance to any of its employees;
2. The premium for the continuation coverage is not paid on time;
3. Employee, spouse or dependent child becomes covered, after the date of COBRA election, under another group health insurance plan that does not contain any exclusion or limitation with respect to any pre-existing conditions.
4. Employee becomes eligible for Medicare, unless Medicare is the secondary payer in which case continuation coverage is primary, until Medicare becomes primary or continuation coverage is otherwise terminated;
5. Coverage was extended for up to 29 months due to disability and there has been final determination that the individual is no longer disabled;
6. The maximum continuation period ends;
7. For cause, including fraud, as long as for such case, termination would be imposed on a non-COBRA participant;
8. Any other cause or reason that would give rise to termination of coverage for an active participant.

Under the law, the Town may charge up to one hundred two percent (102%) of the insurance premium rate to anyone who elects continuation coverage (one hundred fifty (150%) for beneficiaries who qualify due to disability during the 19th through 29th month). The Town is permitted to add two percent (2%) to defray

administrative expenses. At the end of the 18, 29 or 36 month continuation coverage period, the employee must be allowed to enroll in an individual conversion health plan.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) restricts the extent to which group health plans may impose pre-existing condition limitations. These rules are generally effective for plan years beginning after June 30, 1997. HIPAA coordinates COBRA's other coverage cut-off rule with these new limits as follows.

If the employee becomes covered by another group health plan and that plan contains a pre-existing condition limitation that affects him/her, the COBRA coverage cannot be terminated. However, if the other plan's pre-existing condition rule does not apply by reason of HIPAA's restrictions on pre-existing condition clauses, the Town's Group Health Insurance Plan may terminate coverage.

7.3 Long Term Disability

The Town provides all regular full-time employees with a Long Term Disability Insurance (LTD) at no cost to the employee. The LTD plan is an income replacement benefit which provides financial protection for the employee and his/her family by paying a portion of their income while he/she is disabled. Requirements of the plan include:

A. Eligibility: All active, regular, full-time employees of the Town regularly scheduled to work at least 37.50 hours per week or 80 hours in a two-week period.

B. Waiting Period: Coverage for work-related disability benefits will start on the first day of the month following the employee's start date. Should the employment date be the first of the month, coverage will then begin on the date of employment.

C. Elimination Period: Elimination period means the length of time an employee must be continuously disabled before LTD benefits become payable.

The elimination period is the first 30 days of each period of continuous disability and will begin on the date the employee becomes disabled. No LTD benefits are payable for the elimination period.

Employees will not be entitled to long term disability payments until he/she has exhausted accrued or donated sick leave, annual leave and compensatory time. The employee must be treated and seen regularly by a physician during the elimination period.

D. Rehire:

If an employee's employment ends and the employee is rehired within 12 months, the employee's previous work while in an eligible group will apply toward the waiting period. All other provisions apply.

E. Maximum Benefit: The LTD monthly benefit is sixty percent (60%) of the employee's pre-disability earnings to a maximum monthly benefit of $5,000 reduced by income from other sources. Some disabilities may not be covered or may have limited coverage under this plan.

F. Minimum LTD Benefit: The minimum LTD benefit payment is the greater of:

- **i.** $100; or
- **ii.** Ten percent (10%) of the employee's gross disability payment.

G. Benefit Payments: Benefit payments begin after the employee has satisfied the elimination period (30 days) of continuous disability. The employee's maximum benefit period begins at the end of the elimination period. If the employee receives any LTD payments while paid by the Town, he/she is required to submit the payments to HR in a timely fashion.

The maximum benefit period is as follows:

Age at Which Disability Begins	Maximum Period of Payment
Less than Age 62	To Social Security Normal Retirement Age
Age 62	60 months
Age 63	48 months
Age 64	42 months
Age 65	36 months
Age 66	30 months
Age 67	24 months
Age 68	18 months
Age 69 and older	12 months

Year of Birth	Social Security Normal Retirement Age
1937 or before	65 years
1938	65 years 2 months
1939	66 years 4 months
1940	65 years 6 months
1941	65 years 8 months
1942	65 years 10 months
1943-1954	66 years
1955	66 years 2 months

1956	66 years 4 months
1957	66 years 6 months
1958	66 years 8 months
1959	66 years 10 months
1960 and after	67 years

H. Offsets To Your LTD Benefits: While an employee is disabled, he/she may be eligible to receive benefits from other sources. The LTD provider will offset the LTD benefit by the amount the employee is eligible to receive from other sources. These sources may include, but are not limited to:

1. Any amount received or eligible to receive as a result of a disability under a Worker's Compensation Act or similar law;
2. Any amount the employee, spouse or children receive or are eligible to receive because of a disability retirement under the Federal Social Security Act or the VRS;
3. Any amount received or eligible to receive because of a disability under any state unemployment compensation disability benefit law;
4. Any disability or retirement benefit paid under the VRS which is covered as a result of employment with the Town.

Payment will not be reduced by Social Security retirement income if disability begins after age 65 and the employee was already receiving Social Security retirement payments.

I. Survivor Benefit: If the employee dies while LTD benefits are payable, the LTD provider will pay a lump sum to the eligible survivor. When proof of death is received, the eligible survivor will receive a lump sum benefit equal to three months of your gross disability income payment if, on the date of death, disability continued for 180 or more consecutive days, and the employee received or was entitled to receive payments under the plan.

J. Exclusions & Limitations: No benefit will be paid for a disability or for any period of disability:

1. Due to war or any act of war;
2. Due to an intentionally self-inflicted injury;
3. For a pre-existing condition unless continuously insured under the group policy for at least 12 months and the employee has been actively at work for at least one full day after those 12 months of continuous insurance;
4. No LTD benefits are payable during the elimination period or after the end of the maximum benefit period;
5. No LTD benefits will be paid for any period of disability when the employee is not under the regular care of a physician;

6. No LTD benefits will be paid for active participation in a riot;

7. LTD benefits will not be paid due to loss of a professional license, occupational license or certification;

8. No LTD benefits will be paid for any disability caused by, or resulting from the commission of a crime resulting in a conviction;

9. LTD benefits will not be paid for any period of disability during incarceration.

K. Applying for LTD Benefits:

1. Town employees must apply for disability payments after being disabled for 30 days.
2. Employees must contact the Human Resources Division to complete the required application.

L. Rehabilitation and Return to Work Assistance Benefit:

The benefit will be ten percent (10%) of the gross disability payment to a maximum benefit of $1000 per month.

In addition, the LTD provider will make payments for three (3) months following the date the disability ends if the provider determines the employee is no longer disabled while:

1. He/she is participating in the Rehabilitation and Return to Work Assistance Program; and
2. He/she is not able to find employment.

M. Dependent Care Expense Benefit:

While participating in the Rehabilitation and Return to Work Assistance program, the employee may receive payments to cover certain dependent care expenses limited to the following amounts:

1. Dependent Care Expense Benefit Amount: $350 per month, per dependent.
2. Dependent Care Expense Maximum Benefit amount: $1000 per month for all eligible dependent care expenses combined.

N. Total Benefit Cap:

The total benefit payable on a monthly basis (including all benefits provided under this plan) will not exceed one hundred percent (100%) of monthly earnings. However, if the employee is participating in the Rehabilitation and Return to Work Assistance program, the total monthly benefit (including all benefits provided under this plan) will not exceed one hundred and ten percent (110%).

Please refer to the plan document for specifics on the long term disability policy. Copies of this LTD policy are available through the Town's employee intranet (Tolnet) or in the Human Resources Division.

7.4 VRS Hybrid Short Term Disability and Long Term Disability

Those VRS Hybrid employees who request Short Term Disability (STD) will be required to exhaust all earned annual, sick and compensatory leave as applicable, unless it is the result of a compensable injury under the Virginia Workers' Compensation Act (see PPM section 7.15 for more information). If an employee fully exhausts his/her leave balances while on STD, that employee will be paid 60% of his/her salary, less applicable taxes. If that employee exhausts STD, he/she may be eligible for Long Term Disability (LTD) after 125 work days. If LTD status is approved, the employee will continue to be paid 60% of his/her salary, less applicable taxes. Per VRS guidelines, employees are responsible for calling the Reed Group at 1-877-928-7021 as soon as possible to submit a claim for STD and/or LTD.

For more detailed information regarding the VRS Hybrid employee programs please review the following:
Virginia Local Disability Program (VLDP)
handbook: http://www.varetire.org/pdf/publications/vldp-handbook.pdf
VRS Hybrid Plan main website: http://www.varetirement.org/hybrid/plan-info.html
PPM Section 7.8 Retirement

7.5 MyChoice Benefit

All regular full-time employees are eligible to participate in the MyChoice benefit plan. Subject to annual appropriations, the amount available for each employee shall be $900. The plan will be administered by the Town Manager under the following policies:

A. The plan will be administered on a fiscal year basis.

B. Prior to the beginning of the fiscal year, generally during annual open enrollment for benefits, each employee may select his/her MyChoice benefit for the upcoming year. The MyChoice benefit selected cannot be changed during the fiscal year unless the employee has had a qualifying life event, such as marriage, divorce, death of spouse or child, birth or adoption of a child or a change in the employment of a spouse.

C. Employees may select from either pre-tax or taxable benefits annually. No part of any unused MyChoice benefit may be carried over to subsequent fiscal years. Employees hired after July 1 are eligible for a pro-rated amount of the benefit and are able to make the same elections during their initial benefits eligibility period.

D. Employees are authorized to select any of the following benefits up to a maximum amount of $900. All benefits under the heading of "pre-tax" will not be subject to

federal and state income taxes or social security withholding. Benefits under the heading "taxable" are subject to federal and state income taxes and social security withholding. If no election is made, a default election will be used. The default will be announced during open enrollment for benefits each year.

1. **Pre-tax Benefits**
   a) **Flexible Spending Account:** Employees may elect to participate in medical and/or dependent care flexible spending accounts. These flexible spending accounts allow employees to save throughout the year for eligible out of pocket expenses and receive reimbursement upon showing proof of the paid expense. Employees will be required to enroll with the Flexible Spending Account provider to use this option.

   b) **Deferred Compensation Accounts:** Employees may elect to invest their MyChoice benefit in a 457(b) account. Employees will be required to enroll with the Town's deferred compensation plan to use this option.

2. **Taxable Benefits**: Employees may elect to receive payment of their MyChoice benefit, either in a one-time lump sum payment or equally over 26 pay periods, only if the above options have not been selected. If the one-time lump sum option is elected, the employee can choose to receive the payment in July or November of the fiscal year.

E. Employees starting after July 1 are eligible to receive a pro-rated amount of the MyChoice benefit. To do so they must do one of two things:

1. Elect one of the pre-tax options for equal amounts paid out over the remaining pay periods in the fiscal year, or
2. Receive the benefit as a taxable benefit paid out in equal amounts over the remaining pay periods in the fiscal year. Employees hired after July 1 are not eligible to elect the lump sum option in the fiscal year in which they are hired.
3. If no election is made, the default will be for the employee to receive the benefit as a taxable benefit equally over the pay periods remaining in the fiscal year.

7.6 Life Insurance Benefits

The VRS group life insurance provides employees with two kinds of insurance during their active employment: basic life insurance and accidental death and dismemberment insurance.

A. Eligibility: Regular full-time employees are eligible to participate. Flexible, temporary full-time and regular part-time employees are not eligible for life insurance coverage.

B. Amount of Benefit: For natural death, the amount of basic group life insurance is equal to an employee's annual salary rounded to the next highest thousand, and then doubled.

> ***Example:*** If an employee's annual salary is $25,200, it is rounded up to the next highest thousand = $26,000. When doubled, the benefit amount is $52,000 for natural death. If death is accidental, the original amount is quadrupled, so the benefit amount is $104,000 ($52,000 natural death benefit and $52,000 for accidental death).

If an employee has been working for the Town for 20 or more years, the amount of basic group life insurance that he/she receives through VRS is equal to his/her highest annual compensation while employed by the Town, even if compensation at retirement was less.

C. Additional benefits: Under the group life insurance provided by the Town, eligible employees are also entitled to the following benefits:

1. Dismemberment Benefit;
2. Felonious Assault Benefit;
3. Repatriation Benefit;
4. Safety Belt Benefit; and
5. Accelerated Death Benefit

D. Life Insurance after Retirement: Upon retirement, basic group life insurance coverage continues at no cost to the retiree provided he/she is at least 50 (or 55 with five years of service) years of age and has at least 10 years of service. After retirement, the amount of the life insurance reduces by 25 percent annually beginning January 1 following the first full year of retirement and each January 1 thereafter, until coverage reaches 25 percent of its value at retirement.

E. Designation of Beneficiaries: The employee should complete a Designation of Beneficiary (VRS-2) form only if he/she wishes to designate a beneficiary other than following the order of precedence, or if the employee's beneficiary form on file is incorrect. The order of precedence is as follows:

1. To the spouse;
2. If no surviving spouse, to the children and descendants of deceased children;
3. If none of the above, to the parents, equally;
4. If none of the above, to the duly appointed executor or administrator of the estate; or
5. If none of the above, to the next of kin under the laws of the state where the employee resided at the time of death.

Town employees will be responsible for updating their Designation of Beneficiary (VRS-2).

F. **Termination of Employment:** Basic Group Life Insurance benefits end when a covered employee leaves his/her employment before eligible for retirement. The group life insurance policy may be converted to an individual whole-life policy at non-group rates. The conversion must take place within 31 days of the last day of the month in which employment is terminated. If the employee dies within 31 days of the last day of the month in which employment is terminated, the natural death benefit is payable. The terminating employee may obtain the appropriate conversion form (VRS-35) from the Human Resources Division.

G. **Death of Employee/Retiree:** Upon the death of a Town employee, a family member should contact the Human Resources Division for assistance in filing a death claim and information about life insurance or death-in-service benefits that may be payable. The Human Resources Division will report the death to VRS once it has received the death notification. Information will be given only to those designated as beneficiaries by the employee.

For more information on the above, employees may request a copy of the Handbook for Members of the VRS from the Human Resources Division. Employees may also access a copy of the handbook by visiting VRS website at www.varetire.org.

7.7 Optional Life Insurances

The Optional Group Life Insurance Program is a voluntary program that allows employees to purchase additional protection for themselves and their family through the VRS group life insurance.

A. **Eligibility:** If employees have basic group life coverage and the amount of basic group life insurance provided does not totally meet life insurance needs, those employees may be eligible to purchase optional group life insurance for natural death and accidental death and dismemberment for themselves, their spouses and their dependent children.

B. **Benefit Amount:** Eligible employees may purchase the optional group life insurance coverage for one (1), two (2), three (3), or four (4) times their salary, not to exceed $500,000. The employee will be responsible for paying the premiums through payroll deductions.

C. **Child Dependent Coverage:** Active employees participating in the Optional Group Life Insurance plan will also be eligible to purchase optional life insurance for their spouse and dependent children. The employee's spouse is eligible for up to fifty (50) percent of the maximum amount of the employee's optional life insurance

coverage. Employees may also purchase optional group life coverage for their minor child.

If both the employee and spouse are covered under VRS-sponsored group life insurance, both may purchase optional life insurance coverage, but neither one can choose spousal coverage. If the employee has a minor child, the employee or the spouse, but not both, may elect coverage for the child.

D. **Proof of Good Health:** Proof of good health is required for all coverage if not elected within 31 days of the employee's first day of coverage under basic group life insurance or qualifying event (e.g., marriage, or birth or adoption of a child). Proof of good health is also required for amounts in excess of $250,000 for the employee and for more than one-half of the employee's salary for the spouse's coverage.

7.8 Retirement

A. **Virginia Retirement System (VRS) Eligibility:** All regular full-time employees shall participate in the VRS. The Director of Finance and Administrative Services shall insure that the appropriate Town contributions are made to the system, the proper employee contributions collected and the program in general administered in accordance with Title 51.1 of the Code of Virginia as or may be amended.

B. **Benefit:** Employees who retire from the VRS are eligible to begin receiving retirement benefits upon reaching the following age and service combination:

Plan 1:	**Age/Years of Service**
Unreduced	50/30
	65/5
	50/25 (Hazardous Duty Employees)
	60/5 (Hazardous Duty Employees)
Reduced	50/10
	55/5
	50/5 (Hazardous Duty Employees)
Plan 2:	
Unreduced	SS Retirement Age/5
	Age and creditable service equals 90
	50/25 (Hazardous Duty Employees)
	60/5 (Hazardous Duty Employees)
Reduced	60/5
	50/5 (Hazardous Duty Employees)

Hybrid Plan:

Unreduced	SS Retirement Age/5 Age and creditable service equals 90
Reduced	60/5

This plan does not apply to Hazardous Duty Employees. Retirement benefits are determined by the employee's age at retirement, average final compensation, years of service, type of retirement, and position classification (for employees covered under the LEO/Fire Provision).

C. **Service Credit:** Eligible employees are credited with one month of service for each month a contribution is made by the Town.

D. **Vesting:** An employee is vested after being credited with five (5) years of accumulated service.

E. **Plans:** Employees qualify for one of the following under VRS:
   i. **Plan 1:** Employees hired before July 1, 2010, and vested as of January 1, 2013. Employees under this plan are eligible for VRS Disability Retirement.
   ii. **Plan 2:** Employees hired on or after July 1, 2010; employees hired before January 1, 2010 but were not vested as of January 1, 2013. Employees under this plan are eligible for VRS Disability Retirement.
   iii. **Hybrid Plan:** Employees hired on or after January 1, 2014; employees in Plan 1 or Plan 2 that opted in to this plan during the election window January 1 - April 30, 2014. Employees under this plan are automatically enrolled in Virginia Local Disability Program, and are thus eligible for Long Term Disability and Short Term Disability coverage.

The above retirement calculations are guidelines; check with the plan administrator or VRS.

7.9 Deferred Compensation

Deferred compensation is the portion of income before taxes that the employee chooses to have withheld and put into a retirement plan for distribution to the employee at a later date, usually at retirement.

The Town currently offers a deferred compensation plan that allows employees to set aside a portion of their income to be utilized for retirement purposes. Employees may choose from various types of investments (stocks, mutual funds & fixed income interest bearing accounts). These products are managed by financial firms chosen by the Town.

7.10 Flexible Spending Accounts

Employees, including elected officials, may elect to take advantage of Section 125 of the Internal Revenue Service Code by participating in a flexible spending plan. This plan allows

employees to set aside money to be paid prior to withholding of federal income and social security taxes to cover extra health care needs or dependent care, including child care. The option to participate shall be offered only once per year during Open Enrollment.

7.11 Employee Assistance Program

Policy

The Town of Leesburg will provide confidential and voluntary assistance through its employee assistance program (EAP) to all regular full-time and part-time employees and their family members who may be faced with challenges of financial concerns, legal issues, alcohol or drug problems, marital problems, illness of a family member, emotional worries, child or elder care problems, etc. For the welfare of employees as well as for effective business operations, the Town encourages its employees to take advantage of this valuable benefit.

Procedures

Employees and their family members can contact the EAP directly. The program may be reached 24/7. The Town offers two EAP programs:

Lytle EAP Partners
800-327-7272
https://www.mylifeexpert.com/login (use company code "leesburg" when logging in)

Anthem EAP (employees must be enrolled in the Town's health insurance to utilize this program)
855-223-9277
www.anthemEAP.com (use "Commonwealth of Virginia" when logging in)

Meetings with EAP Counselors

EAP counselors are available to meet with employees or family members to assess a problem and develop a plan for resolution. The counselors may suggest a referral to an outside resource, such as a therapist, agency, physician, treatment facility or other professional that would be appropriate to assist in resolving the problem or situation.
A set number of visits per family per incident are covered by the Town. Additionally, EAP counselors will make every effort to coordinate referrals for ongoing treatment with the employee's health insurance coverage as well as with his or her ability to pay out of pocket costs.

Referrals for Employee Performance or Behavior Issues

When an employee's job performance or attendance is unsatisfactory or there appears to be signs of other problems impacting work performance, the supervisor should counsel the employee in consultation with the Human Resources Division with an end toward resolving the situation. If the circumstances warrant, the employee may be referred to the EAP to assist. Depending on the situation, the employee may accept or refuse participation in the EAP.

However, there may be situations where continued employment with the Town is contingent on the employee's contacting the EAP.

Voluntary participation in the EAP does not jeopardize job security or promotional opportunities. However, it does not excuse the employee from following Town policies and procedures or from meeting required standards for satisfactory job performance except where specific accommodations are required by law.

Confidentiality

All contact between an employee and the EAP is held strictly confidential. In cases where an employee is mandatorily referred to the EAP, the EAP counselor will only verify whether the employee has contacted the EAP and, if ongoing treatment is necessary, that the employee is following through in terms of attendance, not discussion of the counseling sessions. Information given to the EAP counselor may be released to the Town only if requested by the employee in writing.

7.12 Ida Lee Park Recreation Center

Current Employees and eligible family members may elect to obtain membership to Ida Lee Park Recreation Center. The employee/eligible family member memberships do not include AV Symington Aquatic Center or Ida Lee Park Tennis Center.

Although employees and eligible family members will not be charged direct membership fees by the Town, IRS regulations state that gym membership fees are considered a taxable fringe benefit. Therefore, employees who elect to become members of the Ida Lee Park Recreation Center will be required to pay tax on the total value of the gym membership (please visit http://www.leesburgva.gov/government/departments/parks-recreation/ida-lee-park-recreation-center/admission-and-pass-rates for more information).

Employees who retire under the state retirement system with a minimum of 10 years of Town service shall be eligible to use Ida Lee Park Recreation Center free of charge.

The Town Manager may, at his discretion, grant life-time Ida Lee memberships to individual Town commission members, volunteers or former employees. Should a life-time membership be granted, the recipient must fill out an Ida Lee membership form and receive written approval from the Town Manager.

7.13 Legal Assistance

Employees may elect to participate in a taxable benefit to curtail the costs of legal services for themselves and/or their family. This benefit is available through payroll deduction.

7.14 Supplemental Insurance

Employees may elect insurance policies to help supplement their primary health plan. Some of the additional benefits that may be available include:

A. Non-taxable Benefits:

1. Accident/Disability
2. Cancer Insurance
3. Dental
4. Hospital Confinement Indemnity
5. Hospital Intensive Care
6. Long-Term Care
7. Hospital Confinement Sickness Indemnity
8. Life
9. Specified Health Event

B. Taxable Benefits:

1. Short-Term Disability

7.15 Workers' Compensation Program

Our first responsibility is the prevention of occupational injuries and illnesses. Despite our best efforts, injuries and illnesses do sometimes occur. Workers' Compensation provides benefits for an employee in the event of certain occupational illnesses, injuries or death.

A. Reporting

Employees are required to immediately report all workplace injuries, conditions or illnesses to their supervisor. Any and all incidents shall be reported regardless of whether medical treatment is necessary. If the immediate supervisor is not available, a report must be made to the Human Resources Division. Late reporting by the employee can result in delayed or denied workers' compensation benefits.

The supervisor shall immediately require the injured employee to call the workers' compensation claim reporting service to report the claim. The claim reporting service is available 24 hours per day, 7 days per week, 365 days per year. If the employee is unable to call, the supervisor must call and report the claim. Delays in reporting can jeopardize the employee's rights under the workers' compensation law and subject the Town of Leesburg to penalties, which may be assessed by the Virginia Workers' Compensation Commission. All occupational reports shall be made to the claim reporting service immediately upon the notification of a work related injury or illness and no longer than 24 hours following the occurrence of the injury or illness.

B. Panel of Physicians

The Town of Leesburg has an approved Panel of Physicians for treating workers' compensation injuries and illnesses. Upon notification of a work related injury or illness, the supervisor shall provide the employee with the Panel of Physicians. The employee shall sign and date an acknowledgement of receipt of the Panel of Physicians and the supervisor shall witness the employee's signature. The supervisor will retain the original signed panel and provide the employee and the Human Resources Division a signed copy. The Panel of Physicians shall be offered and provided to the employee, regardless of whether the employee intends to receive medical attention.

Treatment by a physician or medical facility outside of the panel will be at the employee's expense.

In the event of an emergency the employee may seek treatment at the closest emergency facility. Once the emergency treatment is completed, a panel physician must be chosen for follow up care.

All departments shall post a copy of the Panel of Physicians in a conspicuous location.

The supervisor shall also provide the employee with a copy of "What Employees Need to Know" (WENK) guide, which is available on TOLNET. The WENK is a workers' compensation informational guide published by VML Insurance Programs.

C. Medical Treatment

An employee shall not utilize health insurance for situations believed to be work related unless the claim is denied.

The supervisor shall provide the employee with a Medical First Report form to take to the initial treatment. This form is available on TOLNET and is for the physician to complete. The employee shall provide the completed form to his/her supervisor following treatment. Either the employee or the supervisor shall provide to the Human Resources Division the completed Medical First Report.

Immediately upon receipt, the employee shall forward all medical bills, reports and other medical correspondence to VML Insurance Programs. All medical facility inquiries shall be referred to VML Insurance Programs.

Only VML Insurance Programs has the authority to authorize treatment, testing, physical therapy, surgery, change in physician, second opinion, etc.

The employee shall cooperate with VML Insurance Programs. This includes supplying disability slips, medical information, keeping appointments etc. Additionally, the employee shall keep his/her supervisor advised of his/her work status and cooperate with return to work efforts. Immediately, the supervisor shall inform the Human Resources Division of any changes or updates regarding the employee's Workers' Compensation status.

D. Prescriptions

The supervisor shall complete and provide the employee with an Instant Coverage Workers' Compensation Prescription Program authorization form (which is available on TOLNET), if medication is prescribed. The employee should take this authorization to a participating network pharmacy and will be provided a 7-to-10 day supply of medication at no cost. This authorization is valid for one time use only. VML Insurance Programs must authorize any additional medication prescribed beyond the first fill.

If an employee incurs the cost for any medication, a receipt containing the employee's name, prescribing physicians, date of purchase, name of medication and cost of medication may be submitted to VML Insurance Programs for reimbursement consideration.

E. Wage Loss Benefits

An employee is not entitled to lost wage compensation for the first seven days of incapacity resulting from a work related disability. The Virginia Workers' Compensation Law includes weekends/holidays in this count, and these days do not need to be consecutive.

The employee will be given the option of using earned sick, annual or compensatory leave for up to seven days. If the employee chooses not to use earned leave, the leave will be excused leave without pay. The employee is responsible for notifying his/her supervisor of how he/she would like to charge the first seven days of leave. If a designation is not made, it will automatically be charged to sick leave (if sick leave is insufficient, annual or compensatory

leave will be charged). If sick, annual and compensatory leave are exhausted prior to the injury or during the first seven days of absence the employee will receive leave without pay.

The supervisor is responsible for keeping the Human Resources Division informed on a continual basis regarding how many days the employee has missed. This will ensure compliance with OSHA Log regulations and accuracy of time missed tracking for FMLA purposes.

Flex, temporary and part-time employees, who are not eligible for annual leave, and employees, who have no earned leave available, will not receive pay for the first seven days.

If the absence is longer than seven days, is authorized by a panel physician, and is the result of a compensable injury under the Virginia Workers' Compensation Act, the employee will receive compensation benefits from VML Insurance Programs in accordance with the provisions of the Virginia Workers' Compensation Act.

If an employee is out of work over twenty-one days for a covered injury/illness that is authorized by a panel physician, the employee will receive compensation for the first seven days from VML Insurance Programs. The employee has the option of: (1) signing over the check from VML Insurance Programs to the Town of Leesburg, at which point the employee's earned leave will be restored; or (2) the employee can keep the compensation, but earned leave will not be restored.

Injured employees do not continue to accrue sick and annual leave while out of work due to a workers' compensation injury/illness.

Earned sick, annual or compensatory leave cannot be used concurrently with workers' compensation benefits.

Work related disability will be designated under the Family Medical Leave Act (FMLA) and will run concurrently with workers' compensation benefits if the disability constitutes a "serious health condition".

While receiving workers' compensation benefits, any voluntary deductions are the employee's responsibility.

During the time an employee is receiving workers' compensation wage benefits, he/she will not receive Town pay. To prevent lapse in the employee's health insurance during this period, the Town will directly pay the employee's share of premiums. Within 10 calendar days of when the employee returns to work, the Human Resources Division shall establish a health insurance premium repayment schedule for that employee. The employee must schedule an appointment with the Human Resources Division within 10 days of returning to work to establish the repayment schedule.

If the employee desires to pay the employee share of any voluntary deductions (e.g. ICMA 457, Legal Resources, All State Insurance, etc.) during this period, the employee must contact the Human Resources Division to arrange payment to those vendors.

Earned sick, annual or compensatory leave may be used for disability resulting from a denied workers' compensation claim with such disability designated under FMLA so long as the disability constitutes a "serious health condition".

While temporarily unable to perform any work, an employee is entitled to 2/3 of his/her gross average weekly wage up to a maximum weekly limit set by the Commonwealth of Virginia. In the event that an injured employee's weekly salary is above the state mandated limit, the Town will supplement that amount. The Town will pay the employee the difference between 66 2/3% of his/her weekly wage and the maximum limit.

F. Return to Work: Temporary Modified Duty

The Town of Leesburg shall make every effort to provide temporary modified duty for employees with temporary restrictions resulting from a work-related disability. All temporary modified assignments will be within the employee's medical capability and will adhere to the treating physician's recommendations. The temporary modified assignment may or may not be in the same occupation, department, pay scale, hours, etc., as the employee was performing prior to the work-related injury or illness. Modified assignments are temporary and will be reviewed periodically to determine continued availability of the assignments. Please refer to PPM section 6.3 subsection D. for policy details regarding temporary modified duty assignments.

If an employee refuses a temporary modified assignment that has been approved by his/her treating physician and is within his/her capabilities, that employee may lose his/her workers' compensation benefits.

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Section 8: Safety, Health & Security

8.1 Town Policy

It is the policy of the Town that every employee is entitled to work under the safest possible conditions representing all occupations. To this end, every reasonable effort will be made to provide and maintain a safe, healthy, and secure workplace, safe equipment, proper materials, and to establish and insist upon safe methods and practices at all times. The safety rules and regulations developed herein are for the protection of all Town employees.

8.2 Application

The provisions of this section apply to all employees of the Town.

8.3 Town Emergency Operations Plan

The Town has established and maintains the "Town of Leesburg Virginia Emergency Operations Plan," (hereinafter "Emergency Operations Plan").

The purpose of the Emergency Operations Plan is to establish a formalized process for executing command and control over disaster situations, and to utilize processes that can integrate readily with Joint Operations and Unified Command structures.

The Emergency Operations Plan contains annexes and appendices that outline actions by critical facilities in the Town in response to a terrorist threat, bomb threat or weapons of mass destruction event that may affect critical facilities within the Town.

Responsibilities:

The Town Manager serves as the Director of Emergency Management, and has overall responsibility for the delivery of all Town services.

The Chief of Police is responsible for the day-to-day activities of the emergency preparedness program, is responsible for developing and maintaining the Emergency Operations Plan, and serves as the Emergency Preparedness Coordinator. The Chief of Police or designee serves as the Town's principal representative to the Loudoun County Emergency Management Group (EMG).

In the event of an emergency situation that requires a significant commitment of Town resources or presents a significant risk to the health and safety of the Town, the Town Manager, or in his absence the Chief of Police, will appoint a disaster manager to issue directives, and direct and control emergency operations in time of emergency.

Department Directors will develop and maintain detailed plans and standard operating procedures necessary for their departments to effectively accomplish their assigned tasks. In time of emergency, the Department Directors will be responsible for the protection and

preservation of records essential for the continuity of government operations. Department Directors will establish succession-of-key-emergency-personnel lists.

The Emergency Operations Plan is an active document that sets forth specific plans of the local government in emergency or disaster situations. The document is subject to revision, refinement, and periodic review. As such, the Emergency Operations Plan and associated annexes are considered confidential and not for public release.

8.4 Town Security Plan

Department Directors, and/or their designated appointees, in coordination with the Leesburg Police Department, will develop and maintain detailed security plans and standard operating procedures necessary for their individual work sites to effectively accomplish their assigned tasks.

8.5 Responsibilities

A. Town Council

Ordinances and provisions of all necessary resources to implement all Town-wide Safety, Health, and Security (SH&S) Programs are considered at the discretion of the Leesburg Town Council, under the advisement of the Town's management staff.

B. Town Management

The Human Resources Director and Department Directors should have SH&S Programs prepared and reviewed annually for compliance with all regulations. Resources required to implement Town-wide SH&S Programs will be identified for the Town Council's budget approval, and subsequently allocated to support and enforce the requirements contained in the Town-wide SH&S Programs.

C. Safety Committee

A Town-wide Safety Committee functions under the guidance of the Human Resources Director with management and employee representatives from all departments and/or divisions to:

1. Identify, recommend, and develop new Town-wide SH&S Programs.
2. Review and update existing Town-wide SH&S Programs.
3. Identify, address, and make recommendations for change in improving SH&S in the workplace.
4. Help in identifying employee SH&S training needs.
5. Assist Town management in complying with the requirements pertaining to SH&S.
6. Promote SH&S on a Town-wide basis.

D. Supervisors

1. **Supervisors** will assume responsibility for safe working conditions within their department, division, and/or crew. This includes compliance of all regulations and the requirements of all relevant Town-wide SH&S Programs.
2. **Supervisors** will ensure their subordinates are aware of the requirements of all relevant Town-wide SH&S Programs through new employee and annual training sessions.

E. Employees

All Town employees will assume responsibility for their own safe working actions, and follow the workplace guidelines as established in all relevant Town-wide SH&S Programs and any other guidelines established for their specific work area. Employees should also report any unsafe acts, unsafe practices, and/or unsafe conditions to their immediate supervisor.

8.6 Accident Investigation and Reporting

A. When an injury occurs on the job, an employee or his/her supervisor shall call the workers' compensation claim report service to report an injury within 24 hours of the incident.

B. If an injury requires medical attention, the employee shall seek treatment with one of the Town's approved panel physicians, or at the nearest hospital in case of an emergency.

C. After treatment with a panel physician, the doctor should make the following determination regarding the injured employee:

- **a.** The employee is released to work with no restrictions; or
- **b.** The employee is released to work with defined restrictions (temporary modified duty); or
- **c.** The employee is not able to return to work until a later date (disability status)

D. Please refer to PPM section 6.3.D. for more information pertaining to the Town's light/alternative duty policies.

E. Please refer to PPM section 7.15 for more information regarding the Town's workers' compensation program.

8.7 Drug and Alcohol Workplace Policy

The Town of Leesburg prohibits the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance during working hours and on Town property at any time.

Town employees are prohibited from reporting to work under the influence of alcohol or controlled substances. In the event either prohibition is violated, the employee is subject

to disciplinary action up to and including dismissal under Section 13 Employee Discipline of this manual.

A. Drug and Alcohol Testing Program

It is the policy of the Town that all Town government work sites shall be maintained as a drug-free, alcohol-free workplace.

1. **No employee shall** unlawfully manufacture, distribute, dispense, possess, or use on or in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance, as defined in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. Sec. 12) and as further defined by Federal Regulation at 21 CFR Sec. 1300.11-1300.15.
    i. **Police officers, public safety dispatchers, utilities operators, drivers of vehicles requiring commercial driver licenses, and other Town positions deemed safety sensitive are prohibited from the use of marijuana and any products containing tetrahydrocannabinol (THC) above .3 %.**

2. **"Workplace" is defined** as any site for the performance of work by the employee on duty, including but not limited to any Town building or premise; Town-owned vehicle; building or premise used by the Town for Town business; and any non-Town property during any Town-sponsored or Town-approved activity, event or function. "Workplace" also includes all Town-owned property including, but not limited to offices, desks, lockers, safes, file cabinets, toolboxes, etc.

3. **As a condition of employment**, an employee shall notify his/her supervisor of a conviction of any criminal drug statute no later than five days after such conviction.

4. **As a condition of employment**, all employees shall abide by the terms of this policy and regulations respecting a drug-free, alcohol-free workplace.

5. **All Town work sites** and all Town-owned property are subject to drug detection inspection at the discretion of the Town Manager.

6. **The possession and/or consumption** of illegal drugs or alcoholic beverages in the workplace are prohibited.

7. **Violation of this policy** and regulations will result in appropriate disciplinary action up to and including termination. Refer to section 13.3 Causes for Disciplinary Action for a list of actions that will lead to disciplinary action.

8. **All employees will** be required to acknowledge through signature that they have received this policy.

B. Drug and Alcohol Testing

Drug and/or alcohol tests may be required in the following cases:

1. **Where an applicant** for a Town position critical to the safety and security of employees or citizens has been given a conditional offer of employment, subject to passage of a drug test;

2. **Where an employee** in a Town position critical to the safety and security of employees or citizens has been selected for a random drug and/or alcohol test;

3. **Where there is reasonable suspicion** that any Town employee, regardless of position, is under the influence of illegal drugs or alcohol;

4. **When an employee** has been in an incident involving a vehicle or motorized machinery (i.e., riding lawn mower, backhoe or other construction equipment) that results in any of the following:

   i. Human fatality;
   ii. Town driver was issued a citation AND there was bodily injury to anyone involved in the incident with treatment away from the scene;
   iii. Town driver was issued a citation AND disabling damage was done to any vehicle or equipment involved in the incident requiring it to be towed from the scene.

5. **Under the Omnibus Transportation Employee Testing Act of 1991** (49 CFR, Parts 40 and 382, et al), all employees and applicants who hold or are offered a position that requires a Commercial Driver's License (CDL) or safety sensitive position as a condition of employment and continued employment must be tested for drugs and alcohol under the following conditions:
   a) Pre-employment
   b) Random
   c) Post-accident
   d) Return to work after testing positive and follow-up

6. **A refusal** to immediately submit to a drug test when required or a verified finding of alcohol or illegal drug use may result in withdrawal of a conditional offer of employment or disciplinary action up to and including termination. As indicated by the employee's job description, employees may

be determined to be critical to the safety and security of employees or citizens.

C. Test Procedures in General

1. The administration of the Drug & Alcohol Testing Program will be in accordance with the Department of Transportation Regulations, Federal Highway Administration and the Drug-Free Workplace Act of 1986. An Evidentiary Breath Testing device operated by a trained Breath Alcohol Technician will be used to test for presence of alcohol. Urinalysis will be used for the detection of controlled substances. All employees tested will be required to sign an authorization and consent form releasing the information to the employer. The testing of the sample will be performed by a laboratory approved by the National Institute on Drug Abuse (NIDA), including a NIDA panel screening with gas chromatography/mass spectrometry (GCIMS) confirmation on all positive tests. The panel includes screening for amphetamines, marijuana, cocaine, opium, benzodiazepines, barbiturates, methadone, propoxyphene, opiates and phencyclidine (PCP). The cutoff level for each substance tested for, both drugs and alcohol, will be consistent with those currently recommended by the Department of Transportation guidelines. The cost for all drug tests ordered will be borne by the Town.

2. **Any employee** subject to testing under this plan will be permitted to provide urine specimens in a manner where the employee is not observed while actually providing the specimen, unless there is reason to believe that the employee has altered or substituted the urine specimen provided.

3. **Failure to appear** for testing without prior notice acceptable to the Town will be considered refusal to participate in the testing and will subject the employee to the full range of disciplinary action, including dismissal; or in the case of an applicant, the rescission of a conditional offer of employment.

4. **When a confirmed positive test result** for drugs has been returned by the laboratory, the tested employee will be given an opportunity to provide to the Medical Review Officer appropriate and corroborated information to demonstrate the confirmed positive test is from a legally prescribed medication or other ingestion. Evidence to justify a positive test result may include, but is not limited to:
   - **a)** A valid prescription; or
   - **b)** Verification from the individual's physician of a valid prescription.

5. **If the Medical Review Officer determines** there is a lack of legitimate reason for the positive result, the result will then be considered a verified

positive test result. In a timely fashion, the Medical Review Officer will confidentially notify the Human Resources Director in writing of the verified positive test result. If the test results are positive, the employee must be evaluated by a Substance Abuse Professional. A Return-to-Duty test must be conducted prior to returning to the job. The employee will be subject to a minimum of six unannounced follow-up drug tests in the first 12 months. The employee may submit a written request for a retest of the original specimen within 72 hours of being notified by the Medical Review Officer. The retest will be at the employee's expense if it is positive.

6. **The laboratory may disclose** laboratory test results only to the Medical Review Officer. Any positive result which the Medical Review Officer justifies by acceptable and appropriate medical or scientific documentation to account for the result as other than the intentional ingestion of drugs will be treated as a negative test result and may not be released for purposes of identifying drug use/misuse.

7. **If the results** of the employee's alcohol test indicate a blood alcohol concentration of any amount that is not disclosed prior to testing as the ingredient of a medicine prescribed by a physician the employee will be suspended without pay and shall not be permitted to perform the duties of a position that requires a CDL for at least 24 hours. Any amount of alcohol detected by the test is considered a positive result and the employee must be evaluated by a Substance Abuse Professional. Return-to-Duty tests must be conducted prior to returning to the job. The employee will be subject to a minimum of six unannounced follow-up alcohol tests in the first 12 months. All positive tests will be confirmed by a second test. The results of these tests will be reported immediately to the Human Resources Director.

8. **All drug testing information** specifically relating to employees and applicants are confidential and should be treated as such by anyone authorized to review such information. In order to implement this program efficiently and make information readily retrievable, the Human Resources Division shall maintain all records relating to the tampering with evidence, and other authorized documentation necessary to implement and maintain this program.

9. **All records and information** of any personnel action taken on employees with verified positive test results shall be maintained in confidential and secured files in the Human Resources Division and disseminated only to authorized individuals on a confirmed "Need to Know" basis as determined by the Human Resources Director.

D. Guidelines for Testing

The following guidelines are provided as an aid in administering and enforcing the Town's Drug and Alcohol Workplace Policy. They are not meant to cover every situation; however, they are designed to help avoid allegations of unlawful treatment. These guidelines cannot be used as a substitute for good judgment; each situation must be reviewed on a case-by-case basis. When a supervisor, in his or her judgment, has reason to believe that an employee is under the influence of drugs or alcohol, the supervisor should ask his or her supervisor to corroborate the observations. The following examples, alone or in combination, may comprise reasonable suspicion. The list is not all inclusive.

1. Unexplained inability to perform normal job functions.
2. Slurred speech.
3. Smell of alcohol or drugs on breath.
4. Any unusual lack of physical coordination or loss of equilibrium.
5. Unexplained hyperactivity or depression and withdrawal.
6. Unexplained inability to think or reason at the employee's normal level.
7. Bizarre behavior.
8. Possession of alcohol or illegal drugs; the presence of alcohol, alcohol containers, illegal drugs, or drug paraphernalia in an area subject to the employee's control.
9. Information provided by a reliable and credible person.

If, during normal working hours, reasonable suspicion is confirmed, the supervisor shall contact the Human Resources Director to discuss the observations and to determine the appropriate course of action. If the employee is to be tested, the Human Resources Director shall be notified to make the arrangements with the Town's designated collection center for the necessary drug tests. The employee will be transported to the testing site. If reasonable suspicion is confirmed outside of normal working hours, then the supervisor shall arrange to have the employee transported to the approved collection site. For purposes of these guidelines, normal working hours are considered 8:00 a.m. to 5:00 p.m., Monday-Friday.

If the employee refuses to be tested, the employee shall be immediately suspended without pay and transported home. The refusal of an employee to submit to a test shall be considered insubordination and may be the basis for discipline, up to and including termination.

The supervisor who orders a drug test shall document in writing the conduct giving rise to the reasonable belief of drug use within 24 hours of the observed behavior. It should include any statements made and any actions taken by any persons involved in the incident. All records should immediately be sent to the Human Resources Director.

E. Commercial Driver's License Drug and Alcohol Clearinghouse

The purpose of the Clearinghouse, as mandated by section 32402 of the Moving Ahead for Progress in the 21st Century Act (MAP-21), is to maintain records of all drug and alcohol program violations in a central repository and require that employers query the system to determine whether current and prospective employees have incurred a drug or alcohol violation that would prohibit them from performing safety-sensitive functions covered by the FMCSA and U.S. Department of Transportation (DOT) drug and alcohol testing regulations. This will provide FMCSA and employers the necessary tools to identify drivers who are prohibited from operating a commercial motor vehicle (CMV) and ensure that such drivers receive the required evaluation and treatment before resuming safety-sensitive functions. Specifically, information maintained in the Clearinghouse will ensure that drivers who commit a drug or alcohol violation while working for another employer, or who attempt to find work with another employer, do not perform safety-sensitive functions until completing the return-to-duty process.

Employers and medical review officers (MROs), or their designated representatives, are required to report information about positive drug test results, alcohol test results greater than 0.04 blood alcohol content, refusals to test and other non-test violations of FMCSA's drug and alcohol regulations. In addition, Substance Abuse Professionals (SAPs) are required to report information about drivers undergoing the return-to-duty drug and alcohol rehabilitation process. Employers must search the Clearinghouse for information during the pre-employment process for prospective employees and at least once a year for current employees to determine whether anyone has incurred a drug or alcohol violation with a different employer that would prohibit him or her from performing safety-sensitive functions.

For the purposes of maintaining a workplace free of drugs and alcohol, the Town Manager retains the right to search employee lockers, file cabinets, desks, etc.

8.8 Safety, Health, and Security Programs

All Town-wide Safety, Health, and Security (SH&S) Programs, including site-specific programs, are to be in compliance with the Virginia Occupational Safety and Health (VOSH) Program and Occupational Safety and Health Administration (OSHA) regulations, written in easily understandable language, include a listing of typical unsafe acts and conditions, and other material as deemed appropriate by the Town Manager, the Human Resources Director, and the recommendations of the Town-wide SH&S Committee. They are to be updated as stated in VOSH and OSHA regulations and Town-wide SH&S Programs. These programs will be made available to all employees, and management will ensure that all employees receive annual training. Copies of these programs are located at each Town facility, and on all Town computers.

A. Employee Safety and Health Program

The Employee Safety and Health Program addresses both employer and employee requirements in the areas of safety and health issues, accident investigation and reporting, training requirements, and other responsibilities as deemed necessary. See Town-wide SH&S Program Book Number 1.

B. General Safety and Health Program

The General Safety and Health Program addresses both employer and employee requirements in the areas of general safety, health, and wellness issues. Safety aspects such as personal protective equipment (PPE) and tools, accident investigation and reporting, training requirements, and other responsibilities as deemed necessary. See Town-wide SH&S Program Book Number 1.

C. Building Safety and Security Program

The Building Safety and Security Program addresses both employer and employee requirements for building safety and security, and will include requirements for compliance with the Americans with Disabilities Act (ADA) as they relate to Town-owned facilities. See Town-wide SH&S Program Book Number 2.

D. Respiratory Protection Program

The Respiratory Protection Program addresses both employer and employee requirements including Occupational Safety & Health Administration (OSHA) laws and regulations. See Town-wide SH&S Program Book Number 3.

E. Hazard Communication Program

The Hazard Communication Program addresses both employer and employee requirements in the hazards of all chemicals which are known to be present in the workplace; ensures these hazards are evaluated in order to reduce or eliminate the possibility of death or injury as the result of exposure to a hazardous material; and that this hazard information and protective measures be transmitted to the employees who are exposed to the hazardous material. See Town-wide SH&S Program Book Number 4.

F. Highway and Vehicular Safety Program

The Town will ensure that all drivers while operating Town vehicles comply with all applicable laws of the State and maintain driver's licensing appropriate to the types of vehicles operated. This program addresses both employer and employee requirements in defensive driving techniques, required annual defensive driving training, operation, maintenance, and servicing of heavy equipment. See Town-wide SH&S Program Book Number 5.

A. Employee Driving Records

a. Purpose

i. Establish minimum driving standards for the drivers of all motor vehicles owned or insured by the Town of Leesburg;
ii. Provide for an annual driving record and license status review for the drivers of Town vehicles;
iii. Define reporting procedures for circumstances that may detrimentally affect an employee's driving record or status; and
iv. Establish procedures dealing with employees with unacceptable driving records or license status.

b. Responsibility

i. All Town employees who operate motor vehicles and Town equipment, leased or insured by the Town of Leesburg, are responsible for compliance with these requirements.
ii. Department Directors, or their designees, are responsible for the implementation and continued compliance with this requirement.

c. Scope of Application

This policy includes all employees and volunteers who drive or may drive as part of their job or duties, Town-insured motor vehicles or motorized self-propelled equipment on any public roadway or along public rights-of-way.

An employee's record that indicates a trend over the past five year driving period of reckless driving disregard in following the law in the operation of a motor vehicle, or who has been convicted of a DUI offense is not eligible to drive a Town vehicle.

The Town Manager shall have the authority to waive these criteria if there are unusual mitigating circumstances and he/she believes the waiver is in the best interest of the Town.

d. Training

All Town employees who are included on the Town's liability coverage will participate in an approved defensive driving training course.

B. Minimum Driving Standards

a. All drivers shall possess a valid driver's license issued by their state of residence.

b. Employees who drive Town-owned or insured vehicles must immediately report in writing any change in their license status to their department head through their immediate supervisor. Failure to report such an incident may result in discipline, including dismissal. Employees must also report, no later than their next immediate workday, any offense that results in a conviction for the following violations:

- **i.** Driving under the influence of drugs or intoxicants;
- **ii.** Refusal to submit to a blood or breath test for determination of drug or alcohol content;
- **iii.** Reckless driving;
- **iv.** Leaving the scene of an accident; or
- **v.** Any incident involving death or serious injury

Convictions shall be handled on a case-by-case basis.

All drivers shall promptly report to their immediate supervisor any moving violation or involvement in any accident which occurs while they are operating a Town-owned or insured vehicle.

Employees driving Town vehicles on toll roads are expected to pay the toll, receive a receipt, and seek reimbursement through petty cash within their department or Finance when the vehicle they are driving is not equipped with a transponder. An employee found to have not paid a toll while driving a Town vehicle, and subsequently assessed a fine or fee for a toll violation, will be expected to pay the toll violation fine or fee and may be subject to disciplinary action. Employees are encouraged to self-report any toll violations as soon as possible so the toll can be paid and unnecessary fines or fees can be avoided.

Employees whose driving privileges have been revoked or suspended shall lose their Town driving privileges. If driving is an essential function of the employee's job, he/she may be placed in a probationary status, or may be disciplined, up to and including dismissal.

If a department head approves the revocation of an employee's driving privileges with the Town, such action will be reviewed by the

Town Manager. If the Town Manager sustains the decision to revoke an employee's Town driving privilege, the employee will be notified in writing of the length of revocation. If the employee serves in a position that requires driving, the employee's supervisor will consider placing the employee in a vacant non-driving position for which the employee is qualified. If there is no such position available, the employee may be dismissed.

If such change in the employee's job status, other than dismissal, is within a lower grade, the change shall be considered a demotion.

An employee whose right to drive is reinstituted after placement in a non-driving position may competitively apply for driving positions as they become vacant.

Immediate supervisors will be held accountable by the appropriate department head for monitoring the driving abilities and safety records of their employees. Supervisors shall review all accidents and unsafe driving reports.

Supervisors shall have the authority to recommend remedial training, probation, or disciplinary action (including dismissal), which they deem appropriate based upon the employee's driving record.

The Human Resources Division shall review employee driving records annually, for those covered by this section.

G. First Aid/CPR/AED Certification Program

The First Aid/CPR/AED Certification Program addresses both employer and employee requirements in these areas. See Town-wide SH&S Program Book Number 6.

H. Drug and Alcohol Program

The Drug and Alcohol Program addresses both employer and employee requirements including Department of Transportation guidelines, testing procedures, and Reasonable Suspicion Testing. See Town-wide SH&S Program Book Number 7.

I. Confined Space Entry Program

The Confined Space Entry Program addresses both employer and employee requirements in recognizing, entering, and complying with the requirements associated with working in confined space areas. See Town-wide SH&S Program Book Number 8.

J. Infection Control Program

The Infection Control Program addresses both employer and employee safety and health requirements of infectious diseases caused by blood borne pathogens and air contaminants such as AIDS, Tuberculosis, Hepatitis B, Lyme disease, West Nile Virus, Meningitis and Severe Acute Respiratory Syndrome (SARS), with recommendations made by the National Centers for Disease Control. See Town-wide SH&S Program Book Number 9.

K. Fire Safety Program

The Fire Safety Program addresses both employer and employee requirements to reduce or eliminate hazards and accidents involving fire safety, and thereby improve the safety of employees and the general public. Facility managers will be responsible for preparing and maintaining site-specific fire prevention and emergency action plans as required under OSHA 29 CFR 1910.38 and 1910.39. See Town-wide SH&S Program Book Number 10.

L. Mechanical Safety Program

The Mechanical Safety Program addresses employer and employee requirements, mandated training, authorization and certification requirements for welding, acetylene torch operations, lock out/tag out procedures, power saw operation, and proper use of all other Town-owned equipment. See Town-wide SH&S Program Book Number 11.

M. Site-Specific Programs

SH&S Programs that are necessary at specific locations or by specific operations, as required by VOSH and OSHA regulations, will be identified by Department Directors, or their designated appointees. Examples of these site-specific programs include respiratory protection, personal protective equipment (PPE), chemical hygiene, and electrical safety.

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Section 9: Orientation, Training, and Travel

9.1 Policy

The Town will provide employees with opportunities for career development and enhancement. It is the Town's intent to offer job-related training programs through the Human Resources Division so employees may develop and utilize their talents to the fullest degree possible in the best interests of the Town, and to provide a solid base of occupational skills necessary to meet current and future employment needs.

For procedures to coordinate and establish a training program, see "Checklist – Coordinating a Training Program."

9.2 Employee Orientation

The Human Resources Division shall be responsible for directing and developing a program to orient each new employee to the requirements of Town service.

A. The Human Resources Division shall advise new employees on all general conditions of Town employment including personnel policies, fringe benefits, pay and such other similar matters. Each employee shall receive a copy of the necessary benefits information packets, a copy of the Employee Handbook, and access to this Personnel Procedures Manual on the Town's Intranet site (Tolnet). A hard copy of this manual is to be kept available in each department.

B. Department Directors shall orient each new employee within their department or division to the conditions related to the job and work site. Orientation shall include introductions to fellow workers, work standards, safety regulations, supplies, duties and responsibilities, work schedule and other pertinent department policies and procedures, including a manual if applicable.

C. The Human Resources Division should follow the SOP entitled "Benefits Orientation" in conducting an orientation for all newly hired employees.

D. Each new employee will be given an evaluation form to complete so that the Human Resources Division may determine the quality and completeness of the orientation effort. This form should be completed by the new employee and returned to the Human Resources Division.

9.3 Career Development

The Town supports career development programs that allow all employees to experience careers that provide opportunities for growth, challenge, variety and accomplishment. These goals will be met through career coaching, education, and resources that enhance individual careers and contribute to the growth of the organization.

The Town will provide the resources to assist employees in their career development. The Town encourages employees to join and actively participate in appropriate professional organizations and/or associations. Upon approval by the Department Director, the Town may reimburse membership dues. There must be a commitment on the part of the employee to pursue these opportunities.

The Human Resources Division will:

A. Have available all job descriptions listed within the classification plan.

B. Work with Department Directors to provide resources to employees regarding specific careers in their department. An employee may have the opportunity to obtain more in-depth information through hands-on experience.

C. Encourage each department to budget funds for employee training and development.

D. Encourage Department Directors to ensure employees have the opportunity to attend professional conferences and/or seminars that will enrich their careers.

E. Assure that equitable treatment is given to all employees for training and development purposes.

F. Require employees to submit evidence of all training attended to the Human Resources Division.

9.4 Computer Training

The Town offers to its employees, online basic and intermediate computer and office suite training (to include email, database, spreadsheet, word processing, and other applicable software applications). The Town will provide training to meet current software practices. Employees should contact the Human Resources Division for more information including online training opportunities. Departmental training will be provided as needed.

9.5 Technical Training

Technical training services are driven by the Town's needs, a changing technological environment, and resource constraints. Therefore, the Town will provide a variety of high quality training opportunities (classroom training, one-on-one training, online courses, and other delivery systems) that deliver timely, appropriate, technical training for staff, departments, and the Town as a whole.

It should be the responsibility of the Department Director and division managers to provide technical training opportunities for an employee to obtain specialized knowledge of an applied art or science that will benefit both the Town and employee relating to the proficiency in a practical skill(s).

9.6 Licensing and Certifications

A. **State Required:** Department Directors are responsible for ensuring licensure and certification for those employee positions that require them. Employees are responsible for maintaining licensure or certification in accordance with State requirements. Employees must retain a current status and retain a copy of a current license or certification on file with the Human Resources Division at all times. Costs for job-required licenses and certifications, including renewals, shall be paid by the Town.

B. **Preferred:** Employees may pursue a professional certification or license from an accredited college or university or professional society or organization that is considered preferred in their job description. Department Directors will have discretion in determining what costs should be covered by the Town or shared by employees in obtaining licenses or certifications as well as renewals that are preferred but not required.

C. **Voluntary:** Employees are encouraged to enhance their qualifications, work performance or contributions to the Town by voluntarily pursuing a professional certification or license from an accredited college or university or professional society or organization. Department Directors have discretion in determining what costs should be covered by the Town or shared by employees in obtaining licenses or certifications, as well as renewals on a voluntary basis to improve skills.

D. **Review:** A review committee, comprised of all Department Directors, will be established from time to time to approve requests for new licenses, certifications or certificates not already approved through past practice.

E. **Renewal:** If employees are unable or unwilling to renew the license or certification, they will forfeit additional compensation in the same percentage as they received for the license or certification, based upon the salary at the time of the increase.

F. **Pay:** Refer to Section 5 Compensation in this manual regarding pay increase for required, preferred or voluntary pursuit of licensing or certification.

G. **Definitions**

1. **License:** A license issued by federal or state government and carries clearly-defined responsibilities and liabilities (penalties) if duties are not performed in compliance.

2. **Professional Certification:** A certification issued to an individual by a state or local government or nationally recognized professional association. It generally requires a combination of specific job knowledge, experience/education/training, and an examination. The certificate implies a significant level of training, experience and effort to meet the requirement.

3. **Technical Certification:** A certification issued by a national or state-recognized organization to an individual who achieves a very specific job-related technical skill.

4. **Other:** Certificates and certifications can take many forms and may be presented by any training organization to employees who attend training courses, frequently without meeting any standard of course knowledge or content.

9.7 Supervisory and Management Training

All supervisors and managers should receive training periodically to update their knowledge, skills and abilities for performing their duties. Training may be offered to employees who are in a position to prepare for a supervisory or management position.

9.8 On the Job Training and Work Product Policy

Each department should have a program or practice of orienting new employees at the department level. On the job training should include details from section 9.2 Employee Orientation, familiarization and training on equipment and tools used by employees, and a mentoring program. A mentoring program may be instituted at the departmental level to assist new employees in learning specific skills and knowledge related to their job.

Additionally, employees will be provided the opportunity to create, write or update practices and procedures specific to their duties, whether in the form of a formal Standard Operating Procedures (SOP) manual or informal notebook. Employees understand that any manuals, notebooks or the like created by them to assist in the implementation and completion of their duties are public records and owned by the Town. As such, those manuals, notebooks or the like are subject to the Freedom of Information Act, and must remain in the workplace. Upon separation, employees are not permitted to remove any manuals, notebooks or the like from the workplace.

9.9 Cross Training

Cross-Training allows an individual to obtain the knowledge, skills, or understanding of some or all of the job requirements within his/her department or other departments in the Town.

This new set of experiences will generally be related to the job requirements of the employee such that the increase in the employee's knowledge, skills, or understanding enhances the ability of the employee to perform the requirements of his/her original position to the benefit of the Town.

Cross-training may be a requirement or an enhancement of the current position. It may also be a requirement of a future position to which the employee aspires. In all cases, Town-sponsored training requires department approval and support.

9.10 Emergency Safety Training

All Town employees should receive safety training applicable to their individual position and department, as deemed necessary by the Department Director, or his/her designee. Additionally, all employees should become familiar with the Emergency Operations Plan and the Town's Health and Safety Plan. Employees may receive Town-provided safety programs, as well as training that will be provided for all employees who are in a position to be called upon in an emergency situation (i.e. essential employees). Refer to the Town of Leesburg Emergency Operations Plan and the READI Program.

9.11 Tuition Assistance Program

Tuition Reimbursement is designed to attract and retain qualified persons for Town service, to improve the quality of employee leadership and productivity, and to encourage employees to continue their education as a means for improving job skills and enhancing promotional opportunities.

A. The Human Resources Division shall administer the program and maintain a record of all courses taken.

B. Only regular full-time employees are eligible to participate in this program, after twelve months of consecutive employment.

C. Tuition reimbursement is for an approved degree program administered by an accredited institution. Each employee must complete a degree program form for approval by the Department Director and Town Manager prior to enrolling at the institution selected. The approved degree program form will remain on file with the Human Resources Division during the completion of the program. In order to be approved, the program must relate to the employee job responsibilities, or broaden knowledge of Town-wide municipal functions through promotional advancement.

D. Upon approval, the Town will pay up to seventy five percent (75%) of tuition costs for each class taken. However, assistance is limited to the in-state tuition rate and may not exceed $4,500 per fiscal year. Reimbursement will be made for tuition fees only. There will be no reimbursement for laboratory fees, textbooks, supplies, transportation, parking stickers, registration, etc. Employees must earn a grade of "C" or better for undergraduate studies and a "B" or better for graduate work to be eligible for reimbursement. Courses taken on a pass/fail basis will be reimbursed for tuition at the rate of seventy five percent (75%) should the employee receive a passing grade and the course is required for the degree program. Audited courses will not be approved.

E. Approval for degree program participation and course enrollment may be granted after an evaluation of the following criteria: whether the same degree program is offered at another institution for a lower cost; and the anticipated

benefit to the Town.

1. Tuition reimbursement application forms must be submitted to the Human Resources Division prior to the beginning of the fiscal year or at least one month prior to course registration deadline.

2. If the application is approved, the employee will be authorized to take the listed courses; approval should be received prior to registration.

3. A copy of the processed application should be returned to the employee upon final approval from the Town Manager.

F. Specific training and workshops related to an employee's position shall be provided through the department's training account rather than the tuition assistance program.

G. If funds are not adequate to support all applications, the Town Manager shall establish priorities based upon the needs of the Town.

H. If an employee is eligible for or is receiving tuition benefits under the GI Bill, scholarships, or other forms of tuition assistance, any assistance paid by the Town shall not exceed either two-thirds of tuition fees or the difference between the amount paid under the GI Bill, scholarships, or other forms of tuition assistance and the total cost of the course.

I. For purposes of this section, "work" does not include workers' compensation leave, leave through FMLA, administrative leave, leave without pay, education leave, parental leave not covered by FMLA, or military leave. An employee who fails to retain employment with the Town for the specified period must reimburse the Town for the total amount of tuition assistance received.

An employee who receives reimbursement under the Licenses, Certifications and/or Tuition Reimbursement programs is expected to remain in regular, full-time employment with the Town for a minimum of two (2) years following course, degree, license or certification completion. If an employee voluntarily terminates employment, is separated or if employment is terminated for cause, the employee must reimburse the Town for all funds expended according to the following schedule:

a. Employee remains employed less than 12 months after course, degree, license or certification completion: 100% repayment.
b. Employee remains employed 12-24 months after course, degree, license or certification completion: 50% repayment.

J. Reimbursement Procedures

1. Within 60 days of course or certification completion, the employee will forward to the Human Resources Division proof of cost of the course, receipt or canceled check, and evidence of final grade from the educational institution.

2. Following review of documents submitted, the Human Resources Division shall forward a request for payment to DFAS within seven (7) days. Upon receipt from Human Resources, DFAS will issue a reimbursement in a timely manner to the employee.

3. In special hardship cases, tuition may be paid in advance rather than by reimbursement. This will be determined by the Town Manager on a case-by-case basis.

9.12 Environmental Management System

The Town is committed to a Town-wide and departmental Environmental Management System (EMS). An EMS is a set of management processes and procedures that allows an organization to analyze, control and reduce the environmental impact of its activities, products and services, and operate with greater efficiency and control. Through continual improvement, employees will be given training opportunities in order to learn and implement their departmental or division EMS program.

9.13 Travel Policy and Expenses

This policy is intended to provide guidelines and clarification for travel reimbursements and expenses.

These procedures address allowable and payable travel costs for persons traveling using Town funds. Travel is permitted only for official and approved business. All travel reimbursements will be handled in accordance with IRS regulations with respect to taxable reimbursements.

A. Definitions:

1. *Travel* is defined as transportation, lodging, meals and incidental expenses associated with conducting Town business or professional development. This may include, but is not limited to, travel for meetings, conferences, educational workshops, seminars and training, and conventions from which the employee and Town directly benefit. Payment occurs only for travel expenses that are reasonable and necessary. Travel expenses are public information and must be able to sustain the test of public review.

2. *Employee* is defined, for the purposes of Section 9.13, as any person traveling using Town funds, including independent contractors, Town Council, Boards and Commission

Members, or consultants that have been authorized in advance for travel reimbursement by the Town for official Town business.

3. ***Expenses*** are defined as costs incurred by an employee on Town Business; costs may be reimbursed when approved by the employee's supervisor. Reimbursement of costs is not limited to employee travel, and may not be more than the per diem for meals unless approved by the employee's supervisor.

B. General Guidelines:

1. These procedures apply to all persons using Town funds to travel on official Town business.

2. Each person traveling at Town expense is required to exercise sound and prudent judgment when arranging for, and incurring travel expenditures.

3. Travel expenditures must not exceed a department's total travel budgetary allocation.

4. Employees traveling on Town business must have the travel approved in advance by the Department Director. However, the Town Manager, or the Town Manager's designee, will approve travel for Town Council, Board and Commission Members, Department Directors, and any travel outside the continental United States, or when the Town Manager deems it necessary.

5. Criteria in determining whether time spent in travel is compensable can be referenced in the Personnel Procedures Manual under Compensation 5.6(B) Travel Time.

6. A Town purchase card is the preferred method of payment for travel expenses. When necessary, petty cash will be used for final settlement reimbursement amounts of $50.00 or less. A copy of the approved Travel Expense Form will be provided to DFAS to obtain these funds. Prior arrangements shall be made with DFAS a minimum of seven (7) days in advance for multiple travel advance requests.

7. Any travel expenses reimbursed to the Town by an outside agency should be forwarded to DFAS upon receipt.

C. Procedures

Approval and Attendance:

1. All travel must be pre-approved by the Department Director and/or Town Manager.

2. Travel expenses will be reimbursed up to $50.00 with petty cash funds. Reimbursement amounts higher than $50.00 are to be requested through filing of a requisition for reimbursement. Final settlement approval by the Director of Finance and

Administrative Services, or his/her designee, on the Travel Expense Form is required for all reimbursements.

3. A Town purchase card should be used to pay travel expenses for which the Town is responsible whenever possible. Advances of travel funds should be kept to a minimum. In the event a travel advance is necessary, approval is required by the Department Director. A $50 minimum is required for the issuance of a travel advance. However, the Town will issue an advance of $25.00 in certain instances with the approval of the Department Director. All advances are to follow the normal requisition process.

4. Employees will attend conferences, training sessions, or seminars at locations closest and most economical to the Town, if the event is offered at multiple locations.

5. Employees are not guaranteed attendance at conferences and training seminars. Department Directors have the authority to approve or disapprove requests for conferences, training, seminars and other business travel for their department. Department Directors are expected to provide these opportunities appropriately and fairly.

6. Town Manager approval is required when any employee is planning to travel outside the continental United States.

Limitations:
1. Travel expenses will be reimbursed only for travel within the continental United States, unless specifically approved by the Town Manager.

2. The Town will not reimburse expenses of family members or guests.

3. Travel for Town Council and Board and Commission Members must be pre-approved by the Town Manager. Departments shall assist Town Council and Board and Commission Members in filling out the Travel Expense Form and/or submitting all travel reimbursement requests.

D. Transportation:
1. Employees will arrange and use the most direct, practical, and economical mode and route of travel.

2. Town Vehicles: Town vehicles will be used for all travel whenever possible.

3. Personal Vehicles: Personal vehicles may be used for transportation only when a Town vehicle is not available or when it is not practical to utilize a Town vehicle due to the employee's work schedule. The rate of reimbursement is equal to the rate established by the Internal Revenue Services. Mileage reimbursement is determined using the distance from Leesburg via internet driving directions, such as MapQuest or Google

Maps, unless the employee is traveling directly from home, in which case reimbursement is for the distance from the employee's home minus their usual commute distance. Example: If an employee lives in Winchester and has a meeting in Alexandria, the employee would be reimbursed for mileage from Leesburg to Alexandria, not Winchester to Alexandria. If the employee lives in Ashburn and has a meeting in Alexandria, the employee is reimbursed from Ashburn to Alexandria. If the submitted reimbursement is not based on internet mapping but the mileage is greater than that calculated by internet mapping, a written explanation must be provided by the employee prior to approval.

Note: Employees who receive a car allowance will receive mileage reimbursement for travel to a business function or training **outside** of the Northern Virginia Region with approval from the Town Manager. The Northern Virginia Region as defined by the Northern Virginia Transportation Commission includes the Counties of Arlington; Fairfax; Loudoun; Prince William; and the Cities of Alexandria; Fairfax; Falls Church; Manassas, Manassas Park; and the Town of Dumfries, Herndon, Leesburg, Purcellville and Vienna. This also includes Frederick County and Montgomery County in Maryland.

4. Mileage reimbursement for travel between Town facilities is discouraged and would require Town Manager approval in advance.

5. Airplane, Train, Taxicab, Rideshare, Shuttle Bus, Public Transportation, and Rental Car: Persons traveling at Town expense are to use the most economical and efficient mode, and route of travel, and only undertaking travel that is necessary to accomplish Town business. Transportation should be shared by employees traveling together whenever possible. Rental cars may be used only when necessary for official purposes while traveling, and when more practical and economical than public transportation. (For example, when multiple employees are traveling together and the cost to rent a vehicle is less than the total cost for the employees to utilize a shuttle, rideshare or taxi service if a shuttle service is not available.) Hotel shuttles should be used whenever available in lieu of taxi or rideshare service. Employees are encouraged to have someone drop them off and pick them up at the airport. If they must park at the airport, reimbursement will be at the long-term parking rate ONLY. Economy class rates will be used for all air travel. If the employee uses a personal vehicle, the amount of reimbursement will not exceed the cost of a round trip economy class airfare ticket*. (For example, if an employee travels to a seminar and actual miles driven are 1,000 miles round trip, then the mileage reimbursement would be $365.00. If an economy round trip airfare ticket costs $300.00, then the amount of the reimbursement would be $300.00, the lesser of the two amounts.)

*Town Manager approval is required for any exceptions.

E. Lodging:

1. Accommodations are arranged on a single occupancy basis, unless employees agree to share a room. Accommodations are arranged at or closest to the site of business. A receipt for lodging expenses is required for reimbursement and must accompany the reconciled Travel Expense Form. Conference hotels should be used whenever available. If the conference hotel is full, then accommodations should be made at a hotel within proximity of the conference that has a rate equal to or less than what the cost would have been if the employee had stayed at the conference hotel. If the conference hotel is full and all other hotels in the general proximity of the conference charge a higher rate than the conference hotel, the hotel with the lowest rate shall be chosen only after prior approval has been granted by the Department Director, or the Town Manager.

2. Lodging for overnight stay must be necessary and reasonable to accomplish the Town's business. In determining the need for overnight travel, the Department Director may consider circumstances, such as distance from home and times that the training begins and ends, as to what constitutes a legitimate need for overnight lodging. Time and distance are criteria to be used by Department Directors when approving overnight stays.

3. Town purchase cards should be utilized to place reservations and pay for lodging. The employee should pay for the lodging with their own funds and receive reimbursement for the cost if a purchase card is not available. If necessary, under limited circumstances, and if time allows, the employee may obtain a travel advance or a Town check payable to the hotel in advance to pay for the lodging. Any lodging costs in excess of the advanced estimated amount will be paid by the employee. The overage amount will be reimbursed to the employee following final settlement approval of the Travel Expense Form.

F. Meals and Incidental Expenses for Overnight Travel:
1. Per Diem: Typically, meal and incidental expenses (meal tax, meal tips*) while traveling are provided through per diem rates. Employees are not eligible for meal per diem for any travel within Loudoun County. No receipts are necessary for full or partial day per diem. The amount of per diem depends on the time period of travel:

a. Full days travel: $55/day.

b. Partial days of travel:

Morning Meal = $10.00
Mid-Day Meal = $15.00
Evening Meal = $30.00

c. Employees are **not eligible** for Morning Meal per diem on the day of travel unless the employee must leave for their destination prior to 6:00 a.m., and are **not eligible** for Evening Meal per diem if able to be home by 7:30 p.m.

d. Upon return from travel, the employee does not need to submit receipts or to itemize meal expenses for the per diem if expenses **do not exceed** the established meal rate limits.

e. If meals are provided at the conference, meeting, seminar training, etc., and paid by the Town, the employee is required to deduct the per diem amount for any such meal(s).

f. Employees who have been called to work during non-scheduled hours in an emergency situation may be reimbursed for meals during this work period, if approved by the Town Manager. Reimbursements for emergency meals shall not exceed the meal per diem rates established.

g. Employees should pay for their meals with their own funds and be reimbursed the applicable per diem upon returning from travel and submitting the required Travel Expense Form along with a full agenda of the meeting or conference attended, where applicable. If a Town purchase card is used for meals included in the per diem, the employee is required to submit receipts for those expenses. Upon reconciliation, if the employee's meal expenses charged to the purchase card are less than the per diem, the employee would receive the difference between the actual expenses and the applicable per diem. If the employee's meal expenses are greater than the applicable per diem, the employee will owe the difference over the applicable per diem to the Town within the guidelines of this policy.

h. If necessary, under limited circumstances, and if time allows, employees may obtain a travel advance for anticipated meals expenses. A full agenda of the meeting or conference, where applicable, is required to process the travel advance and should accompany the Travel Expense Form when submitted for reconciliation.

i. Tips for skycap, bellhop, maid, etc., if claimed, must be itemized and explained on the reconciled Travel Expense Form and signed by the Department Director.

2. Reimbursement for travel expenses must be requested from funds allocated for travel in the same fiscal year in which the travel occurred. Travel Expense Forms (Form C-14 of Appendix C) must be completed and submitted to the Director of DFAS for final settlement approval within 30 business days following the completion of travel and no later than July 14 of the succeeding fiscal year. If it is necessary to delay the submission, then the employee shall notify the Director of DFAS in writing with the reason for the delay. The Travel Expense Form with final settlement approval will be utilized to obtain any travel reimbursement.

G. Meals and Incidental Expenses for Day Travel

1. **Non-Overnight Travel Meal Reimbursement**

a. Non-overnight, or one day, travel is defined as travel by an individual outside of Loudoun County for business purposes, meeting or training, where an overnight stay is not required.

Employees have the option to take their own lunch. However, the Town will reimburse for lunch during non-overnight travel, if lunch is not provided. Per IRS regulations, this reimbursement is considered a taxable benefit and will be remitted through the regular payroll. The employee will be reimbursed less taxes. To receive reimbursement, the following must take place:

i. The travel should be for at least four (4) hours away from the employee's work site and include the employee's normal meal break or occur in the middle of the employee's shift where a meal would normally be consumed.
ii. The travel and meal reimbursement must be approved in advance by the department director.
iii. An itemized receipt must be provided.
iv. Meeting agenda or itinerary must be provided, when available.

The maximum allowable reimbursement will be the specific meal per diem rate for the meal. Eligibility for morning and evening meal reimbursement as stated in Section 9.13.F.1.C applies to this section.

2. Exceptions

a. Business Meetings

A business meeting is defined as a meeting for the benefit of the town such as but not limited to a bond document review meeting, group VML lobbying at the legislature, business recruitment meetings, etc.

i. Two employees going to lunch together is not a business meeting.
ii. Traveling to a meeting and stopping for a meal is not a business meeting

If an employee purchases a meal(s) or food for a business meeting using his/her own personal funds (i.e., not the Town P-Card), the employee is reimbursed in full, including tip and sales taxes, for the amount on the receipt. Per diems cannot be used. This reimbursement must be approved in advance by the Town Manager or Deputy if the Town Manager is not available. The amount of reimbursement requested must be reasonable. If the cost is not considered reasonable, the amount reimbursed will be limited to the current per diem rates. This rule applies whether the business meeting was in Town or out of the Town. If the Town Manager requests reimbursement, the Director of Finance and Administrative Services (DFAS) must cross authorize. All reimbursement requests must be presented with a detailed receipt and must detail who was at the meeting, the purpose of the meeting(s), and the date and times of the meeting.

b. Emergency Meals

The exclusion for meal reimbursement must meet three criteria: it is provided (1) on an occasional basis, (2) because overtime work necessitates the extension of the employee's normal work schedule, and (3) to enable the employee to work overtime.

Where a crew is called in to deal with an emergency (such as a water line break, snow storm, etc.) and the department Director determines it is necessary to provide a meal(s) to the crew so that they may remain on or near the work site to deal with the emergency, then the meals may be paid for on a Town P-Card, if available, or the employee may pay for the meal(s) for self and the crew working the incident. The amount of reimbursement requested must be reasonable. If the cost is not considered reasonable, the amount reimbursed will be limited to the current per diem rates. The receipt must be provided (with detail of what was purchased) and the reimbursement will be made for the full amount of the receipt, including taxes. All reimbursement requests must be presented with a detailed receipt and must detail who worked the emergency and was provided a meal, the location and nature of the emergency, and the dates and times of the meals provided. The Town does not provide for payment of a per diem without receipts for emergency meals.

H. Phone Calls:
Business calls: While on overnight travel, work related phone calls (office, voicemail or other necessary business calls) may be reimbursed to employees that do not have Town issued phones. These calls shall only be as long as necessary to conduct Town business.

I. Payment of Travel Expenses:
While the Town recognizes that a number of different payment methods (direct billing, purchase order, purchase card, employee payment with reimbursement, and/or expense advance) may be used when traveling, the employee is responsible for ensuring the Town is not double-billed in any way.

J. Personal and Non-Allowable Travel Expenses:
Town resources, including the use of Town purchase cards, will not be used to process personal and non-allowable travel arrangements and expenditures. The employee must personally pay for these expenses at the time of checkout or through direct billing to the employee's residence. Personal and non-allowable travel expenses include:
1. Costs of alcoholic beverages.
2. Personal expenses, such as laundry, haircuts, valet service, and in-room services such as movies and video games.
3. Expenses for any social or recreational activities, such as golf, tours, movies, etc.
4. Insurance premiums paid by Town employee. Note: The Town of Leesburg's Insurance Provider covers the employee and the rental vehicle while traveling on Town business ONLY.
5. Any funds or personal belongings lost or stolen.
6. Expenses incurred if travel has been extended due to personal choice.
7. Expenses related to family members or guests.

K. Periodic Review:

This policy is subject to periodic review to ensure that best practices are represented, per diem rates are reasonable and the policy represents the mission of the Town as it relates to travel reimbursements and expenses.

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Section 10: Employee Conduct

10.1 Policy

All Town employees and members of boards and commissions are expected to conduct themselves in an ethical, professional, courteous and respectful manner in the workplace and while representing the Town in any capacity. All employees will maintain high standards of integrity and concern for the public interest. Further, all Town employees are expected to adhere to procedures regarding the use of Town equipment and resources.

10.2 Financial Disclosure Requirements

All Members of the Town Council, Planning Commission, Board of Zoning Appeals and Board of Architectural Review, and the Town Manager, Deputy or Assistant Town Managers and all grade 18 Department Directors shall file, as a condition to assuming office or employment and within thirty days of employment, a disclosure statement of personal interest and such other information as specified on the forms set forth in Virginia Code § 2.2-3115, et seq. The Chief of Police is exempt from this requirement. Thereafter, they shall file a statement annually by February 1. When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday. The Clerk of Council shall cause the forms to be distributed to each officer or person required to file such a form under the provisions of this section no less than 20 days in advance of the filing deadline. Disclosure forms shall be filed and maintained as public records for five years in the office of the Clerk of Council.

10.3 Employee Conduct during Mayor and Council Elections

A. Application

1. All Town employees except those listed in Section 12.1-3, paragraph (a)(1) of these rules
    - **a)** Mayor and Council
    - **b)** Planning Commission
    - **c)** Board of Zoning Appeals
    - **d)** Board of Architectural Review
    - **e)** Executive Airport Commission
    - **f)** Technology and Communications Commission
    - **g)** Economic Development Commission
    - **h)** Parks and Recreation Commission
    - **i)** Tree Commission
    - **j)** Thomas Balch Library Commission
    - **k)** Environmental Advisory Commission
    - **l)** Diversity Commission
    - **m)** Other Town Boards, Commissions and Committees

2. As used in this article the meaning of the words "public office in the Town" shall include only the elected offices of the Mayor and Council.

B. General Prohibitions

1. No employee shall continue in his/her position with the Town after election to any public office in the Town.

2. No Town employee shall accept orally, by letter or otherwise, any assessment, subscription or contribution for any Town political purpose.

3. No employee shall take part in the management, affairs or political office in the Town, or take any part in the management, affairs or political campaign of any candidate for public office during work hours.

10.4 Whistle Blower Protection

A. Disclosure of Violations

1. **Reprisal Prohibited**

   The Town of Leesburg shall not engage in reprisal against an employee for disclosing a violation or suspected violation of a local, state, or federal law.

2. **Application**

   An employee of the Town of Leesburg who reports or who is known by the Town to have indicated an intent to report, such violation or suspected violations shall be protected by this rule, unless the employee knew the report was false. This protection shall extend to employees who participate, or who were known by the Town to have indicated an intent to participate, in an investigation, hearing or inquiry conducted by a public body, and to employees who participate, or were known by the Town to have indicated an intent to participate in a court proceeding.

3. **Forms of Reprisal**

   Reprisal includes such actions as discharge, threats of discipline or arbitrary and capricious changes in the conditions of employment.

4. **Confidentiality of Information**

   A. No employee shall disclose protected personal information of an employee, or protected information related to revenue or income of a business in making a claim concerning any violation that may be covered under the Whistle Blower Act.

   B. Disclosure of personal information that is part of the confidential personnel file of an employee by another, or disclosure of protected

business information may result in termination for said disclosure and would not be considered retaliatory.

10.5 Harassment, Discrimination and Retaliation in the Workplace

A. Policy

The Town is an equal opportunity employer. It is committed to the maintenance and promotion of nondiscrimination by incorporating sound merit principles in all aspects of human resource management affecting its employees and applicants. It shall provide equal opportunity to all employees in the service of the Town and all applicants without regard to race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, military service or other factors not substantially related to successful performance of the duties of the position. The procedure set out in section D, below, may be used by all Town employees.

Additionally, it is the Town's policy that all employees have a right to work in an environment free from discrimination, which includes freedom from harassment, whether that harassment is based on race, religion, color, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, military service, or other factors. Any form of harassment of the general public by any on-duty Town employee will not be tolerated. Employees shall always be polite and courteous in their behavior toward the public.

B. Purpose

The purpose of this policy is to protect all employees from discrimination and harassment, which can create an intimidating, hostile or offensive working environment.

C. Definitions

1. Verbal Harassment

For example, epithets, derogatory comments, stories or slurs on the basis of race, religion, color, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, military service, or other factors.

2. Physical Harassment

For example, assault, impeding or blocking movement, physical interference with normal work or movement when directed at an individual on the basis of race, religion, color, sex (including pregnancy, gender identity, and sexual

orientation), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, military service, or other factors or any other physical behavior perceived as intimidating. This could be conduct in the form of pinching, grabbing, patting, leering, or making explicit or implied job threats or promises in return for submission to physical acts. Extreme cases of physical harassment could be determined as violence in the workplace and dealt with in Section 10.13.

3. Sexual Harassment

Sexual harassment generally consists of unwelcome sexual advances, requests for sexual acts or favors, or other physical or verbal conduct or visual displays of a sexual nature when 1) submission to such conduct is made either explicitly a term of condition of an individual's employment (e.g., hiring, compensation, advancement, promotion or retention); 2) submission to or rejection of such conduct by an individual (e.g., treating an employee favorably for engaging in such conduct or unfavorably for refusing to engage in the conduct); or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of behaviors and may involve individuals of the same or different gender. These behaviors may include, but are not limited to: unwanted sexual advances; subtle or overt pressure for sexual favors; sexual jokes; innuendoes; advances or propositions; verbal abuse of a sexual nature; graphic commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling, touching, pinching, assault, coerced sexual acts; display of sexually suggestive objects or pictures; and other physical or verbal conduct of a sexual nature. It is also essential to understand that consenting romantic and sexual relationships between supervisory and subordinate employees, or between coworkers, may lead to unforeseen complications. The respect and trust accorded a more senior/supervisory person by a lower-level staff member, as well as the power held by that person in evaluating or otherwise supervising the lower-level person could diminish the extent to which the lower-level employee feels free to choose. Therefore, employees should be aware of the possible risks of even an apparently consensual sexual relationship.

4. Visual Forms of Harassment

For example, derogatory posters, notices, bulletins, cartoons, or drawings on the basis of race, religion, color, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, military service, or other factors.

5. **Discrimination**

   The demonstration of bias, whether intended or not, against an employee with respect to the terms and conditions of his/her employment on the basis of race, religion, color, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, military service, or other factors. Such bias may be demonstrated by the actions of another employee, a non-employee, or by the application of a Town policy, practice or procedure to an employee or group of employees.

D. Harassment and Discrimination Reporting Procedure

Any employee who feels he or she is a victim of harassment should respond immediately and directly to his/her immediate supervisor or the Human Resources Division. If the offensive behavior continues, it is very important that the employee being harassed report it to management. The Town expects all perceived incidents of harassment to be reported, regardless of the alleged offender's identity or position. Management will document the specifics of the alleged harassment; date, time, place, witnesses, if any, what happened and what was said. Harassment is a serious charge and without this kind of documentation it may be difficult or impossible to conduct an investigation that is fair to all parties.

Individuals who believe they have witnessed or been a victim of harassment should discuss their concerns with their supervisor or Department Director or Manager or notify the Human Resources Division. If the situation cannot be adequately resolved at the department level, the employee who is the victim of harassment should report the matter to the Human Resources Director, who will conduct an investigation and present the results of the investigation to the Town Manager to decide the appropriate action.

Supervisors and managers who observe or hear about harassment must immediately report such information to the Human Resources Division. If at any time the employee who is suffering the harassment feels that his/her complaint is being handled inappropriately, the employee may report the matter directly to the Town Manager.

If the results of the investigation are inconclusive and no discipline is to be administered, there will be no record of the charge or investigation in either employee's personnel file. Under no circumstances shall any Town employee retaliate in any manner against the complaining party for having lodged the complaint.

1. **Confidentiality**

   All complaints of discrimination or harassment and any information received during the course of the investigation will be kept confidential and made

available for review only by those with a legitimate need to know, unless required to be divulged as part of the investigation or pursuant to a legal proceeding. At the conclusion of the investigation, all documents collected or prepared during the investigation will be maintained by the Human Resources Division in confidential files. Disciplinary documents issued as a result of the investigation, shall be placed in the appropriate personnel files. All personnel, including the person making the complaint, who are involved in the investigation, are expected to use discretion in maintaining the confidentiality of information and documents generated or discussed during the investigation.

2. **No Retaliation**

   There will be no retaliation, harassment of, or discrimination against any person who has pursued his or her rights under applicable law or this policy, or anyone who has assisted a person making a complaint or provided information during an investigation under this policy. Any person who believes that he or she has been retaliated against for pursuing rights under applicable law or this policy should report the retaliation to the Town's Human Resources Division, which will investigate in the same manner, described above.

10.6 Gifts and Gratuities

A. Policy

No employee, board or commission member or others persons acting on behalf of the Town shall solicit or accept, in the course of work, favors, gifts, meals, gratuities or any other valuable thing which could be construed as influencing the performance of Town duties and responsibilities. This rule is not intended, however, to prohibit the following:

1. Receipt of unsolicited articles, which are distributed generally such as calendars, pens, note pads, and similar articles of minimal value;

2. Attendance at social functions, which promote good relationship with citizens and the professional and business community;

3. Attendance at any trade association or commercially-sponsored training program approved by the Town Manager;

4. Attendance at commercially sponsored social events when part of professional conference social calendars;

5. Consumption of food provided as a gift to Town employee groups generally (i.e., holiday food basket);

6. Acceptance of gifts or awards when made in public presentation by legitimate service, civic, or fraternal organizations and approved in advance by the manager.

7. Acceptance of meals while representing the Town as a speaker at certain functions, such as professional conferences.

10.7 Internet/E-Mail Policy

A. Policy

The Internet/E-Mail Policy is intended to encourage responsible and acceptable use of the Internet and email services through resources provided by the Town. This policy applies to all users of the Town internal and external e-mail and Internet systems.

B. Introduction

The Internet is an electronic communications network that provides access to vast, diverse and unique resources. It has become a default information source, distribution medium, and worldwide communications tool.

The Town's goal, in providing Internet access to employees, is to facilitate resource sharing, innovation, and communication. As such the Information Technology Department supports and encourages the use of the Internet and e-mail and considers the Town Internet connection an invaluable resource.

Access to the Internet/e-mail has been provided to staff members for the benefit of the Town government and its customers. Every staff member has a responsibility to maintain and enhance the Town's public image and to use the Internet/e-mail in a productive manner. To ensure that all employees are responsible, productive Internet/e-mail users and that the Town's image is protected, the following policy guidelines are established.

C. Acceptable Uses of the Internet/E-mail

Employees accessing the Internet/e-mail are representing the Town. Employees are responsible for using the Internet in an effective, ethical and lawful manner. The Internet/e-mail should be accessed and used to conduct official Town business, to gain technical and job-related information and for business contacts. Limited use of personal email account by an employee may be allowed. These guidelines are intended to coordinate with Town employees' job responsibilities.

D. Unacceptable Uses of the Internet/E-mail

The following uses of the Town Internet and e-mail systems are prohibited:

1. Extended use that does not benefit the Town government or its

customers;

2. Personal gain or advancement of personal interests;
3. Any use that disrupts Town services, the Town computer network or the networks of other users;
4. Any use that interferes with employee productivity;
5. Revealing or sharing user identification codes or passwords with others;
6. Fraudulent, harassing or obscene messages;
7. Messages with derogatory or inflammatory remarks about an individual's or group's race, religion, color, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, military service, or other factors not substantially related to successful performance of the duties of the position;
8. Messages containing abusive, profane, or offensive language;
9. Any information that violates or infringes upon the rights of others.
10. Intentionally accessing, sending, or receiving pornography or other Internet content inappropriate for an employee pursuing his/her regular work duties as indicated by a repeated access or a pattern of inappropriate access. Exceptions apply to police officers pursuing offenders in the course and scope of their employment as sworn officers, or civilian Town employees directly aiding a sworn officer in such an effort.
11. Recreational games and streaming TV and movies.

E. Communications

Each employee is responsible for the content of all text, audio or images that he/she places or sends over the Internet/e-mail. All messages communicated on the Internet or through e-mail must have the employee name attached either by identification present in email, or by name located in email address.

F. Security

All messages created, sent or retrieved over the Internet or through e-mail are the property of the Town and should be considered public information. No aspect of the Town computer system, including the use of passwords to gain access to the system should be construed to create any expectation of privacy on the part of any person. The Town reserves the right to access and monitor all messages and files on the computer system as deemed convenient. Internet/e-mail messages are public, not private, communications. All communications, including text and images, may be disclosed without prior consent of the sender or the receiver. Such monitoring, access and disclosure may occur at any time, without notice and without the user's permission.

All employees are expected to exercise prudence and take reasonable actions to prevent access by unauthorized persons or groups to the Town's networks. This includes being alert to spam, phishing schemes, Trojans and hacking attempts.

G. Email/Internet Monitoring Policy:

Information and history logs from Town computers regarding emails, Internet activity, and usage are not private and e-mail/Internet monitoring may occur at any time. When a violation of Section 10.7(D) is reasonably suspected by any Department Director:

1. The employee should be verbally warned and reminded of the Town Internet Policy.
2. The Director should contact the Human Resources Division with any perceived violation of the Town's Internet/E-mail as set forth in Section 10.7(D) – Unacceptable Uses of Internet Policy.
3. The Human Resources Director shall contact the Director of DFAS and the Town Manager with all pertinent information. The Director of DFAS and the Town Manager shall speak to the Department Director and confirm information. If both DFAS and the Town Manager believe that reasonable suspicion exists that an employee is violating any provisions in 10.7(D), DFAS shall contact the IT Director to commence email and/or Internet monitoring.
4. The IT Director or designee shall monitor the employee's email/internet usage.
5. Email/Internet monitoring shall be re-evaluated on a weekly basis by the Human Resources Director or designee and shall continue for a reasonable period of time that shall be dependent upon the employee's job description relative to time at the Town's computers.
6. Documentation should be maintained by the Human Resources Director and the employee's department head related to all issues raised with employees and management at each level to provide support in the event of challenge by an employee.
7. If misuse is admitted or established by the Human Resources Director in consultation with the IT Director and the Director of DFAS, then disciplinary action may be undertaken in accordance with the PPM policies up to and including termination, depending upon the severity of misuse.
8. In the event a criminal act is found after monitoring, the director, in consultation with the Human Resources Director, the Director of DFAS, Town Manager and Town Attorney, shall contact the Leesburg Police Department (LPD) without delay and immediate disciplinary action shall be taken with regard to the employee pending an investigation by the LPD and/or Human Resources Division.

H. Applicable Laws

The Virginia Public Records Act and the Virginia Freedom of Information Act (FOIA) are the laws governing management of public records. These laws treat electronic data generated by the public employer exactly the same as other written documents. If the data is a "public record" within the definition of statues, it is subject to disclosure unless a particular exemption or privilege applies. Any questions about the applicability of these statutes or about a specific request for electronic data should be referred to the Town Attorney's Office. There are also state and federal wiretapping laws that prohibit improper interception and use of electronic data and which carry criminal and civil penalties for violations.

I. Document Management

Employees should actively manage their e-mail files by archiving those files dealing with Town business and deleting all others. Employees should remain aware of the strain on storage capacity that numerous files and large picture and data files place on the Town computer network and server. Good document management practices include reducing particularly important correspondences and documents to paper versions.

1. Software

To prevent computer viruses from being transmitted through the system, all downloaded information must be run though a virus scanner. Freeware/shareware downloading from the Internet is not permitted under current policy.

Users shall not load unauthorized software (games, non-Town standard software) on Town owned computers.

2. Copyright Issues

Staff members may not transmit copyright materials over the Internet or through e-mail if such transmission will create an infringement on the copyright. Failure to observe copyright or license agreements may result in disciplinary action up to and including termination, or legal action by the copyright owner.

3. Violations

Any violation of these guidelines may result in disciplinary action up to and including termination. The Town Manager has the authority to determine what is and is not appropriate and official use, and to grant, suspend or cancel an employee's access to the Internet/e-mail at any time for any reason. All suspected improper use of the Internet/e-mail may be referred to the appropriate investigative authority.

10.8 Social Media Policy

A. Introduction

The Town's Social Medial Policy is intended to respect and honor the First Amendment rights of Town employees to speak out as citizens on matters of public concern, and to post personal comments on the Internet (e.g., an employee's personal website, blog, Facebook, MySpace, Twitter, LinkedIn or similar social networking site), while balancing the Town's interests in providing effective and efficient services to the public.

B. Policy

An employee whose public statements in social medial or Internet postings interfere with the Town's ability to provide effective and efficient services to the public may be disciplined, pursuant to Section 13 Employee Discipline, for such comments or postings that:

1. Impair discipline or harmony among co-workers, to include harassment or intimidation;
2. Negatively impact, disrupt or interfere with the employee's job performance or the employee's ability to perform his/her duties;
3. Interfere with the operation of Town business;
4. Disclose confidential or sensitive governmental information;
5. Have a detrimental impact on working relationships that require personal loyalty and confidence.
6. Use the Town's logo or image without the Town's written consent;
7. Discredit or undermine the mission of the Town;
8. Abuse the authority and public accountability that the employee's role entails.

10.9 Cell Phones and Pagers

A. Policy

1. **Purchase Authorization:**
   The Town Manager will authorize the purchase and issuance of cell phones and pagers to Town employees based upon recommendations from Department Directors, Information Technology Director, and the criteria outlined in this policy.

2. **Department Directors are responsible for:**
   a) Preparing recommendations for the assignment of cell phones and pagers to department employees based upon the criteria listed in # 3 below;
   b) Periodically reviewing the assignment of cell phones and pagers to department staff; and
   c) Revoking use of a cell phone or pager at any time if use is no longer required for performing job duties, or if there is a pattern of misuse.

3. **Cell phones and pagers may be issued when:**
   - **a)** An employee spends considerable time outside the office and has regular occasion to be in contact with the office for job-related purposes;
   - **b)** Efficiency of service delivery can be significantly increased;
   - **c)** The level of employee safety can be increased;
   - **d)** An employee has a significant role during a disaster or emergency situation.
   - **e)** The use of the cell phone allows for remote data entry/utilization of a Town system; e.g. work orders, GIS, or See, Click, Fix.

4. **Purchases of cell phones and pagers**
   - **a)** All cell phone service will be consolidated into a single cell phone provider. The cell phones will have a redundant communication capability to provide Town employees with an alternative means of communication when the telephone capability is not available.

5. **Cell phone and pager usage**

   The devices covered by this Policy include cell phones, mobile phones, text pagers, two-way radios and other wireless communication or electronic handheld devices, whether owned by the Town or the individual employee. (Collectively known as "Devices").

   - **a)** Employees assigned a cell phone or pager are expected to have it with them at least during normal business hours.
   - **b)** Department Directors may establish policies and procedures for their employee's use of cell phones and pagers that are based upon this regulation and not inconsistent with it. A copy of department policies and procedures will be provided to the Town Manager.
   - **c)** If the Town Manager has declared a disaster or state of emergency, employees who are assigned a cell phone or pager are expected to answer all calls or pages except when on approved leave.
   - **d)** Cell phones and pagers may be reassigned by the Town Manager and Department Directors to expedite the Town's response and coordinate the deployment and operations of essential staff and services in an emergency or disaster.
   - **e)** Employees assigned a cell phone or pager should not use the communication device for personal use.
   - **f)** All pagers shall be converted to a single alphanumeric system to allow staff to receive information concerning their assignment and be dispatched directly to an assignment.
   - **g)** With the exception of Leesburg Police Officers, all employees are prohibited from receiving or initiating a cell phone call while operating

a Town vehicle or a private vehicle while on Town business. (Leesburg Police Department employees must adhere to the department policy regarding cell phone use while operating a vehicle).

h) Cell phone and pager inventory

- **i.** The Information Technology Division will maintain a master inventory of all cell phones and pagers by department and individual assignment.
- **ii.** The master inventory and any changes will be provided to the Information Technology Division for inclusion of the cell phone and pager numbers, except for law enforcement officers, in the Town directory. A copy of the master inventory will be provided to the Human Resources Division for emergency planning purposes.
- **iii.** Each department will maintain a list of the cell phones and pagers by assignment. Changes to the list will be provided to DFAS when the changes are made.

6. Security

i. Communications of any kind stored on any mobile device that is used to conduct Town business may be subject to the Freedom of Information Act (FOIA) and could also be subject to judicial discovery (e.g. Rule 26), HIPAA regulations, Criminal Justices Information Services (CJIS) Security Policy, or any other applicable policy or regulation. This includes personally owned devices that are used to conduct Town business.

ii. Employees who use mobile devices for official Town of Leesburg business have no expectation of privacy or confidentiality in any information or communication created or stored on the Town's electronic data resources. Unless exempted by law, regulation, or protected as attorney-client privileged communication, all instant messages (IM) or text messages will be routinely backed up or logged. The use of such communication to conduct official Town business on personal devices is discouraged and may be considered public records subject to the Freedom of Information Act. If an employee or elected/appointed official receives or sends any text messages related to Town business on personally-owned devices, that employee or elected/appointed official shall forward those messages to his/her Town email account. This will allow for preservation in accordance with the Town's public records retention schedule. If an employee or elected/appointed official receives or sends any text messages related to his/her conduct of Town business on Town-owned devices, all such

messages shall be archived in accordance with the Town's public records retention schedule.

B. Procedure

1. Request for cell phone or pager

a) Employees or Department Directors will submit requests for cell phones or pagers to Department Directors based upon criteria set forth in Section 10.8 above.

b) The Department Director will submit the request to the Town Manager for final decision.

c) If the Town Manager approves a cell phone or pager, the department will submit a purchase requisition to the Procurement Officer.

d) The IT Division will update the master inventory of cell phones and pagers on a semi-annual basis.

10.10 Personal Phone Calls

A. Purpose

Establish a policy on the use of personal phones calls in the work place.

B. Policy

Employees are encouraged to limit initiating and receiving personal phone calls during regular work hours. Personal cell phones should be turned off or on vibrate during the workday, and should not be visible in the workplace. If it becomes necessary to use their personal cell phone, employees should attempt to leave their work area to go to a less populated or occupied area so as not to disrupt the conduct of Town business and to be considerate of other employees.

10.11 Use of Town Vehicles and Car Allowance

A. Purpose

The Town provides a limited number of employees with vehicles to assist them in carrying out their jobs both effectively and efficiently.

B. Policy

Vehicles shall be authorized and assigned to departments and individuals only by the Town Manager. Department Directors may recommend the allocation of vehicles to their own department or to employees under their supervision. Any Town employee who operates a Town vehicle must have a valid driver's license for the type of vehicle operated.

C. Take Home of Town Vehicles

The Town Manager may assign take-home vehicles for regular use when the situation is deemed necessary, the employee's responsibilities require that he/she perform certain job functions on a regular basis outside of his/her normal work schedule, and the purpose benefits the Town and not the employee. Employees who are not assigned a take-home vehicle for regular use must receive authorization from the Town Manager to receive a take-home vehicle. Use of a Town vehicle for personal purposes other than commuting or de minimis personal use is prohibited. Personal use of a vehicle is all use that is not for Town business.

10.12 Dress Code for Employees

A. Dress Code Policy

Employees of the Town are expected to dress in a manner that is consistent with the duties and responsibilities of their job. At all times, employees should represent the Town in a respectable and positive manner including:

1. All clothing must be neat, clean, and in good repair.
2. Personal cleanliness and good personal hygiene is required.
3. Revealing clothing that is sheer or cut inappropriately is not acceptable.
4. Employees will be briefed on their department dress code policy.
5. Town Hall dress standard may differ from other Town locations as it has the most business interaction with the public. Directors with offices in Town Hall will work with the Town Manager to develop a consistent dress code for employees working in Town Hall.
6. If the Department Director notices, or is made aware, of an employee's non-compliance with the Town or department guidelines, the director will take action.
7. At certain times or for special events the Town Manager or Department Directors may give employees permission to deviate from the policy.

10.13 Drug and Alcohol Free Workplace

A. Policy

The Town prohibits the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance during working hours. Town employees are also prohibited from reporting to work under the influence of alcohol or unlawful controlled substances. In the event either prohibition is violated, the employee is subject to disciplinary action up to and including dismissal. (See Section 8 Safety, Health and Security of this manual for details regarding the Town's Drug and Alcohol Workplace Policy).

On rare occasions, alcohol may be served in certain professional settings that staff attends, such as conferences, dinners, receptions, etc. In these situations, regardless of the time of day in which they occur, employees are representing the Town of Leesburg and are expected to make responsible decisions, exercise caution, and maintain appropriate decorum and professionalism. Under no circumstances should an employee consume alcohol at an event and subsequently return to work in the same work day, or operate a Town vehicle or equipment. Employees who are not responsible in following this directive will be considered in violation of the Town's Drug and Alcohol Workplace policy (Section 8 Safety, Health and Security).

B. Application

This policy applies to all Town employees. In addition, as required by federal law the Town conducts random testing of those Town employees holding Commercial Driver's Licenses or who are in safety sensitive positions. The program also allows for testing as part of reasonable suspicion of any employee who may be under the influence of any drugs or alcohol.

C. Employee Assistance

The Town recognizes that a wide range of issues may affect an employee's performance on the job. Consequently, the Town believes it is in the best interests of employees and the Town to provide an effective program to assist employees in resolving problems. The Town's employee assistance program (EAP) provides consultation services for referrals to local treatment sources. However, participation in the EAP does not excuse employees from complying with Town policies or from meeting normal job requirements during or after receiving assistance. Employees attending EAP sessions are not to record as time worked.

(Refer to Section 7 Employee Assistance Program of this manual for more information.).

10.14 Violence in the Workplace

A. Policy

The Town is committed to maintaining a workplace that is free from violence or threats of violence. The Town will not tolerate violence behavior or threats in the workplace. The workplace is considered to be Town buildings and property, Town vehicles and private vehicles while used on Town business, off-site training, or other assigned work locations.

B. Violent Behavior

No Town employee should be subject to either verbal abuse or physical conduct that is violent in nature. In addition, no employee is permitted to engage in

violence, or threaten violence toward another employee, supervisor, manager, customer, or resident.

Examples of behavior covered by this policy include, but are not limited to:

1. Violent physical actions;
2. Direct or implied threats to do harm to person or to property, including intimidating use of one's body or physical objects;
3. Verbally abusive or intimidating language and gestures;
4. Threatening, abusive or harassing communication (for example, phone calls, letters, memoranda, faxes, e-mail, electronic messages of any kind, text messages, or voice mail messages);
5. Destructive or sabotaging actions against Town or personal property;
6. Engaging in a pattern of unwanted or intrusive behavior against another (for example: stalking, spying, etc.); or
7. Violation of a protective or restraining order.

C. Duty to Report

An actual or reasonable perceived form or threat of violence involving a Town employee or occurring in the workplace must be reported to a supervisor or the Human Resources Division as soon as practical. This report must be made regardless of who commits the violent or threatening behavior, including a Town employee, contract employee, or a person representing the Town, or a member of the public. If there is uncertainty as to whether a situation constitutes violent or threatening behavior, the concerned individual is encouraged to discuss the matter with a supervisor or the Human Resources Division. Every employee has a responsibility in reporting violence:

1. It is the duty of an employee who experiences violent acts or behavior to report it.
2. It is the duty of any employee who witnesses or is aware of any violence or the threat of violence to report it.
3. Supervisors, managers and executives should monitor their respective work place and immediately intervene and report any suspected behavior even if the person or persons engaged in the conduct are not received a complaint.
4. Failure to report violent acts or threatening behavior can be a serious offense and may result in discipline.

Each department, in conjunction with the Human Resources Division, will conduct a prompt and thorough investigation in response to a report. Violence in the work place is defined in Section 8 Safety, Health and Security in this manual.

10.15 Prevention and Detection of Fraud and Other Irregularities

A. Policy

The Town of Leesburg is committed to protecting its revenue, property, information, and other assets from any attempt, either by members of the public, contractors, subcontractors, agents, intermediaries or its own employees (including appointed and elected officials), to gain by deceit, financial or other benefits.

This policy sets out specific guidelines and responsibilities regarding appropriate actions that must be followed for the investigation of fraud and other similar irregularities.

B. Application

This policy applies to all employees (including appointed or elected officials) of the Town of Leesburg.

C. Definitions

Fraud and other similar irregularities include, but are not limited to the following:

1. Forgery or alteration of checks, drafts, promissory notes and securities.
2. Any misappropriation of funds, securities, supplies or any other asset, including employee time and resources.
3. Falsification of work hours in reporting time and attendance.
4. Any irregularity in the handling or reporting of money transactions.
5. Misappropriation of furniture, fixtures, and equipment.
6. Seeking or accepting anything of material value from vendors, consultants or contractors doing business with the Town in violation of any applicable Town or Commonwealth conflict of interest policies.
7. Unauthorized use or misuse of Town property, equipment, materials or records.
8. Any computer-related activity involving the alteration, destruction, forgery or manipulation of data for fraudulent purposes or misappropriation of Town-owned software.
9. Any claim for reimbursement of expenses that are not made for the exclusive benefit of the Town.
10. Any similar or related irregularity.
11. Any falsification of any Town document.

D. General Policy and Responsibilities

1. It is the Town's intent to fully investigate any suspected acts of fraud, misappropriation or other similar irregularity. An objective and impartial investigation will be conducted regardless of the position, title, length of service, or relationship with the Town of any party who might be or becomes involved in or becomes/is the subject of such investigation.
2. Each Department Director is responsible for instituting and maintaining a system of internal control to provide reasonable assurance for the prevention and detection of fraud, misappropriations and other irregularities. Management should be familiar with the types of

improprieties that might occur within its area of responsibility and be alert for any indications of such misconduct.

3. The Town Manager, in consultation with the Town Attorney, has the primary responsibility for the investigation of all activity as defined in this policy.
4. At the Town Manager's discretion, he/she will notify the Town Council of a reported allegation of fraudulent or irregular conduct upon the commencement of the investigation to the extent practical. Throughout the investigation the Town Council should be informed of pertinent investigative findings.
5. In all circumstances, where there are reasonable grounds to indicate that a fraud may have occurred which is in violation of a criminal statute, the Town Manager, subject to the advice of the Town Attorney, will contact the Leesburg Police Department or, if the suspected fraud is alleged to involve that department, other appropriate law enforcement officials.
6. Upon conclusion of the investigation, the Town Manager will report results of the investigation to the Town Council and the appropriate Department Director.
7. The Town will pursue every reasonable effort, including court ordered restitution, to obtain recovery of losses from the offender, or other appropriate source(s).

E. Procedures

1. All Employees

Any employee who has knowledge of an occurrence of irregular conduct, or has reason to suspect that a fraud has occurred, shall immediately notify his/her supervisor. If the employee has reason to believe that the employee's supervisor may be involved, the employee shall immediately notify the Department Director, and the Town Manager.

Employees and the public can report situations in which fraud, waste, abuse, corruption or mismanagement may have occurred within the Town government by contacting the Town's Fraud Waste and Abuse Hotline at 703-771-7745.

During the pendency of any fraud investigation an employee should not discuss the matter with anyone other than his/her supervisor, the Department Director, the Town Manager, and appropriate law enforcement officials. Employees who knowingly make false allegations may be subject to discipline up to and including dismissal.

2. Supervisors

Upon notification from an employee of suspected fraud, or if the supervisor has reason to suspect that a fraud has occurred, the supervisor shall immediately notify the Department Director, and the Town Manager. The

supervisor shall not attempt to investigate the suspected fraud or to discuss the matter with anyone other than the person to whom the fraud was reported, the Town Manager, and appropriate law enforcement officials.

3. **Department Director**
   Upon notification from an employee or supervisor of suspected fraud, or if the Department Director has reason to suspect that a fraud has occurred, the director shall immediately contact the Town Manager. The director shall not attempt to investigate the suspected fraud or to discuss the matter with anyone other than the Town Manager, Town Attorney, and appropriate law enforcement officials.

4. **Town Manager**
   Upon notification or discovery of a suspected fraud, the Town Manager promptly investigates the fraud. The Town Manager shall determine whether this fraud warrants additional investigation and/or violates an existing criminal statute.

5. **Contacts/Protocols**
   After an initial investigation and a determination by the Town Manager that the suspected fraud warrants additional investigation and/or violates an existing criminal statute, the Town Manager shall notify the Town Attorney and the Town Council of the suspected fraud. The Town Manager shall also notify appropriate law enforcement officials at his/her discretion, or if the suspected fraud violates an existing criminal statute.

6. **Security of Evidence**
   Once a suspected fraud is reported, the Town Manager, in consultation with the Town Attorney, shall take immediate action to prevent the theft, alteration, or destruction of relevant records. Such actions include, but are not necessarily limited to, removing the records and placing them in a secure location, limiting access to the location where the records currently exist, and preventing the individual suspected of committing the fraud from having access to the records. The records must be adequately secured until the investigation has been completed.

7. **Confidentiality**
   All participants in an active fraud investigation shall keep the details and results of the investigation confidential. However, the Town Manager, in consultation with appropriate law enforcement officials, may disclose particulars of the investigation with potential witnesses if such disclosure would further the investigation.

8. **Personnel Actions**

If a suspicion of fraud is substantiated by the investigation, disciplinary action, up to and including dismissal, shall be taken by the appropriate level of management, in consultation with the Human Resources Division, the Town Manager, and the Town Attorney, in conformance with the Town's personnel policies and procedures.

A person under investigation for fraud shall be given notice in writing of the essential particulars of the allegations following the conclusion of the investigation and prior to final disciplinary action being taken. Where notice is given, the person against whom allegations are being made may submit a written explanation to the Town Manager no later than seven business days after the notice is received. This requirement is subject to any rights of employees during disciplinary proceedings. For instances concerning falsification of records or other incidences at the Town Manager's discretion, the written notice requirement may be waived. However, the affected employee will be allowed to present an explanation to the charges prior to termination.

9. **Whistle-Blower Protection**
   No supervisor or person acting on behalf of the Town shall: dismiss or threaten to dismiss an employee; discipline or suspend or threaten to discipline or suspend an employee; impose any penalty upon an employee; or intimidate or coerce an employee because the employee has acted in accordance with the requirements of this policy, or exercised his duty to make a good faith reporting of a violation of fraud or other irregularities under this policy to appropriate law enforcement officials. Violation of this section shall result in discipline up to and including dismissal. Protection may not be afforded if personnel information concerning personnel matters as they relate to employees who are not subject of the investigation is used or disseminated without the permission of the employee.

10. **Other Issues**
    Great care is to be taken in dealing with suspected fraudulent activities to avoid any incorrect accusations, alerting suspected individuals that an investigation is under way, violating anyone's right to due process, or making statements that could lead to claims of false accusation or other civil rights violation(s).

11. **Documentation**
    At the conclusion of the investigation, the Town Manager will document the results in a memorandum report to the Town Council with a copy to the Department Director. If the report concludes that the allegations are founded, the report will be forwarded to appropriate law enforcement officials.

The Town Manager shall make recommendations to the appropriate Department Director who will assist in the prevention of future similar occurrences.

12. **Completion of Investigation**
    Upon completion of the investigation including all legal and personnel actions, any records, documents and other evidentiary material will be returned by the Town Manager to the appropriate department.

13. **Reporting to External Auditors**
    The Town Manager will report to the external auditors of the Town all information relating to investigations of fraud which violate any criminal statute.

14. **Annual Report**
    As directed by Town Council, the Town Manager will report, on an annual basis, information related to fraud investigations conducted under this policy during the year.

10.16 Tobacco Use

Use by Town employees of any type of tobacco product or smoking device in or on any Town property, including open areas, parks, vehicles, parking facilities, utility plants, or any other Town owned property is not permitted, unless it is in a designated smoking area. Smoking shall be prohibited within 50 feet of all public and all accessible entrances to Town facilities and smoking is prohibited within 15 feet of all other entrances to town facilities. The term “smoking device” shall include cigarettes, cigars, snuff, chewing tobacco, electronic cigarettes (also referred to as e-cigarettes), electronic vaping devices, personal vaporizers, and electronic delivery systems, or any other device or mechanism for delivering or using a tobacco product. Nicotine patches used for quitting smoking are not prohibited. Failure to adhere to this policy may result in disciplinary action.

10.17 Weapons in the Workplace

A. **Policy**
   Employees are prohibited from carrying firearms, openly or concealed, or any other weapon enumerated in Section 24-155 of the Leesburg Town Code during their hours of employment while on or at Town-owned facilities, grounds or Town-sponsored events. This applies to all Town employees and volunteers, except for law enforcement officers, as defined in Virginia Code Section 9.1-101.

Nothing in this section shall prohibit an employee or volunteer from storing a lawfully possessed firearm and ammunition in a locked motor vehicle on Town premises.

For purposes of this section, the term “weapon” also includes an instrument of combat or any object carried for the purpose of inflicting or threatening bodily injury. This does not include multi-tools or pocket-tools, small knives or box cutter razors used for work purposes as approved by a supervisor, or weapons authorized by the Airport Director for use in animal control.

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Section 11: Employee Performance Evaluation

11.1 Application

The terms of this Section shall apply to all regular full-time and regular part-time employees, with the exception of the following positions:

A. The Town Manager shall be evaluated on an annual basis as determined by the Town Council.
B. The Town Attorney shall be evaluated by the Town Manager on an annual basis.
C. Temporary Full-time and Temporary Part-time employees.
D. Flexible Part-time employees.

11.2 Policy

Performance goals and objectives are developed to encourage employees in aligning individual job duties with the goals and objectives of their department and/or divisional responsibilities. Individual performance accomplishments provide the opportunity to evaluate the success of the individual and department in providing services to the citizens and visitors to the Town. Performance evaluations (Form C-8 of Appendix C) are designed to determine how well employees achieve established goals, perform job duties, and interact with customers, coworkers, and team members.

Directors and supervisors are responsible for establishing departmental goals and individual employee goals and/or duties that contribute to the Town's mission. The purpose of employee performance evaluations is to help employees focus work activities so that employee, department, and Town goals are achieved. The performance evaluation may be used as the basis for personnel decisions, including career development, salary increases, and disciplinary action, as appropriate. The Performance Evaluation is designed so that employees:

A. Know what is expected of them;
B. Are given the opportunity to contribute to developing individual performance goals;
C. Receive timely feedback about performance;
D. Receive coaching and constructive criticism when appropriate;
E. Receive opportunities for education, training, career development, and promotion;
F. Receive recognition in a fair and equitable manner.

11.3 Responsibilities

A. **Employee**. All employees should receive a semi-annual review, and shall receive an annual performance evaluation. All employees are responsible for:
  1. Providing input to supervisor in the development of individual goals and objectives that contribute to departmental goals and the Town's mission;

2. Providing input to the performance evaluation, through the optional self-evaluation opportunity;
3. Meeting expectations and achieving performance standards;
4. Discussing concerns and/or questions about any part of the job description or performance evaluation with the supervisor; and
5. Identifying and participating in career development and training opportunities.

B. Supervisor. All supervisors are accountable for the responsibilities listed below and the timeliness, fairness and accuracy of the performance evaluations conducted for each of their subordinate employees. All supervisors are responsible for:

1. Completing training on performance evaluations and recognition;
2. Reviewing departmental goals and objectives;
3. Seeking input from subordinate employees and working to develop individual goals while identifying duties and relevant job competencies;
4. Providing clear expectations, consistent measures, and achievable standards of performance;
5. Reasonably supporting and providing resources to meet performance standards;
6. Providing coaching for correction of any identified job performance deficiencies;
7. Identifying and encouraging participation in career development and training opportunities;
8. Recognizing outstanding performance;
9. Conducting timely evaluations for each employee assigned to him/her; and
10. Providing and reviewing a written copy of the job description, including the primary functions of the job, for all new, reassigned, or promoted employees.

C. Department Director. All Department Directors are responsible for:

1. Ensuring performance evaluations are completed in a timely fashion;
2. Ensuring that an appeals process is accessible to employees;
3. Ensuring consistency and equality are maintained throughout the performance evaluation process;
4. Ensuring performance evaluation ratings are well documented;
5. Ensuring goals and objectives are developed for the department; and
6. Reviewing, signing, and approving final performance evaluations.

D. Human Resources Division. The Human Resources Division is responsible for:

1. Providing training on the performance evaluation process and forms to all Town employees;
2. Maintaining files of all required performance documentation;

3. Actively supporting departments by providing guidance and assistance in the practical application of the performance evaluation process;
4. Ensuring that an appeals process is accessible to employees;
5. Providing a copy of the final evaluation to the employee upon request.

E. **Town Manager**. The Town Manager or designee is responsible for:
1. Ensuring that all regular full-time and regular part-time employees are given an annual performance evaluation;
2. Approving all employee evaluations that are accompanied by a Performance Improvement Plan (PIP).

11.4 Performance Evaluation Periods

A. **Probationary Period**. A newly hired, reassigned, or promoted employee shall be on probation for a period of one year in order to demonstrate that he/she can perform the duties of the position in a satisfactory manner. New, reassigned, or promoted employees shall receive a semi-annual written review after completing 6 months of service in the position, and an annual written performance evaluation at 12 months of service in the position.

B. **Non-Probationary**. Employees may receive an oral or written semi-annual review and shall receive an annual performance evaluation. If given, employees should receive the semi-annual review midway through the performance evaluation period. Employees should receive the annual performance evaluation on or before the performance evaluation due date.

C. **Job Changes**. Please refer to PPM section 5.6.D. for more information pertaining to job change evaluation dates.

D. **Semi-Annual Review**. A semi-annual review should be conducted with each employee midway through the evaluation period.

E. **Other**. An employee, supervisor or Department Director may request a performance review be completed at any time during the year for any reason.

11.5 Employee Self-Evaluation (Optional)

Each employee should be afforded an opportunity to provide the supervisor with a self-evaluation of his/her job performance for the evaluation period. If the employee chooses to provide written self-evaluation comments to his/her supervisor for inclusion in the annual performance evaluation, he/she should provide them at least 30 calendar days prior to the performance evaluation due date. If the employee provides a self-evaluation to the supervisor in a timely manner, the supervisor shall review and consider the self-evaluation when completing the employee's performance evaluation.

11.6 Signatures

The supervisor shall have the performance evaluation initialed by the Department Director prior to meeting with the employee. At the conclusion of the evaluation, both the supervisor and the employee shall sign the form. However, an employee's signature does not reflect agreement with the assessment, only that the employee was given the opportunity to review and discuss the written evaluation with the supervisor. Upon request, an employee shall be granted a minimum of five business days to provide written comments to be attached to an annual evaluation form. The Department Director shall sign the evaluation after the employee has been given the opportunity to provide written comments. The Human Resources Director should sign the evaluation prior to placing the Performance Evaluation form into the employee's personnel file. The Town Manager's signature is required if the performance evaluation results in a PIP.

11.7 Feedback

Supervisors should provide continuous feedback to their subordinate employees throughout the year. The assessment of particularly good performance, or the need for improvement, is best communicated in the course of normal daily interactions and discussions with the employee or in periodic meetings set up for that purpose.

If an employee does not receive adequate feedback, the employee should ask his/her supervisor for suggestions on ways to improve the lines of communication. With regular communication, there should be no unexpected outcomes when the performance evaluation is completed.

The content of performance evaluations are not subject to the Town of Leesburg Grievance Procedure.

11.8 Training for Performance Evaluations

Training is critical to providing a quality performance evaluation process. Individuals responsible for reviewing employee performance shall complete mandatory training on how to implement the performance evaluation process. Additional programs are available to train, support, and guide supervisors and employees in the development of goals, effective feedback, and writing performance measures and standards. Employees are encouraged to attend available training to better understand the performance evaluation process and forms.

11.9 New Employee Orientation

The New Employee Orientation session will introduce the performance evaluation process. More information regarding this orientation can be found in Section 9.2 Employee Orientation.

11.10 Documenting Performance

While it is part of each supervisor's responsibility to document performance, employees are also strongly encouraged to document their own performance. Documentation of performance is critical to support and justify performance evaluation scores. Accurate record-keeping and documentation is the key to a successful and effective performance evaluation.

11.11 Retention of Performance Evaluation Forms

A. **Completed Performance Evaluation Forms**. Performance evaluation forms, including those developed for re-evaluation, are official personnel documents and must be retained in the employee's official personnel files when completed.

B. **Confidentiality**. Performance Evaluations and all related forms are to be held in strict confidence. Only the following individuals may obtain access to an employee's performance evaluation: employee, supervisor, reviewer (if other than the employee's supervisor), Department Director, or those specifically authorized by the Human Resources Director acting on official Town business.

11.12 Absenteeism During Performance Evaluation Period

The following types of leave shall not negatively impact the employee's overall performance rating: compensatory, on-call, workers' compensation, military, Family and Medical Leave, and Short-term Disability under the Virginia Sickness and Disability Program (VSDP).

11.13 Performance Improvement Plan (PIP)

An employee who does not meet the expectations of his/her evaluator shall develop a PIP with his/her supervisor. Employees who are on a PIP at the time of their performance evaluation due date are not eligible to receive an annual increase at any time for that performance year. Employees, who are on a PIP during their performance year, but not at the time of their actual performance evaluation due date, may receive an annual increase only upon recommendation of their supervisor and director, and with the Town Manager's approval. Employees who are placed on a PIP as a result of their performance evaluation shall not receive an annual increase.

The PIP is designed to facilitate constructive discussion between an employee and his/her supervisor and to clarify the work performance to be improved. The PIP establishes clear, fair and specific performance goals to be measured during the following 60-90 calendar days.

Immediately upon placing an employee on a PIP, the supervisor shall send a copy of the PIP to the Human Resources Director. The supervisor and Human Resources Director shall review the plan to ensure consistent and fair treatment of Town employees prior to meeting with the employee. The supervisor monitors and provides feedback to the

employee regarding his/her performance related to the PIP during the following 60-90 calendar days, or other as designated by the supervisor.

The supervisor should review the following four items with the employee when discussing the PIP:

A. **State performance to be improved**. Examples of desired improvements should be specifically included in writing.

B. **State expectations and clearly define the expectations and assignments in writing**.

C. **Communicate the feedback plan to the employee**. Meeting times should be specified along with who will and how often the performance measures will be reviewed and how progress will be determined and documented.

D. **Define consequences if improvements in job performance are not achieved**.

PIP Outcome
If the employee receives a rating of "Unsatisfactory Performer" or lower, following the three month evaluation period, the employee may be demoted, reassigned, or terminated at the discretion of the Town Manager after receiving an official recommendation from the Department Director.

If the employee completes the PIP requirements to the satisfaction of the Department Director, then the PIP is discontinued. If the employee has not completed the PIP requirements to the satisfaction of the Department Director, then the Department Director may choose to extend the PIP with the approval of the Town Manager.

11.14 Appeals of Evaluations

All levels of appeals should provide a response in writing to include either agreement with the evaluation, revision to the evaluation, or a new evaluation.

The appeals process may not affect the initiation of a PIP.

A. **First Step**. If an employee disagrees with a performance evaluation or a performance improvement plan, he/she should first discuss the issues of concern and disagreement with the reviewing supervisor and Department Director within five business days of receiving the evaluation.
    i. The employee shall set forth the basis of the appeal in writing, and provide supporting documentation to justify any requested revisions.
    ii. The supervisor and/or the Department Director shall inform the employee in writing of his/her decision regarding the appeal, and provide

the employee with any revisions to the original performance evaluation within five business days of receiving the appeal.

B. **Second Step**. Should the Department Director's decision not satisfy either the employee or the reviewing supervisor, the employee or supervisor may appeal in writing within five business days to the Human Resources Director, who will forward the appeal to the Town Manager.

i. The employee, supervisor, Department Director, Human Resources Director, and Town Manager shall meet to discuss the appeal and determine if there is a resolution available that is acceptable to all parties. The meeting should occur within five business days from the receipt of the appeal by the Human Resources Division.

ii. If there is no resolution at the end of this meeting, the Human Resources Director will provide a written report and recommendation in writing for review by the Town Manager, within five business days of this meeting.

iii. The Town Manager, in consideration of all the facts and circumstances, will accept or amend the original evaluation and provide the decision to the employee, supervisor, Department Director, and Human Resources Director within five business days of receiving the Human Resources Director's report. The final result should be included in the evaluation and placed in the employee's file.

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Section 12: Employee Incentives/Recognition

12.1 Policy

It is the policy of the Town to encourage all employees to fully participate in providing the best service to our citizens. Providing recognition to employees for their loyal and dedicated service to the Town has a positive impact on morale and productivity. Employees who feel appreciated for their work have greater incentive to remain employed by the Town and to demonstrate excellence in public service. To achieve this, the Town will recognize individuals and teams who demonstrate exceptional customer service, continuous improvement, and/or teamwork.

The Town participates in the annual Public Service Employee Recognition week, currently designated in May, and also provides employee appreciation functions throughout the year.

12.2 Recognition Principles

A. Guiding Principles for Recognition and Incentives

1. Deserving employees should receive some form of appreciation throughout the year even if only a verbal or written thank you from a supervisor.
2. Appropriate public recognition can enhance impact of any form of appreciation, e.g., at a staff meeting.
3. Appropriate recognition should take into account what is meaningful to the person being recognized.
4. Every employee has a responsibility to ensure actions that merit recognition are brought to the attention of a supervisor.
5. Recognition should never become an entitlement or expected compensation.
6. Both team and individual recognition is important.
7. Recognition of any type must be fairly and equitably considered throughout the organization.

12.3 Responsibilities

A. The Human Resources Division

1. Has the overall responsibility to administer the recognition and incentives program.
2. Assists departments in the interpretation and execution of this program.
3. Works with the Employee Activities Committee (EAC) to review the program and recommend changes as necessary to the Town Manager.

B. The Department of Finance and Administrative Services (DFAS)

1. Determines tax implications of reward on employee pay (if any).

2. Facilitates payment to award winners.

C. Town Manager/Department Directors

1. Use the policy as a framework to develop recognition programs within their departments tailored to the needs of their employees.
2. Ensure that recognition and incentives are fairly and uniformly administered based on merit.
3. Ensure that deserving employees are recognized in a timely manner to enhance the impact of the recognition.
4. Ensure that adequate funds exist to cover monetary recognition and employee recognition activities during employee recognition month.

D. Supervisory/Managerial Employees

Supervisory/managerial employees are encouraged to assist Department Directors in ensuring that employees receive appropriate recognition.

E. Peers

Peers are encouraged to recognize each other for team and individual efforts.

12.4 Types of Recognition

A. Individual Awards

The Awards Committee, through the office of the Town Manager shall determine the awards categories and required criteria for any given year. They will work in concert with the aforementioned groups to assure the intentions of the policy are met. The following categories should be considered, but not limited to: service/longevity bonus, safety team award, innovation/cost savings award, customer service award, outstanding ideas. The Awards Committee, through the office of the Town Manager will be responsible for soliciting nominations for these awards. Recipients of these awards will be recognized during the annual award ceremony. The Awards Committee is composed of volunteers from various departments.

1. **Eligibility**: All regular Town employees in all classifications are eligible to be nominated to receive an award.

2. **Nomination**: Any eligible employee may nominate another employee by submitting the nomination form provided by the Awards Committee.
The forms should be submitted to the Awards Committee by the deadline set forth in its solicitation material. The nomination must explain how the nominated employee has demonstrated a commitment to service excellence and provide additional supporting documentation such as letters or Council minutes.

3. **Selection**: Selections are made by the Awards Committee in coordination with the office of the Town Manager.

4. **Award Presentation**: Every attempt shall be made to recognize employees in a timely manner so that the recognition does not lose its impact. The actual award will be presented during the Annual Award Ceremony in May.

5. **Notification**: Employees who are nominated, but not selected, will be informed of their nomination as a courtesy.

B. Service/Longevity Awards

These awards are presented to recognize individuals who have been employed with the Town in five year increments, beginning with five years. Determinations of these awards are based on the fiscal, not calendar year.

C. Spot Awards

Small awards with a value to be determined by the Town Manager may be given by Department Directors, and/or the Town of Leesburg Town Manager. These discretionary awards are granted on the spot to an employee, or team of employees who perform an outstanding act or service for the Town. Spot awards will not be included during the annual awards ceremony and will be presented as follows:

1. **Selection**: Department Directors, and/or the Town Manager may give a Spot Award to any Town employee, or group of employees who have demonstrated outstanding service to that department or the Town, and are not limited to those employees within their department.

2. **Nomination**: Department Directors, and/or the Town Manager will complete the Employee Spot Award Form and submit it to the Human Resources Division. Peers may recommend a coworker to a Department Director or to the Town Manager. If an award is being given outside of their own department, the signature of that employee's Department Director must be obtained prior to notifying the employee.

3. **Award Presentation**: The nominating director will provide one copy of the nomination form along with a certificate (to be prepared by Human Resources) to the recipient of the award. The director will keep one copy of the paperwork and will give one copy to DFAS.

   If the Spot Award is presented to a team, two options are available: a designated amount can be used to purchase edibles or other items that can be enjoyed by all members of the team, OR cash awards can be given to each team member in an amount to be determined by the Town Manager, not to exceed the department's allocated amount. The amount of the award should

be calculated in such a way that the net amount equals the total dollar amount awarded to the employee after taxes.

D. Outstanding Performer Award

An outstanding performer award may be awarded to an employee for exemplary performance. The rewarded performance must be unique and identifiable as an act or series of closely related acts that directly achieved or significantly helped organizational goals.

A one-time payment in an amount to be determined by the Town Manager may be awarded to an individual if it is supported by thorough documentation and approved by the proper levels of management.

1. **Nomination**: Department Directors, and/or the Town Manager may nominate any Town employee, or group of employees who have demonstrated outstanding service to that department or the Town resulting in monetary savings, exemplifying Town values, extraordinary efforts in dealing with a town emergency, identifying a process improvement, initiating productivity enhancements, displaying innovation/creativity, and consistently displaying a positive attitude.

2. **Selection**: Department Directors must use careful discretion and limit this award to only unique and well deserving cases. Special criteria and guidelines will be put forth by the Awards Committee in conjunction with the Human Resources Division and office of the Town Manager. Final selection should be made by the Awards Committee or the Town Manager.

3. **Award Presentation**: Every attempt shall be made to recognize employees in a timely manner so that the recognition does not lose its impact. The employee will also be recognized at the Annual Award Ceremony in May.

E. Time-Off Awards Policy

This award is granted to employees who demonstrate outstanding customer service for the Town. Time-Off Awards will be presented as follows:

- **Selection.** Department Directors may consider nominations from any Town employee. Nominations should be submitted to the employee's Department Director in a memo format and demonstrate exemplary customer service by the nominee. No employee may nominate him or herself.
- **Nominations.** The employee's Department Director must concur with the nomination before it is forwarded to the Town Manager. Nominations that give the appearance of an abusive practice will not be considered for award.

- **Approval.** All awards must be approved by the Town Manager.
- **Award Presentation.** The nominating Director will send documented approval of the award, including amount of time off approved, to Human Resources and Payroll. The Department Director, or his/her appointee, will present the signed Congratulatory Letter to the recipient when feasible and appropriate. An employee may not receive more than one (1) award per fiscal year.
- **Documentation.** A record of the nomination and approval will be maintained by Human Resources.
- **Amount of Award.** Time-Off Awards with a value of 3.5 to 12 hours (depending on the work schedule of the award recipient) may be given by Department Directors (as approved by the Town Manager), or the Town Manager him/herself. The value of the award shall be determined by the award recipient's work schedule (i.e., an employee who works 37.5 hours/week is eligible to receive a 7.5 hour time-off award whereas a police officer who normally works a 12-hour shift schedule may be eligible to receive a 12-hour Time-Off Award).
    - Awards greater than 7.5 or 12 hours may be considered for unique circumstances and must be approved by the Town Manager.
- **Use of Award.** Award recipients will receive additional annual leave in their annual leave accrual bank. Time off taken by employees shall not count toward accrual of overtime or compensatory time and shall be redeemed for a regularly-scheduled workday or shift.
    - Time-Off Awards must be used within three (3) months of the award date so long as it is feasible based on work load. Supervisor approval is required to extend this period of time. Consistent with the existing policy of annual leave requests, award recipients must obtain approval from their direct supervisor prior to using the awarded time off.

12.5 Awards Presentation

A. Annual Recognition Event

Each year the Town will sponsor an event that recognizes employees and presents awards for noteworthy achievements. This event may be a luncheon, reception or other designated event. Special award winners, service award recipients and their Department Directors, along with the Town Manager, Mayor and Town Council will be invited to participate in this event.

B. Annual Awards Ceremony

Each year, prior to the employee recognition event, award winners and service recipients shall be honored at a ceremony to take place publicly with all employees of the Town, Mayor and Council invited to participate.

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Section 13: Employee Discipline

13.1 Policy

Discipline is a process that is used to address inappropriate behavior. It is the policy of the Town that discipline or the correction of improper behavior is completed at the lowest level, with the first line supervisor. Improper behavior is that which violates laws, policies, regulations, procedures or rules, or behavior which results in unacceptable performance, unethical conduct or behavior that brings discredit to the Town. Disciplinary action shall be imposed fairly and impartially, and shall be proportional to the seriousness of the issue being addressed. Supervisors are primarily responsible for handling disciplinary issues.

13.2 Coverage

This section applies to all Town employees including regular full-time and part-time employees as well as flexible employees. All Public Safety Employees, sworn and civilian, are covered by the provisions set forth in this section, but may also be subject to General Orders approved by the Chief Of Police. This section does not apply to the Town Manager or Town Attorney, as they serve at the pleasure of the Town Council.

13.3 Causes for Disciplinary Action

The following shall be causes for disciplinary action, but is not all-inclusive:

- Habitual tardiness or absenteeism
- Absence from designated work area without permission
- Conducting personal business on Town time without authorization
- Failing to follow safety regulations
- Acts of incompetence
- Absence without leave
- Making false claims of illness or misuse of sick leave
- Failure to report accidents or personal injuries
- Dealing with the public in a discourteous or unprofessional manner
- Insubordination
- Failing to maintain high standards of conduct
- Negligence or carelessness resulting in damage to municipal property or equipment
- Misappropriation, destruction, theft or conversion of municipal or private property
- Proceeding to work under the influence of alcohol, narcotics, or controlled substances without a valid prescription from a physician
- Using alcohol, narcotics, or other controlled substances on municipal property while on duty without a physician's prescription
- Operating municipal equipment under the influence of alcohol, narcotics or controlled substances outside of the guidelines set forth by a valid prescription from a physician

- Granting special favors or privileges, in the course of work, not normally available to citizens
- Using confidential information obtained during the course of work for personal gain or private benefit of others
- Using or attempting to use political influence in securing a promotion, leave of absence, transfer or any change in status as an employee of the Town
- Violating any Town Policies including but not limited to Equal Employment Opportunities, Sexual Harassment, and Internet Policies
- Being convicted of or admitting to participation in a felony or misdemeanor crime that could negatively affect the job or job performance.
- Acts of misconduct while on duty
- Falsification of Town records and/or documents
- Employee behavior that results in the inability of the employee to carry out the essential functions of his/her job
- Violating any provision of the Town's Social Media Policy, or representing the Town in a negative light in any manner

13.4 Disciplinary Actions

Disciplinary actions shall be proportional to the seriousness of the violation and shall generally be progressive in nature. Disciplinary actions may include some of the following:

- Oral Reprimand – Advises the employee that continued violations will not be tolerated. A memo recording the reprimand is included in the employee's personnel file, and a supervisor may retain a copy.
- Written Reprimand – A copy goes to the Department Director and to the Human Resources Division for the employee's personnel file.
- Suspension Without Pay – Requires notification from the Department Director through Human Resources Division and requires approval from the Town Manager.
- Dismissal – Requires approval from the Town Manager for regular employees, but not for flexible employees.
- Other forms of disciplinary action as deemed appropriate by the Town Manager.

13.5 Rehire Eligibility

Employees who are dismissed from Town service will not be eligible for consideration for re-employment for three years. However, terminations made due to any circumstances outlined in PPM Section 13.3 may be entered on the employee's personnel records and may be grounds for refusal to re-employ the employee.

13.6 Discipline Procedure

It is the responsibility of the supervisor to speak with the employee concerning the conduct requiring disciplinary action. Actions that may be taken for correcting

disciplinary problems will depend on the severity of the action. The supervisor should keep a log to document the steps taken.

The possible disciplinary actions are enumerated in Section 13.4 Disciplinary Actions of this manual. If a written reprimand is warranted, a copy needs to be sent to the employee, his/her Human Resources personnel folder, and the Department Director.

If the situation requires suspension or dismissal, Town Manager approval will be required.

13.7 Employee Appeal

If the employee feels he/she is being wrongly disciplined, he/she may appeal the decision through the grievance procedures. See Section 14 Grievance Process in this manual.

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Section 14: Grievance Process

14.1 Statement of Policy

The Town is committed to the policy that Town employees will receive fair and equitable treatment in all aspects of human resources management. The purpose of this policy is to provide a clearly defined process that allows Town employees to submit a grievance if they feel they have not been treated fairly and equitably, and that such grievances shall be handled in a prompt, fair and orderly manner. Further, employees must feel that they can file a grievance without threat of discrimination, coercion, recrimination, restraint or reprisal.

14.2 Coverage of Personnel

This grievance procedure is applicable to Town personnel as follows:

A. Regular full-time and regular part-time employees in authorized positions listed in the personnel definition section as approved by the Town Council, are eligible to file grievances under this procedure with the following exceptions:

1. The Town Manager
2. The Town Attorney
3. Employees serving a probationary period
4. Employees whose terms of employment are limited by law
5. Appointees of elected individuals or selected groups
6. Temporary, limited term and seasonal employees to include flexible part-time employees

B. The Town Manager shall determine the officers and employees by position excluded from this grievance procedure, and shall maintain a list of such positions in the Human Resources Division.

C. The Equal Employment Opportunity Commission (EEOC) Discrimination Complaint Procedure promotes equal employment opportunities for Town employees, and provides a means for internal resolution of sexual harassment complaints and/or discrimination complaints that are based on race, religion, color, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, military service, or other factors not substantially related to successful performance of the duties of the position.

14.3 Police Officer Procedural Guarantees

A. Sworn police officers of the Town are provided certain procedural rights in matters that could lead to dismissal, demotion, suspension, or transfer for punitive reasons. These rights are mandated by the Law Enforcement Officers' Procedural Guarantee Act, Section 9.1-500-507, Code of Virginia (1950), as amended. Sworn officers, with

the exception of the Chief of Police and officers on probation may elect to proceed under the Town's grievance procedure, or the Law Enforcement Officers' Procedural Guarantees, but not both procedures.

B. Nothing in this section will be construed to prohibit the informal counseling of a law enforcement officer by a supervisor for a minor infraction of policy or procedure that does not result in a disciplinary action.

14.4 Definition of Grievance

The grievance shall be a complaint or dispute by an eligible Town employee relating to his/her employment, including but not limited to:

A. Disciplinary actions, including dismissals, disciplinary demotions, and suspensions, provided that dismissals result from formal discipline or unsatisfactory job performance. **Performance evaluations are not grievable**. See section 11.14 of this manual, Appeals of Evaluations.

B. The application of personnel policies, procedures, rules and regulations, including the application of policies involving matters referred to in Section 15.4 below;

C. Discrimination on the basis of race, religion, color, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, military service, or other factors not substantially related to successful performance of the duties of the position;

D. An act of retaliation as a result of the participation in a grievance action or because the employee**,** in complying with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, has sought any change in law before the Congress of the United States or the General Assembly, or has reported an incidence of fraud, abuse, or gross mismanagement.

14.5 Town Responsibilities

The Town shall continue to have the exclusive right to manage the affairs and operations of government. Accordingly, the following complaints are nongrievable except where such actions affect an employee who has been reinstated within the previous six months, as a result of the final determination of a grievance, termination, layoff, demotion or suspension from duties because of lack of work, reduction in work force, or job abolition:

A. Establishment and revision of wages or salaries, position classification or general benefits;

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

C. The contents of ordinances, statutes or established personnel policies, procedures, rules and regulations;

D. Failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly;

E. The methods, means and personnel by which work activities are to be carried out, including, but not limited to: (1) provision of equipment, tools and facilities necessary to accomplish tasks; (2) scheduling of manpower/personnel resources; and (3) training and career development.

F. The hiring, promotion, transfer assignment and retention of employees within the Town;

G. The relief of employees from duties of the Town government in emergencies.

In any grievance brought under the exception to provision (F) of this section, the action shall be upheld upon a showing by the Town that: a) there was a valid business reason for the action, and b) the employee was notified of the reason in writing.

14.6 Grievance Filing Procedure

A. Overview. All grievable employment complaints and disputes will be administered in the manner here specified and processed within the stated time limits. Personal face-to-face meetings are required for all steps, but may be waived for step 1 upon request from the grievant. With the exception of the final management step, the only persons who may normally be present in the management step meeting are the grievant, the appropriate Town official at the level at which the grievance is being heard, and appropriate witnesses for each side. Witnesses shall be present only while providing testimony. At the final management step, the grievant, at his/her option, may have present a representative of his/her choice. If the grievant is represented by legal counsel, the Town likewise has the option of being represented by counsel.

B. Multiple Grievances. Prior to appointing a hearing officer, multiple grievances may be treated by the parties in a joint manner. The parties could agree to address two or more grievances at any given management step. If more than one grievance is pending involving the same factual background and the same issues or policies, either party may request consolidation for hearing purposes. Additionally, grievances may be consolidated for hearing without a request from either party.

C. Filing Process

1. ***Step 1: File Grievance with Immediate Supervisor***

An employee who has a grievance shall discuss the problem with his/her immediate supervisor. A grievance alleging discrimination, harassment or retaliation by the immediate supervisor may be initiated with the next level supervisor/manager or other management official.

a) **Within 20 business days** of the occurrence of the event to be grieved or knowledge of such occurrence, whichever is later, the employee must present this initial statement of grievance to his/her immediate supervisor.
b) The immediate supervisor (or other management official) shall investigate the complaint and respond to the employee **within five business days** after the initial discussion.

2. ***Step 2: Meeting with Immediate Supervisor and Department Director***

   i. If the response from step 1 is not acceptable to the grievant, the grievant may file a written grievance **within five business days** from his/her receipt of the supervisor's response to step 1.
   ii. The grievant must present this written grievance to the immediate supervisor and forward a copy to the Department Director. The grievance must be filed on a grievance form and must specify the relief sought.
   iii. The immediate supervisor and the Department Director shall meet with the grievant **within two business days** after receipt of the written grievance to discuss the grievance. Human Resources should provide a copy of the employee's file to the Department Director for use during this meeting.
   iv. **Within three business days** after this meeting, the Department Director shall respond to the grievance in writing.

3. ***Step 3: Meeting with Town Manager***
   i. If the Department Director's written reply from step 2 is not acceptable to the grievant, the grievant may request, in writing, a meeting with the Town Manager for further consideration of the grievance. This request must be made within **three business days** from receipt of the Department Director's reply.
   ii. This meeting shall be scheduled within **ten business days** from receipt of the grievant's request. Human Resources should provide a copy of the employee's file to the Department Director for use during this meeting.
   iii. The Town Manager will hear both sides of the dispute, investigate causes, and provide a written reply to the grievant within **five business days** of the meeting.

4. ***Step 4: Request for Panel Hearing***
   i. If the Town Manager's reply from step 3 is not acceptable to the grievant, the grievant may request a panel hearing.

ii. The request for a panel hearing must be made on the grievance hearing request form to the Town Manager. This form is available electronically on the Town's website, or through the Human Resources Division.

iii. Request for a panel hearing must be received by the Town Manager within **five business days** after the receipt of the step 3 reply.

14.7 Compliance

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

B. The Town Manager or appointed designee, at his/her option, may require a clear written explanation of the basis for just cause extensions or exceptions. The Town Manager or appointed designee shall determine compliance issues. Compliance determinations made by the Town Manager shall be subject to judicial review by filing a petition with the Loudoun County Circuit Court within **thirty calendar days** of the compliance determination.

14.8 Qualification for Panel Hearing

A. Qualifying Actions

Only grievances that challenge certain actions qualify for a hearing.

B. Actions Which Automatically Qualify

1. Formal discipline (with or without written notice); and
2. Dismissal for unsatisfactory performance.

C. Actions Which May Qualify

The grievant may qualify for a hearing if (1) he/she claims, and (2) the facts, taken as a whole, raise a sufficient question as to whether an adverse employment action has occurred as a result of one or more of the following:

1. **Unfair application or misapplication** of state and Town personnel policies, procedures, rules, and regulations;
2. **Discrimination** on the basis of race, religion, color, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, military service, or other factors not substantially related to successful performance of the duties of the position;

3. **Retaliation** for participating in the grievance process, complying with any law or reporting a violation of such law to a governmental authority, seeking to change any law before Congress or the General Assembly, reporting an incidence of fraud, abuse, or gross mismanagement, or exercising any right otherwise protected by law; or
4. **Informal discipline** such as transfers, assignments, demotions, and suspensions that are not accompanied by formal discipline (a written notice) but which are taken primarily for disciplinary reasons.

D. Actions Which Do Not Qualify

Claims that relate solely to the following issues do not qualify for a hearing:

1. Establishment or revision of wages, salaries, position classifications, or general benefits;
2. Contents of statutes, ordinances, personnel policies, procedures, rules, and regulations;
3. Means, methods, and personnel by which work activities are undertaken;
4. Hiring, promotion, transfer, assignment, and retention of employees;
5. Termination, layoff, demotion, or suspension from duties because of a lack of work, reduction in work force, or job abolition;
6. Work activity accepted by an employee as a condition of employment or which reasonably may be expected to be part of the content of the job;
7. Relief of employees from duties in emergencies; or
8. Informal supervisory actions such as interim evaluations, counseling memoranda, and oral reprimands.

The fact that the claim challenges an action under this section does not preclude it from qualifying if (1) the grievant claims, and (2) the facts, taken as a whole, raise a sufficient question as to whether the action constituted an adverse employment action that was improperly tainted by (a) misapplication or unfair application of policy, (b) discrimination, (c) arbitrary performance evaluation, (d) retaliation, or (e) unwarranted discipline.

14.9 Determination of Qualification for Panel Hearing

A. Decisions regarding grievances and access to the procedure shall be made by the Town Manager or appointed designee, at any time prior to the panel hearing, at the request of the Town or grievant, within ten business days of the request.

B. The Town Attorney shall not be authorized to decide the question of grievability.

C. A copy of the panel hearing ruling shall be sent to the grievant. Decisions of the Town Manager or appointed designee may be appealed to the Loudoun County Circuit Court for a hearing on the issue of whether the grievance qualifies for a panel hearing.

D. Proceedings for the review of the decision of the Town Manager or appointed designee shall be instituted by the grievant by filing a notice of appeal with the Town Manager within ten business days from the date of receipt of the decision and giving a copy thereof to all other parties within ten business days.

E. Thereafter, the Town Manager or appointed designee shall transmit to the clerk of the court to which the appeal is taken:

- **a.** Copy of the Town Manager's decision;
- **b.** Copy of the notice of appeal; and
- **c.** The exhibits.

F. A list of the evidence furnished to the court shall also be furnished to the grievant. The failure of the Town Manager or appointed designee to transmit the record shall not prejudice the rights of the grievant. The court, on the motion of the grievant may issue a writ of certiorari requiring the Town Manager to transmit the record on or before a certain date.

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

14.10 Procedures for and Conduct of Grievance Panel Hearings

A. Except as otherwise noted, the following rules apply to all levels of grievance hearings.

1. Role of the Human Resources Director

a) The Human Resources Director or his/her designee shall advise both employees and supervisors in matters concerning this grievance procedure.

b) Where a grievant appeals the Step 2 or Step 3 decision, the Human Resources Director or his/her designee shall transmit the grievance record to the administrative hearing officer (if proceeding under the Law Enforcement Officers' Procedural Guarantee Act) or the grievance panel at the next higher level.

c) During Step 3 and Step 4 hearings, the Human Resources Director or his/her designee shall aid the administrative hearing officer (if proceeding under the Law Enforcement Officers' Procedural Guarantee Act) or grievance panel as facilitator and advisor on personnel-related matters.

d) Neither the Human Resources Director nor his/her designee shall be present during the grievance panel's private deliberations and decision-making process.

e) Time intervals specified in Steps 1 through 4 may be extended by mutual consent of the parties.

f) Assures that all requirements for the Americans with Disabilities Act of 1990 are met for any parties participating in the Grievance Process.

B. Scheduling

1. When a deadline falls on a Saturday, Sunday, or Town holiday, the next business day that is not a Saturday, Sunday, or Town holiday shall be considered the last business day.
2. As far as practical, all grievance hearings shall be held during normal Town working hours.
3. Town employees who are necessary participants at grievance hearings shall not lose pay for time lost from their jobs and will not be charged leave because of their attendance at such hearings.
4. At the Step 4 hearing, the grievant, at his/her option, may have present a representative of his choice. The grievant may be represented by legal counsel. Likewise, the Town has the option of being represented by counsel.

C. Pre-hearing Conference

A pre-hearing conference is required and, at the administrative hearing officer's (if proceeding under the Law Enforcement Officers' Procedural Guarantee Act) or the grievance panel's discretion, may be conducted in person or by telephone. This conference provides the opportunity to manage the hearing by addressing procedural and evidentiary issues. It allows either party to request a particular witness or document to be available during the hearing. The Town must make available any employee ordered by the hearing officer to appear as a witness.

D. Recording

1. The use of recording devices or a court reporter is not permitted at Step 1, 2, and 3 hearings. Only Step 4 hearings may be recorded. Where a Step 4 hearing is recorded, it will be the responsibility of the Human Resources Director or his/her designee to make the recording. There will be no other recording permitted. If the grievant desires a transcript of the hearing, he shall bear the costs thereof.

2. Hearings are not intended to be conducted like proceedings in court and the rules of evidence do not necessarily apply.

E. Privacy

1. At Steps 3 and 4, the hearing officer or the grievance panel, as the case may be, shall have the discretion to limit the attendance at the hearing of persons not having a direct interest in the hearing; however, the Human Resources Director and/or his designee may be present at any hearing.
2. At the request of either party, Step 3 and Step 4 hearings shall be private.

F. Witnesses and Evidence

1. Except in cases involving discipline or in cases where the administrative hearing officer (if proceeding under the Law Enforcement Officers' Procedural Guarantee Act) or the grievance panel, as the case may be, determines otherwise, the grievant shall present his evidence first.
2. The administrative hearing officer (if proceeding under the Law Enforcement Officers' Procedural Guarantee Act) or grievance panel, as the case may be, shall determine the priority of and the weight to be given the evidence submitted.
3. Both the grievant and the Town may call appropriate witnesses. All witnesses, including the grievant, shall be subject to examination and cross-examination. The Town shall make available for hearing any employee ordered by the Human Resources Director or designee to appear as a witness.
4. Witnesses shall be present only while actually giving testimony.
5. The grievant shall not be entitled to recover more than that which he/she has lost.

G. Relief

Where a grievant has obtained partial relief at one level of the grievance procedure but decides to appeal to the next higher level, the filing of a request form to the next higher level shall constitute rejection of, and relinquishment of any claim to, and any and all relief granted at the previous level.

H. Fees

1. An employee is entitled to an award of reasonable attorney's fees if he or she files a grievance that challenges his or her discharge; is represented by an attorney at hearing; and "substantially prevails" on the merits of the grievance; unless special circumstances make an award unjust.

   "Substantially prevail" means the administrative hearing officer's (if proceeding under the Law Enforcement Officers' Procedural Guarantee Act) or the grievance panel's decision must contain an order that the Town

reinstate the employee to his/her former position, or a similar one.

2. Within 15 days following the administrative hearing officer's (if proceeding under the Law Enforcement Officers' Procedural Guarantee Act), or the grievance panel's initial decision ordering reinstatement, said officer must receive from the grievant's attorney a petition for the award of reasonable attorney's fees. This petition must include an affidavit itemizing services rendered, time billed, and hourly rate not to exceed $144 per hour. This petition must be provided to the Town at the time it is submitted to the grievance panel.

14.11 Grievance Panels and Panel Hearings

A. Selection of Grievance Panel

1. Within five business days of receipt of the Step 4 request form, the Town Manager or his/her designee shall appoint a member to serve on the grievance panel. The panel members are selected from a list maintained by the Human Resources Division. The grievant shall select the second member of the grievance panel. The third member is selected by the two selected panel members.
2. If the panel member appointed by the grievant and the panel member appointed by the Town Manager or his/her designee cannot agree upon a third panel member within 20 business days of the Town's receipt of the grievant's Step 4 request form, the third member shall be appointed by the Chief Judge of the Loudoun County Circuit Court from a list maintained by the Human Resources Division.

B. Eligibility to Serve on a Grievance Panel

1. The panel shall not be composed of any persons having direct involvement with the grievance being heard by them, or with the complaint or dispute giving rise to the grievance. Managers who are in a direct line of supervision of a grievant, persons residing in the same household as the grievant, and the following relatives of a participant in the grievance process or a participant's spouse are prohibited from serving as panel members: spouse, parent, child, descendants of a child, sibling, niece, nephew, and first cousin. No attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee, or co-employee of the attorney shall serve as a panel member.
2. The following rules apply to Step 4 grievance panels and the conduct of Step 4 grievance panel hearings:
   a) The grievant shall bear the reasonable costs and expenses, if any, of his panel members.
   b) The Town shall bear the reasonable costs and expenses, if any, of its panel members and those of the third panel member unless the grievant objects. Upon objection, the reasonable costs and expenses of the third

panel member shall be shared equally between the Town and the grievant.

c) No person shall receive any compensation, whether monetary or otherwise, for his/her time serving as a member of a grievance panel. Notwithstanding this prohibition, a Town employee serving as a member of a grievance panel may receive his usual salary for the period he serves on such a panel.

d) The panel shall set the date, time, and location for hearing the grievance and shall notify the parties within three business days.

e) At the request of the grievant, at least ten business days prior to the scheduled panel hearing, the grievant and his attorney shall be allowed access to and copies of all relevant files intended by the Town to be used by it at the panel hearing.

f) The grievant shall furnish to the Town copies of all documents, exhibits, and a list of witnesses it intends to use at the panel hearing seven business days in advance of the hearing. Three business days after receiving these items from the grievant, the Town shall furnish to the grievant copies of all documents, exhibits, and a list of witnesses it intends to use at the panel hearing.

g) Both the grievant and the Town may be represented by legal counsel or other representative at the panel hearing. Such representatives may examine, cross-examine, question, and present evidence on behalf of the grievant or the Town before the panel without being in violation of Virginia Code § 54.1-3904.

h) The panel shall have the authority to determine the admissibility of evidence without regard to the burden of proof or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence.

i) All evidence shall be presented in the presence of the panel and the parties except by mutual consent of the parties.

j) The decision of the panel should be rendered as soon as possible, but not later than five business days following the conclusion of the hearing.

k) The panel shall have the authority to uphold the Town's action or to reverse, reduce or otherwise modify that action. If the panel finds, based on the greater weight of the evidence, that the grievant has been denied a benefit or wrongly disciplined without just cause (where such cause is required) it may, where appropriate, order the reinstatement of the employee to his/her former position with back pay.

- **i.** Back pay shall not exceed pay for time actually lost due to such suspension or discharge, in an amount the panel believes equitable.
- **ii.** Any award of back pay shall be offset by interim earnings the grievant earned during the period of separation.
- **iii.** The panel also has the power to uphold the Town's action.

l) The panel shall not have authority to do the following:
- **i.** Formulate policies or procedures.
- **ii.** Alter existing policies or procedures.
- **iii.** Circumscribe or modify the rights of the Town as outlined in this procedure.
- **iv.** Exonerate an employee from all discipline when the panel believes the employee is at fault or the employee admits fault.
- **v.** Grant relief greater than that which the grievant has requested in the request form.
- **vi.** Grant partial relief

m) The majority decision of the panel, acting within the scope of its authority, shall be final and binding, subject to existing policies, procedures, and law.

n) The Human Resources Director or designee must be notified of any withdrawal of grievance and/or settlement between the parties prior to the issuance of a hearing decision.

o) The panel decision shall be provided within five (5) business days after the panel hearing to all parties. In hearings contesting formal discipline, if the hearing panel finds that:
- **i.** The employee engaged in the behavior described in the written notice;
- **ii.** The behavior constituted misconduct or was in violation of the law; and
- **iii.** The department's discipline was consistent with law and policy; then the department's discipline must be upheld and may not be mitigated, unless evidence shows that the discipline was unreasonable.

p) A hearing panel must consider and assess mitigating and aggravating circumstances, and may mitigate only if the evidence shows that the action was unreasonable.
- **i.** Examples under which mitigation may be appropriate include:
  - *Lack of Notice*: The employee did not have notice of the rule, how the department interpreted the rule, and/or the possible consequences of non-compliance. However, presumption of notice may be given if the rules were distributed or made available to the employee orally, in writing or by past practice. Notice may not be required when the misconduct is so severe or is so contrary to applicable professional standards that a reasonable employee should know that such behavior would not be acceptable.
  - *Inconsistent Application:* The discipline is inconsistent with how other similarly situated employees have been treated.

- *Improper Motive:* The discipline was tainted by improper motive, such as retaliation or discrimination.

14.12 Implementation of Panel Decisions

A. The question of whether the relief granted by a panel is consistent with written policy shall be determined by the Town Manager or his designee, unless the Town Manager or his designee has a direct personal involvement with the event(s) giving rise to the grievance. In that case, the decision shall be made by the Chief Judge of the Loudoun County Circuit Court.

B. Either party may petition the Loudoun County Circuit Court for an order requiring implementation of the panel decision. This petition must specify the basis for the Town's position that the hearing decision is contradictory to law.

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Section 15: Employee Separation/Retirement

15.1 Policy

The Town desires to have procedures in place to successfully guide an employee through separation or retirement from the Town.

15.2 Application

The provisions of this section apply to all employees of the Town.

15.3 Types of separation from employment with the Town

A. **Resignation:** The voluntary separation of an employee at his/her request.
B. **Reduction in Work Force (RIF):** A temporary or permanent separation of an employee (without cause) due to the lack of funding or work. A RIF may be voluntary with or without incentive, or involuntary.
C. **Dismissal**: The involuntary separation of an employee.
D. **Job Abandonment:** Separation of employment due to the employee's failure to report to work for a period of three consecutive work days without appropriate notice to their supervisor.
E. **Retirement:** An action or status of an employee who is eligible for and receives VRS retirement benefits, and who leaves Town employment for that reason.
F. **Disability Separation:** Separation of employment due to an illness or injury, which keeps the employee from performing the essential functions of the job.
G. **Separation:** The voluntary or involuntary separation of an employee from employment with the Town of Leesburg.
H. **Elimination of Positions**: Elimination of specific jobs or classes within departments or specific work areas determined by Town Council to no longer serve the goals of the Town.
I. **Separation for drug and/or alcohol use:** Employees will not be eligible for re-hire after termination for a positive drug and or alcohol test.

15.4 Separation Procedures

The Town has established the following separation procedures to be utilized when an employee separates from Town employment:

A. **Separation Procedure Checklist.** The employee's supervisor or designee shall complete a Separation Procedure Checklist (Form C-12 of Appendix C) prior to the employee's last workday. Once completed, the Separation Procedure Checklist should be forwarded to the Human Resources Division. Completion of the checklist ensures that:
   1. Building security access is deleted by contacting the IT Department and the Building Supervisor;
   2. The employee's email account is forwarded to the immediate supervisor for 60 days to facilitate continuity of service delivery;

3. The employee has returned Town Property;
4. The Report of Separation is completed;
5. The Personnel Action Form is completed;
6. The employee is provided the opportunity for an Exit Interview;
    i. The SOP entitled "Exit Interviews" should be referenced for all necessary information.
7. The Personnel Action Form, Report of Separation, and Separation Procedure Checklist have been provided to the Human Resources Division;
8. The employee has been deleted from any departmental lists/accounts; and
9. The employee has made arrangements to receive his/her last pay check.

Department Directors may also make use of an internal checklist to ensure that all Town property is collected prior to the employee's separation.

B. Resignation

When a department receives notice that an employee intends to resign, an effort should be made by the Department Director, or his/her designee to advise the employee that he/she should provide written notice of intent to resign at least two weeks prior to the date of the last work day. This will ensure that the employee resigns in good standing. Failure to comply with this expectation shall be entered on the employee's personnel record and may be grounds for refusal to rehire the employee. Employees are expected to work their entire two weeks unless otherwise approved by the supervisor. When a letter of resignation has been submitted, it should be attached to the Personnel Action Form, the Report of Separation and the Separation Procedure Checklist, and immediately forwarded to the Human Resources Division to avoid overpayment of salary.

C. Retirement

A Town employee eligible and considering retirement should meet with the Benefits Administrator to receive counseling on the retirement process and receive the Retirement Packet provided by the VRS. It is important to apply for retirement benefits three-to-four months before the date of retirement. The application must be received by VRS according to the current timeline on the VRS website: www.varetire.org. That timeline is at least 60 days, but not more than four months before the effective date of retirement. The Town makes contributions to each employee's retirement. The plan administrator should have information on the current contribution amount.

D. Involuntary Separations (Dismissals)

All non-probationary, full-time employees are entitled to make use of the Town's Grievance Procedure in Section 14 of this manual.

Once the determination has been made to dismiss or terminate an employee, the supervisor or designee will complete the Separation Procedure Checklist. Unless the reason for dismissal/termination is based upon a sole incident of misconduct, the supervisor should review the employment history of the employee to insure that all pertinent data to support the dismissal/termination action is included on the Report of Separation. Information provided on the Report of Separation shall be specific (i.e. dates and purpose of counseling, letters of reprimand, excessive absenteeism and dates, dates and circumstances surrounding specific violations of policies, procedures and orders, etc.). The Report of Separation, completed by the supervisor and reviewed by the Department Director or designee, shall be attached to the Personnel Action Form reporting the termination.

E. Reduction-in-Work Force

When the Director of Finance and Administrative Services certifies to the Town Manager that revenue projections indicate that funds will not be available to meet future payroll obligations at current staffing levels, the Town Manager shall determine the practicality of the following actions in lieu of a reduction in force:

1. Elimination of overtime work.
2. Delay of appointments to vacant positions.
3. Appointment of lower grade employees to vacant positions.
4. Conversion of some positions from full-time to part-time status.

After the Town Manager certifies to the Town Council that revenue is insufficient or that the fiscal impact of the revenue is insufficient to avoid a reduction in work force, the following order should be considered:

1. Voluntary reduction in force (with or without incentives as determined by the Town Manager after consultation with Town Council).
2. Flexible part-time employees.
3. Temporary full-time employees.
4. Regular part-time employees.
5. All other employees: All positions will be evaluated on a case-by-case basis to determine which positions are the most necessary to maintain optimal service for the Town. Each director should consider and rate the necessity of each position from most important to least important and consider the past performance of each employee. Whenever applicable, the employee's time in service to the Town should be considered when considering employees of equal performance quality and pay grades.
6. Employees who were separated by a reduction in work force shall be placed at the top of the appropriate eligibility register for their position,

for a one-year period, based on the order of reduction in work force within their classification.

Employees are not entitled to make use of the Town's grievance procedure in Section 14 of this manual in the event that there is a separation pursuant to Section 15.4 (D).

F. Elimination of Positions

Specific jobs or classes within departments or specific work areas may be eliminated when the Town Manager after consultation with the Town Council determines those jobs/classes no longer serve the goals of the Town. Employees whose jobs are eliminated shall be placed at the top of the appropriate eligible register for a position within their classification.

Employees are not entitled to make use of the Town's grievance procedure in Section 14 of this manual in the event that there is a separation pursuant to Section 15.4 (E).

15.5 Collection of Town Property

The Department Director shall provide the equipment required for the employee to perform his/her job. A written copy of the assigned property will be maintained by each department. The Town employee is responsible for the safekeeping and maintenance of all delegated property and may be held liable for loss, damage, theft, or misuse.

An assigned property exit inventory shall be conducted by the Department Director, or his/her designee whenever an employee separates from the Town or transfers to another department. Failure to perform this exit inventory shall result in the Department Director's responsibility for the assigned property until such time it is reassigned to a specific employee.

In the event of the separation or reassignment of a Department Director, the assigned property exit inventory should be conducted by the Town Manager. The exit inventory should also apply to all director assigned property. However, the Town Manager may require a complete department inventory since the Department Director is the primary custodian for all departmental property.

In the event of separation of an employee other than a Department Director, the exit inventory shall be completed using the Separation Procedure Checklist, and a final inventory is to be completed during the final meeting between the Department Director, the Human Resources Director, the Director of Finance and Administrative Services, the Town Manager, and the employee.

The completed assigned property exit inventory report shall be signed by the Department Director and employee. Final results of the exit inventory shall be forwarded to the Town Manager and Human Resources Division. The employee may be held responsible for any discrepancies in the assigned property exit inventory. The Town Manager is authorized to withhold wages if the employee fails to reimburse the Town for discrepancies in the assigned property exit inventory. For more information on withholding employee wages, see Section 5.10(E) of this Manual.

15.6 Retirement Benefits

Employees hired after April 1, 2016 shall be eligible to participate in the Town's Health Insurance program at full cost to the employee.

A. Health Insurance:

1. Eligible employees who retire under the state retirement system with 20 years or more of Town service shall be required to pay ten percent (10%) of the monthly individual health insurance premium and the supplemental Medicare insurance.
2. Eligible employees who retire under the state retirement system with at least 15 but less than 20 years of Town service shall be required to pay fifty percent (50%) of the monthly individual health insurance premium and supplemental Medicare insurance.
3. Eligible employees who retire under the state retirement system with at least 10 years but less than 15 years of Town service shall be required to pay seventy five percent (75%) of their own health insurance premiums and supplemental Medicare insurance.
4. Retired eligible employees participating in the plan shall pay all additional premiums for spouse or other dependent coverage requested by the retiree.
5. A surviving spouse of a retired eligible Town employee may continue to participate in the Town's health insurance program entirely at his/her own expense until he/she remarries or is eligible to convert to Medicare coverage.
6. Upon retirement, an eligible employee must be actively enrolled in the Town's health insurance program in order to continue health insurance coverage.
7. The retiring eligible employee has a one-time only option to continue participation in the Town's health care insurance plan and such option must be exercised within 30 days of retirement from the Town.
8. The retired eligible employee's participation in the Town's health care insurance plan is limited to the plan or plans that are in effect for the Town's active employees.

9. Health insurance renewals are made July 1st of each year, which includes updated health care insurance premium rates. All retired eligible employees will receive notification of premium rate changes.
10. When a retired eligible employee meets the eligibility requirements for enrollment in Medicare, that employee is required to notify immediately the Human Resources Division and to enroll in the Medicare program. Retirees who fail to enroll in Medicare upon eligibility risk cancellation from the Town's group health care insurance plan.
11. The Town will not bill monthly for this retirement benefit. Healthcare insurance premiums will be deducted automatically from the retired eligible employee's monthly retirement check (VRS). Alternatively, that retired employee may set up an ACH transaction with the Town's Human Resources Division. Retirees, whose monthly health insurance premiums exceed their monthly retirement check, must enroll in the ACH withdrawal. Please note, if the retiree chooses ACH transaction, he/she must notify the Town immediately if there is a change in bank, and must provide a new cancelled check or deposit slip. The following banking information is required by the Town for ACH withdrawals:

    Banking Institution:
    Recipient:
    Routing Number:
    Account Number:
    Cancelled check or deposit slip:

12. If the eligible retiree's monthly retirement check (VRS) or ACH withdrawal is insufficient to cover the health insurance premiums, the retiree has thirty (30) days from the date the Town receives notification of insufficient funds to pay the full amount of any delinquency. The retiree will also be charged a $50 penalty. If full payment is not received by the Town within the thirty (30) day period, the retiree will be notified by certified mail and removed from the Town's health insurance plan.

    In the event the eligible retiree is removed from the Town's health insurance plan due to insufficient payment, he/she may enroll again during the next Employee Open Enrollment period, provided all delinquent amounts for coverage received have been paid in full. If the retiree has insufficient funds and is unable to pay health care insurance premiums a second time, the retiree will permanently lose retiree health insurance benefits.

B. Life Insurance

Upon retirement, basic group life insurance coverage continues at no cost to the eligible retiree provided he/she is at least 50 years of age (or 55 with five years of service), has at least 10 years of service based upon the highest annual salary and was hired prior to April 1, 2016. (Refer to Section 7.5 - Benefits of this manual for more information).

15.7 Wellness Program

Employees who retire under the state retirement system with a minimum of 10 years of Town service shall be eligible to use Ida Lee Park Recreation Center free of charge, so long as this benefit remains available. At the Town Manager's discretion, this Wellness Program benefit may be altered or eliminated at any time.

15.8 Farewell Events

A. To ensure that all employees are honored for their service to the Town before their departure the following policy is established:

1. When an employee exits a department for employment outside the organization, the department may plan a farewell event, such as a lunch, or whatever is acceptable to the employee. Each attendee is expected to pay for his/her own lunch.
2. The employee's department, in consultation with the employee, will handle retirement recognition.

B. The Town Manager, at his discretion, may waive rental fees at Town facilities for events honoring departing employees and retirees. Requests for waiving those rental fees should be sent to the Town Manager in writing. The requesting party should receive written approval from the Town Manager before scheduling the event at a Town facility.

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Section 16: Employee Personnel Files

16.1 Policy Statement

The Human Resources Division will establish and maintain the official personnel file for all Town employees. The Human Resources Division is designated as the office of record for the collection, storage and dissemination of data relating to all Town employees.

16.2 Establishment of Department Employee Files

A. Department Directors, and their designees will ensure that only personnel information deemed to be critical to the operation of the department is maintained in unofficial personnel records within the department. This information is to be kept confidential in secured files with limited access, to be shared on a need to know basis.

B. The existence of any personnel information system must be open to the Human Resources Division.

C. All data about an employee in the personnel file must be open to that employee and to the Human Resources Division. All employees are entitled to view information in their own personnel file.

D. An employee shall have the opportunity to prohibit the use of information in a manner other than the purpose for which it was collected or intended. If an employee believes that information is being misused, he/she must inform the Human Resources Director in writing.

E. These requirements do not apply to records maintained by the Police Department containing data gathered through background investigations.

16.3 Dissemination of Information

A. The Human Resources Division will handle all requests for verification of employment for current or past employees. Any request to view an employee's information, such as their personnel file or training certificates, should be documented on the "Personnel File Activity Log" to be included in each employee's personnel file.

B. The Human Resources Division shall release only data relating to employee names, job titles, employment dates, and the last salary received. Departments are not authorized to provide any information, personal or otherwise, regarding their employees or former employees to other individuals, businesses or outside agencies. Only the Town Manager, Town Attorney, and Human Resources Director may

approve exceptions to this policy on a case-by-case basis.

C. Employees may sign a waiver to allow co-workers to act as an employee reference.

D. Law enforcement agencies, in the course of their business, may access file information. This decision shall be made at the discretion of the Human Resources Division in response to the request, a legal subpoena, or court order.

16.4 Records Retention and Disposal

A. The Human Resources Division shall retain and dispose of personnel files in accordance with Virginia state law and the Library of Virginia Retention schedules.

16.5 Review Rights of Personnel Records

A. An employee shall have the right to review his/ her personnel file during working hours by contacting the Human Resources Division to schedule an appointment. Copies requested by an employee are to be made by a Human Resources staff member.

B. The employee shall review his/her file in the presence of a Human Resources Division representative. If the employee finds information that he/she believes is inaccurate, the employee may request in writing that this be changed or purged appropriately.

C. An employee's immediate supervisor, the Department Director, and the Town Manager are authorized to review individual employee files, except medical information or other information protected by HIPAA or other confidential information not related to job performance or function.

D. Hiring managers may view individual employee files while considering an employee's application for promotion or transfer into their department.

16.6 Employee Files and the Freedom of Information Act

A. The Freedom of Information Act (FOIA) provides that any person has a right to access public records, including everything written or prepared by a public body or its officers. Anything written or prepared by the Town is available for public access.

B. The FOIA has certain exemptions from what may be released to the public. Among these, are personnel records, which constitute a clearly unwarranted invasion of privacy. However, access shall not be denied to the person who is the subject of the record and who is 18 years of age or older. In such instance, that person may waive, in writing, the protections afforded by the Virginia Freedom of Information Act. If those protections are waived, the Town shall open the records for inspection and copying.

16.7 Confidentiality

A. Employee files are maintained by the Human Resources Division and are considered confidential. Federal laws require that all employee files be maintained in a confidential manner. This includes official personnel files the Human Resources Division maintains and unofficial departmental files.

B. Departments maintaining employee files must ensure the reliability and confidentiality of the data and take precautions to prevent its misuse.

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Section 17: Glossary

Where used within the context of these policies and procedures, the following definitions and terms will have the meanings indicated below:

Administrative Leave – Leave of absence with or without pay for the purposes of (1) an employee to be off work as recommended by the Department Director and approved by the Town Manager; or (2) investigating disciplinary charges against an employee.

Anniversary Date – For performance evaluations and/or salary increases, the anniversary date will be based upon the employee's original hire date or date of subsequent promotions.

Appeal – Request by an employee for management review of an employment action outside of the formal grievance process. Progresses up the Town chain of supervision with decisions by Town Manager being final.

Assigned Schedule – Time period to be worked as assigned by an employee's supervisor. The employee's supervisor reserves the right to change a work schedule in order to meet business needs.

Classification Plan – The system of identifying groups of Town positions based upon job complexity, scope and impact, among other factors, and arranging these in a logical framework reflecting salaries commensurate with work, skill and responsibilities.

Closure Leave – Declared by the Town Manager. Defines what facilities are closed and which employees are entitled to closure leave.

Compensation Plan – The system used to identify and establish salary ranges of the grades in the classification plan.

Compensatory Time – Additional time earned by an employee who has worked in excess of regular hours during a given payroll period, to be granted in lieu of paid overtime.

Continuous Service – Uninterrupted employment except for authorized leave(s) of absence.

Demotion – The change of an employee from one position to another, generally having a lower pay grade and requiring performance of less responsible duties.

Department – A major administrative or operating unit of Town government possibly composed of various divisions.

Department Directors – Collective term that refers to the Directors of Public Works and Capital Projects, Finance and Administrative Services, Parks and Recreation, Planning and Zoning, Utilities, Chief of Police, Plan Review, Airport, Information Technology, Human Resources, Economic Development, Library, Clerk of Council and Public Information Officer.

Disability – A physical or mental impairment that substantially limits one or more of the major life activities of such individual, a record of such an impairment, or regarded as having such an impairment.

Dismissal – The involuntary separation of employment.

Division – A unit within a Town government department.

Eligible Applicant – An applicant who meets the minimum qualifications for employment for a particular position.

Employee – A person hired to a position with the Town for which he/she is compensated. Different categories of employees included:

- **Flexible part-time** – A temporary employee hired for an indefinite period of time for varying hours of time not to exceed 29 hours per week (not eligible for benefits).

- **Regular full-time** – A full time employee whose regular work schedule is 37.5 hours or more in a week (with the exception of public safety personnel who work 80 hours in two-week pay period). Regular full time employees are eligible to receive health insurance, life insurance, disability, and other Town benefits, and to accrue annual and sick leave.

- **Regular part-time** – A part-time employee whose regular schedule is 20 hours or more but less than 37.5 hours per week, and is eligible for some pro-rated benefits and affordable health care coverage in accordance with the Affordable Care Act (ACA).

- **Temporary** – An employee who is appointed to fill a temporary full-time or part-time position for a limited or fixed period of time, and generally not eligible for benefits.

Employment-at-will – A legal doctrine which states that an employment relationship may be terminated by the employer or employee at any time and for any lawful reason, or for no reason whatsoever.

Essential Personnel – Employee designated by the department director as performing services required during an emergency and/or event.

Evaluation Date – The date the employee is eligible for a performance evaluation. For employees who have been promoted or demoted, the employee evaluation date will be on the anniversary date of the change. The evaluation date for employees who have been reclassified will not change.

Exempt Employee – Employees who meet one of the FLSA exemption tests, are paid on a fixed salary basis, and are not entitled to overtime. (See Town's Classification and Compensation plan)

Flexible Part-time Employee – A temporary employee hired for an indefinite period of time for varying hours of time not to exceed 29 hours per week (not eligible for benefits).

Full-time Employee – An employee who works on a continuing basis and is scheduled to work at least 37.5 hours a week.

Grievance – A formal complaint or dispute filed by an employee relating to specific, enumerated conditions of his/her employment.

Grievance Panel – A panel of three members selected from a list maintained by Human Resources, to hear a grievance case requested by an employee.

Harassment – Conduct or actions based on race, religion, color, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, military service, or other non-merit based factors that is severe or pervasive enough to create a hostile, abusive or intimidating work environment for a reasonable person.

Hire Date – Initial date a person becomes an employee of the Town.

Immediate Family – For purposes of Sick Leave, members include spouse, parents, grandparents, child, grandchild, stepchild, brother, sister, mother-in-law, father-in-law, or relative living in the same household. For purposes of Bereavement Leave, members include spouse, child, parents, brother, and sister.)

Job Abandonment – Employees who are absent from work for three consecutive days without giving proper notice to their supervisors.

Job Description – A brief, written statement of the general duties, responsibilities and required education and experience for a particular position.

Layoff (Reduction-in-Force) – A temporary or permanent separation of an employee (without cause) but due to a lack of funds or work.

Leave Without Pay – Employee absence with approval of Department Director, or Town Manager, generally after exhausting annual leave and sick leave.

Medical Review Officer – Representative from the laboratory wherein urine samples are sent for completion of a drug test; responsible for relaying the result of the drug test to the employee and the Town

Merit Increase – An increase in salary based upon an employee's job performance.

Merit Pay System – A compensation system whereby base pay increases are determined by individual performance.

Minimum Qualifications – Minimum education and experience requirements that qualify an applicant to be considered for selection for a specific Town position.

Non-Exempt Employee – An employee who does not meet any one of the Fair Labor Standards Act exemption tests and is paid on an hourly basis and covered by wage and hour laws regarding hours worked, overtime pay, etc.

Overtime – Time worked in excess of a 37.5 or 40-hour regular work schedule (depending upon an individual's job classification); time and a half is generally paid after an employee works 40 hours within a work week.

Officer – Executive positions including Town Manager, Deputy Town Manager, Department Directors, and other executive level positions as determined by the Town Manager.

Open Enrollment Period – The period of time designated by the employer's health or other benefit plan when employees may enroll in new benefit plans or make changes to existing benefit plans.

Part-time Employee – An employee whose regular work week does not exceed 29 hours.

Performance Evaluation – The method of evaluating each employee on a periodic basis as to his/her performance on the job.

Pay Grade – The numerical designation of a fixed salary range assigned to a position class or group of classes.

Probationary Period – The one-year period given to a newly hired or promoted employee to demonstrate that he/she can perform the duties of the position in a satisfactory manner.

Reasonable Accommodation – Modifying or adjusting a job process or a work environment to better enable a qualified individual with a disability to be considered for or perform the essential functions of a job.

Reasonable Suspicion Test – "A drug or alcohol test administered to an employee due to a performance or policy infraction or poor or erratic behavior."

Reclassification – The assignment of an existing position to a different class due to a significant change in duties or responsibilities.

Resignation - The voluntary separation of an employee at his/her request.

Regular Full-time – A full-time employee whose regular work schedule is 37.50 hours or more in a week (with the exception of emergency service personnel who work 80 hours in a two-week pay period). Regular full-time employees are eligible to receive health insurance, life insurance, disability, and other Town benefits, and to accrue annual and sick leave.

Regular Part-time – A part-time employee whose regular schedule is 20 hours or more but less than 37.5 hours per week, and is eligible for some pro-rated benefits and affordable health care coverage in accordance with the Affordable Care Act (ACA).

Risk Manager – A designated employee who identifies, assesses and prioritizes risks followed by coordinated and economical application of resources to minimize, monitor, and control the probability and/or impact of unfortunate events.

Separation – Voluntary or involuntary termination of employment.

Series – A number of job classifications related to each other in terms of work within the same occupational field, such as Maintenance Worker I, II, and III.

Sexual Harassment – Unwelcome sexual advances, requests for sexual favors and other verbal, written, electronic, visual, or physical conduct of a sexual nature that explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Suspension – An involuntary leave of absence.

Temporary Employee – An employee who is appointed to fill a full-time or part-time position for a limited or fixed period of time, and generally not eligible for benefits.

Temporary Full-Time Position - An employee hired for a defined or undefined (but limited) period of time and is scheduled to work at least 37.5 hours a week (eligible for some benefits). The employee is not hired into a position control vacancy and is hired with the expectation that the position is not permanent. The employee is eligible to apply for a permanent position should one become available.

Temporary Modified Duty- An approved temporary work assignment for an employee who is recovering from an injury or illness where restrictions have been determined by a treating physician.

Town-wide Emergency – A state of emergency declared by the Town Manager that may result in emergency leave and emergency pay status.

Transfer – Moving an employee from one position or department to another.

Under fill – A position recruited and filled at a grade lower than the authorized level of the position; example, a Water Plant Operator Trainee (grade 7) when the authorized position is Water Plant Operator (grade 8).

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Appendix A: Classification and Compensation Plan

The Fiscal Year 2020 Budget includes 374.5 full time equivalent (FTE) positions in all funds which is comprised of 287.5 FTE in the General Fund and 87.0 FTE in the Utilities Fund. In addition, the Town utilizes temporary and flexible part time personnel on an operational needs basis that are not reflected as permanent FTE positions.

The Fiscal Year 2020 Budget includes an increase of twelve enhancement positions (8.0 FTE in the General Fund and 4.0 FTE in the Utilities Fund).

The new Fiscal Year 2020 enhancement positions in the General Fund include: an Emergency Management Director (1.0 FTE) in the Town Manager's Office; three Patrol Officers (3.0 FTE), and a Sergeant/ Detective (1.0 FTE) in the Leesburg Police Department; an IT Systems Administrator (1.0 FTE) in the Department of Finance & Administrative Services; and two Project Managers (2.0 FTE) in the Department of Public Works and Capital Projects.

The enhancement positions for Fiscal Year 2020 in the Utilities Fund include: a Project Manager (1.0 FTE); a Water and Sewer Inspector (1.0 FTE); a Maintenance Worker (1.0 FTE); and a Water Plant Operator (1.0 FTE) in the Utilities Department.

Function/Department	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020 Adopted	Change from Prior Year	Change from 2016	% Change from 2016
Administering Efficient Government								
Town Manager	8.0	6.0	6.0	6.0	8.0	2.0	—	—%
Town Attorney	5.0	5.0	5.0	4.0	4.0	—	-1.0	-20.0%
Clerk of Council	1.0	1.0	1.0	2.0	2.0	—	1.0	100.0%
Sub -Total	**14.0**	**12.0**	**12.0**	**12.0**	**14.0**	**2.0**	**—**	**—%**
Supporting Activities								
Finance	17.0	19.0	19.0	19.5	21.5	2.0	4.5	26.5%
Human Resources	4.0	4.0	4.0	4.0	4.0	—	—	—%
Information Technology	5.0	6.0	6.0	7.0	8.0	1.0	3.0	60.0%
Sub- Total	**26.0**	**29.0**	**29.0**	**30.5**	**33.5**	**3.0**	**7.5**	**28.8%**
Keeping Us Safe								
Police	103.0	103.0	103.0	103.0	107.0	4.0	4.0	3.9%
Sub-Total	**103.0**	**103.0**	**103.0**	**103.0**	**107.0**	**4.0**	**4.0**	**3.9%**
Providing the Necessities								
Public Works & Capital Projects	53.0	55.0	57.0	61.0	65.0	4.0	12.0	22.6%
Utilities	81.0	81.0	81.0	83.0	87.0	4.0	6.0	7.4%
Sub-Total	**134.0**	**136.0**	**138.0**	**144.0**	**152.0**	**8.0**	**18.0**	**13.4%**
Ensuring Quality of Life								
Planning & Zoning	12.0	12.0	14.0	14.0	14.0	—	2.0	16.7%
Plan Review	8.0	8.0	8.0	9.0	9.0	—	1.0	12.5%
Parks & Recreation	38.3	36.3	37.3	35.0	36.0	1.0	-2.3	-6.0%
Thomas Balch Library	3.0	3.0	3.0	3.0	3.0	—	—	—%
Sub-Total	**61.3**	**59.3**	**62.3**	**61.0**	**62.0**	**1.0**	**0.7**	**1.1%**
Seizing the Future								
Economic Development	2.0	2.0	2.0	2.0	2.5	0.5	0.5	25.0%
Airport	3.0	3.0	3.0	3.0	3.5	0.5	0.5	16.7%
Sub-Total	**5.0**	**5.0**	**5.0**	**5.0**	**6.0**	**1.0**	**1.0**	**20.0%**
Total	**343.3**	**344.3**	**349.3**	**355.5**	**374.5**	**19.0**	**31.2**	**9.1%**

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Appendix B: Salary Schedule

General Government Pay Grades- FY2022

Grade	Beginning	Ending
5	$40,000	$60,024
6	$40,000	$65,186
7	$41,353	$70,792
8	$44,905	$76,882
9	$48,295	$83,085
10	$52,446	$89,790
11	$56,956	$97,512
12	$61,857	$105,896
13	$67,175	$115,044
14	$72,952	$124,893
15	$79,227	$135,636
16	$86,040	$147,299
17	$93,438	$159,968
18	$101,476	$173,727
19	$110,203	$188,727
20	$119,019	$199,763

General Government- IT Professionals/Technical Engineers Pay Grades- FY2022

Grade	Beginning	Ending
T1	$50,595	$86,516
T2	$54,944	$93,954
T3	$59,668	$102,033
T4	$64,802	$110,812
T5	$70,374	$120,339
T6	$76,426	$130,688
T7	$82,999	$141,929

Public Safety Pay Grades- FY2022

Grade	Beginning	Ending
P1	$53,233	$89,590
P2	$55,895	$94,100
P3	$58,690	$98,772
P4	$61,624	$103,711
P6	$64,706	$108,886
P7	$76,941	$131,689
P8	$83,559	$143,016
P9	$90,744	$155,314

Communications Staff Pay Grades- FY2022

Grade	Beginning	Ending
CT1	$45,136	$75,961
CT2	$47,392	$79,760
CT3	$49,761	$83,749
CTS	$52,250	$87,935
ISM	$63,151	$106,284

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Appendix C: Human Resources Forms

C-1	Recruitment Requisition Form
C-2	Personnel Action Form
FMLA Packet:	
C-3	FMLA Fact Sheet **(FMLA01)**
C-4	Certification for Health Care Provider **(FMLA02)**
C-5	Request for or Designation of FMLA **(FMLA03)**
C-6	Definitions of Serious Health Conditions **(FMLA04)**
C7	Tuition Reimbursement Application Form
C8	Performance Evaluation Form
C9	Performance Improvement Form
C10	Awards Nominations Form
C11	Grievance Hearing Request Form
C12	Separation Procedure Checklist
C13	Report of Separation
C14	Travel Expense Form
C15	Cell Phone Request Form
C16	Telecommuting Work Agreement

Note*: All other HR Forms not referred to in this manual in addition to updated versions of the forms listed above can be found in the Town of Leesburg's SharePoint located in the HR Department tab.*

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Appendix D: Standard Operating Procedures

Town of Leesburg employees may locate the standard operating procedures that were referenced throughout the PPM by accessing SharePoint on the intranet.

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Appendix E: Non-Essential Employees and Essential Employees

Non-Essential Employees			
Town Closure			
Employee Status	**Closure Pay**	**Overtime Pay**	**On leave without pay**
Non-Exempt Grades 5-12	Yes*	No OT is paid*	Not Paid
Exempt Grades 12-14	Yes*	No comp time is earned*	Not Paid
Senior Staff Grades 15+	N/A	N/A	N/A
Town Wide Declared Emergency			
Employee Status	**Emergency Pay**	**Overtime Pay**	**On leave without pay**
Non-Exempt Grades 5-12	Yes*	No OT is paid*	Not Paid
Exempt Grades 12-14	Yes*	No comp time is earned*	Not Paid
Senior Staff Grades 15+	N/A	N/A	N/A
***Note:** Paid day off applies only when the Town is closed during a declared town-wide emergency. Department directors may require employees to return to work in closure and/or emergency situations. Non-essential employees must be prepared to support the Town if called to work in these conditions. (If called to work non-essential employees will earn the same pay as essential employees.)			
****Note:** Partial day will earn regular pay for hours worked and closure pay for period of closure			

Essential Employees

Town Closure			
Employee Status	**Closure Pay**	**Overtime Pay**	**On leave without pay**
Non-Exempt Grades 5-12	Earn regular pay and closure pay per PPM section 5.10 B	Will be paid 1.5 OT for the period, if total hours worked is over 40 hours per week***	Not Paid
Exempt Grades 12-14	Earn shift	Will earn comp time for any hours worked over assigned scheduled workweek hours	Not Paid
Senior Staff Grades 15+	Earn shift	No OT is paid or comp time earned	Not Paid

Town Wide Declared Emergency			
Employee Status	**Emergency Pay**	**Overtime Pay**	**On leave without pay**
Non-Exempt Grades 5-12	Earn regular pay and emergency pay per PPM section 5.9 D	Will be paid double time for the entire period of the emergency	Not Paid
Exempt Grades 12-14	Earn shift	Will earn comp time for any hours worked over assigned scheduled workweek hours	Not Paid
Senior Staff Grades 15+	Earn shift	No OT is paid or comp time earned	Not Paid

* **Note:** On-call employees will not earn on-call pay or be considered to be on on-call status if they are unable or unwilling to return to work during closure or declared emergency.

** **Note:** Essential employees working partial day closures will receive closure pay in addition to regular pay for the duration of the time a closure has been declared (and not for a full day's pay)

***Note:** Closure pay is limited to 40 hours or 37.5 hours (depending on the employee's regular workweek) per employee per pay period.

****Note:** Emergency pay is only paid to employees performing work essential to emergency operations.

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Appendix F: Certifications/Licenses

Department or Division	Certification/License	Tier 1 or 2	Compensation
Airport	ACE Airfield Lighting Maintenance	Tier 2	$500 lump sum
Airport	ACE Airfield Operations	Tier 2	$500 lump sum
Finance	CPA – Certified Public Accountant	Tier 2	$1,000 lump sum
Finance	CIA – Certified Internal Auditor	Tier 2	$500 lump sum
Finance	CFE – Certified Fraud Examiner	Tier 2	$500 lump sum
Finance	CGFM – Certified Government Financial Manager	Tier 2	$500 lump sum
Finance	CPFO – Certified Public Finance Officer	Tier 2	$1,000 lump sum
Finance	VGFOA - Virginia Government Finance Officers' Associate Certificate	Tier 2	$500 lump sum
Finance	CGAP – Certified Government Auditing Professional	Tier 2	$500 lump sum
Finance	CPPO – Certified Public Procurement Officer	Tier 2	$1,000 lump sum
Finance	CPPB – Certified Professional Public Buyer	Tier 2	$1,000 lump sum
Finance	CPP – Certified Payroll Professional	Tier 2	$500 lump sum
Human Resources	IPMA - CP or SCP - International Personnel Management Association Certified Professional or Senior Certified Professional	Tier 2	$500 lump sum
Human Resources	SHRM - CP or SCP - Society for Human Resources Management Certified Professional or Senior Certified Professional	Tier 2	$1,000 lump sum
IT (and Town-wide)	PMP - Project Manager Professional	Tier 2	$1,000 lump sum
IT	CCNA - Cisco Certified Network Associate	Tier 2	$500 lump sum
IT	MCITP - Microsoft Certified IT Professional	Tier 2	$100 lump sum
IT	MCSA - Microsoft Certified Systems Administrator	Tier 2	$1,000 lump sum
IT	Network+ Certification	Tier 2	$250 lump sum
IT	A+ Certification	Tier 2	$250 lump sum
IT	Security+ Certification	Tier 2	$250 lump sum
IT	SharePoint Administration Certified Professional	Tier 2	$500 lump sum
Parks & Recreation	CPRP - Certified Parks & Recreation Professional	Tier 2	$500 lump sum
Parks & Recreation	CPO - Certified Pool Operator	Tier 1	2.5% pay increase
Parks & Recreation	American College of Sports Medicine (ACSM) **OR** National Strength & Conditioning Association (NSCA) - compensation for one or the other	Tier 2	$500 lump sum
Parks & Recreation	Fertilizer Applicator Certification	Tier 1	2.5% pay increase
Parks & Recreation	CSEP - Certified Special Events Professional	Tier 2	$500 lump sum
Parks & Recreation	VDOT Work Zone and Flagging	Tier 2	$250 lump sum
Parks & Recreation	Certified Playground Safety Inspector	Tier 1	2.5% pay increase
Parks & Recreation	CPRE - Certified Parks & Recreation Executive	Tier 2	$500 lump sum
Parks & Recreation	Certified Pool Pack Technician	Tier 2	$500 lump sum
Parks & Recreation	Town Sponsored Cross Connection Certificate	Tier 2	$250 lump sum
Parks & Recreation	VML Defensive Driver Instructor	Tier 2	$500 lump sum

Department or Division	Certification/License	Tier 1 or 2	Compensation
Plan Review	PE - Professional Engineer	Tier 1	5% pay increase
Plan Review	Virginia Land Survey License	Tier 2	$2,000 lump sum
Plan Review	Landscape Architect	Tier 2	$2,000 lump sum
Plan Review	LEED Certification	Tier 2	$500 lump sum
Plan Review	CFM - Certified Floodplain Manager	Tier 1	$1,000 lump sum
Plan Review	Certified Arborist	Tier 2	$500 lump sum
Plan Review	Certified SWM Plan Reviewer	Tier 2	$1,000 lump sum
Plan Review	Certified Plans Examiner	Tier 2	$250 lump sum
Plan Review	VSMP Combined Administrator	Tier 1	2.5% pay increase
Planning & Zoning	AICP - American Institute of Certified Planner	Tier 2	$500 lump sum
Planning & Zoning	Certified Zoning Officer/Administrator (VAZO Virginia Association of Zoning Officials)	Tier 2	$500 lump sum
Public Works	CDL - Commercial Driver's License (Class A or Class B)***	Tier 1	2.5% pay increase
Public Works	CDL Air Break Endorsement	Tier 2	$500 lump sum
Public Works	CDL Tanker Endorsement	Tier 2	$500 lump sum
Public Works	CSI - Certified Safety Inspector	Tier 2	$500 lump sum
Public Works	Certified SWM Plan Reviewer	Tier 2	$1,000 lump sum
Public Works	VDOT Work Zone and Flagging	Tier 2	$250 lump sum
Public Works	Virginia Commercial Pesticide and Herbicide License	Tier 2	$500 lump sum
Public Works	Professional Engineer	Tier 1	5% pay increase
Public Works	VSMP Combined Administrator	Tier 1	2.5% pay increase
Public Works	Safety Inspection of In-Service Bridges	Tier 1	2.5% pay increase
Public Works	IMSA Traffic Signal Certification, Level II & III	Tier 2	$1,000 lump sum
Public Works	Johnson Control HVAC and Controls Certificates	Tier 2	$500 lump sum
Public Works	Town Sponsored Cross Connection Certificate	Tier 2	$250 lump sum
Public Works	ASE - Automotive Service Excellence	Tier 2	$500 lump sum
Public Works	VDOT Materials Certifications	Tier 2	$250 lump sum
Public Works	VDOT Asphalt Field Certification	Tier 2	$250 lump sum
Public Works	VDOT Concrete Field Certification	Tier 2	$250 lump sum
Public Works	VDOT Soil and Compaction	Tier 2	$250 lump sum
Public Works	Pavement Marking Certification	Tier 2	$250 lump sum
Public Works	DATA Wiring, copper or fiber certifications	Tier 2	$500 lump sum
Public Works	Virginia Land Survey License	Tier 2	$2,000 lump sum
Public Works	CCM - Certified Construction Manager	Tier 2	$1,000 lump sum
Public Works	VML Defensive Driver Instructor	Tier 2	$500 lump sum
Town Clerk	CMC - Certified Municipal Clerk	Tier 2	$250 lump sum
Town Clerk	MMC - Master Municipal Clerk	Tier 2	$500 lump sum

Department or Division	Certification/License	Tier 1 or 2	Compensation
Utilities	PE - Professional Engineer	Tier 1	5% pay increase
Utilities	VA DPOR Cross Connection Control	Tier 1	2.5% pay increase
Utilities	CDL - Commercial Driver's License (Class A or Class B)***	Tier 1	2.5% pay increase
Utilities	CDL Air Break Endorsement	Tier 2	$500 lump sum
Utilities	CDL Tanker Endorsement	Tier 2	$500 lump sum
Utilities	Pipeline Assessment and Certification Program (NASSCO)	Tier 2	$250 lump sum
Utilities	Meter Testing and Test Bench Calibration	Tier 2	$250 lump sum
Utilities	VDOT Soil and Compaction	Tier 2	$250 lump sum
Utilities	VDOT Concrete Field Certification	Tier 2	$250 lump sum
Utilities	VDOT Asphalt Field Certification	Tier 2	$250 lump sum
Utilities	Arc Flash Certification	Tier 2	$500 lump sum
Utilities	OSHA 30 Certification either Construction or General Industry (30 hour class)	Tier 2	$250 lump sum
Utilities	OSHA 30 Trainer Certification	Tier 2	$250 lump sum
Utilities	Fire Hydrant Maintenance Certification	Tier 2	$250 lump sum
Utilities	Town Sponsored Cross Connection Certificate	Tier 2	$250 lump sum
Utilities	VML Defensive Driver Instructor	Tier 2	$500 lump sum

Tier 1 is as follows:

1. Is required to do a critical task in support of the organization's operations and is required by law, mandate or regulation
2. Directly related to the employees current job;
3. Is above and beyond the minimum qualifications required of the employee's current job;
4. Adds value to the employee's job and his/her ability to perform the job;
5. Is recognized by an accepted state or national association or organization;
6. Required passage of a written exam and/or equivalent practicum;
7. Requires extensive (generally defined as six months or longer) classroom instruction and/or equivalent on-the job training; and
8. Requires continuing professional education.

Note: Tier 1 compensation is a percentage increase in pay

Tier 2 is as follows:

Must meet at least 2 or more of the requirements listed above, but does not meet all 8 criteria for Tier 1.

Note: Tier 2 compensation is a 1-time lump sum payment

Footnotes:

***CDL increase available where certification is preferred, but not required for a position.