



## **MEMORANDUM**

**To: Members of the Rappahannock-Rapidan Regional Commission**  
**From: Patrick L. Mauney, Executive Director**  
**Date: August 16, 2022**  
**Subject: Draft Personnel Manual**

The Commission last revised its personnel policies in 2011, at which time minimal changes were made to policies that were initially adopted in 2001. Having reviewed the existing policies, I made the decision to start anew with the personnel policies, in order to bring clarity to outdated sections, incorporate stand-alone policies and procedures that have been adopted subsequently by the Commission, and provide ease of use for staff and the Commission moving forward. My thanks to Terry Snead for her efforts in pulling together a draft of these policies, and for staff for reviewing and bringing questions to my attention regarding the policies subsequent to the June 22<sup>nd</sup> Commission meeting.

Since the June meeting, the following revisions were made to the draft document:

- Addition of references to the Hatch Act and clarification of political activities in section 7.6
- Removal of references to testing, certifications, and transfers within the agency in section 6.6 – Civil Leave.
- Revised wording in section 7.8.3 to clarify mileage reimbursement and vehicle rental program
- Minor edits and grammatical corrections in various sections

**REQUESTED ACTION:** Adoption of the Personnel Manual

# PERSONNEL MANUAL



Adopted \_\_\_\_\_

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# **1 ORGANIZATION & ADMINISTRATION**

## **1.1 PURPOSE AND SCOPE**

This manual is intended to serve as a source of information for employees of the Rappahannock-Rapidan Regional Commission. Not all of the Commission's policies and procedures are set forth in this Manual. If further information or advice about topics covered in this manual is needed, please contact the Executive Director.

This document contains policies and procedures which do not create contractual rights and should not be interpreted to constitute binding contractual obligations. The Commission reserves the right to modify, amend, or rescind the provisions of this manual.

Employees have the responsibility to keep themselves informed of the contents of this manual and any future updates. This manual applies to all employees of the Rappahannock-Rapidan Regional Commission. This document is not intended to alter the employment-at-will relationship in any way.

## **1.2 ADOPTION**

This document serves as the Personnel Manual of the Rappahannock-Rapidan Regional Commission and was adopted on \_\_\_\_\_, by the Commission. It is subject to subsequent amendments as necessary. This manual supersedes any existing personnel policies and procedures in effect prior to the date of publication of this manual.

## **1.3 MAINTENANCE & MODIFICATION OF PROVISIONS**

This manual may be changed or amended only by the Rappahannock-Rapidan Regional Commission. The manual will be reviewed on an annual basis for necessary modifications. Such reviews may be conducted by the Executive Director, or other staff as directed by the Executive Director. Resulting recommendations will be reported to the Executive Committee and/or Regional Commission for consideration.

## **2 WORKPLACE POLICIES**

The policies included in this chapter cover a wide range of workplace issues and behavior. The failure to include a specific instance, item or example in these policies does not relieve employees of the responsibility to undertake and to conduct Commission business in a professional manner at all times.

### **2.1 EQUAL EMPLOYMENT OPPORTUNITY**

The Rappahannock-Rapidan Regional Commission shall promote and afford equal treatment and service to all citizens and will assure that all applicants are given equal employment opportunity without regard to race, religion, creed, color, national origin, age, sex, marital status, sexual orientation, military veteran status, or the presence of any sensory, mental, or physical disability, or pregnancy. The Commission shall operate within the principles of equal employment guidelines set forth in Federal, State and local laws and regulations.

All activities relating to employment including recruitment, testing, selection, promotion, training and termination shall be conducted in a nondiscriminatory manner. The Rappahannock-Rapidan Regional Commission will cooperate fully with all organizations to promote fair practices and equal employment opportunity.

### **2.2 DISABILITY ACCOMMODATION**

In accordance with the Americans with Disabilities Act, the Commission provides equal employment opportunities to qualified individuals with disabilities. Reasonable accommodations will be provided to a qualified employee or applicant with a disability when that employee or applicant requests an accommodation with appropriate documentation of a disability. All requests for accommodation will be fully reviewed. A request for an accommodation will be denied if the accommodation is not shown to be effective, places an undue burden on the Commission, or if the employee poses a direct threat to the health and safety of himself/herself or others.

### **2.3 RELIGIOUS ACCOMMODATION**

The Commission will attempt to make reasonable accommodations for employee observance of religious holidays and sincerely held religious beliefs unless doing so would cause an undue hardship on Commission operations. If a religious accommodation is desired, an employee is required to make the request in writing to his or her supervisor as far in advance as possible.

### **2.4 NO HARRASSMENT/NO DISCRIMINATION POLICY**

The Commission will not tolerate any form of harassment or discrimination. In accordance with Title



VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, our No Harassment/No Discrimination Policy prohibits harassment, discrimination or intimidation of others based on age, sex, color, race, creed, religion, national origin, ethnicity, disability, or the presence of any sensory, mental, or physical disability, pregnancy, or political affiliation, marital status, sexual orientation, military veteran status, status in any other group protected by federal or local law or for any other reason.

Harassment is a form of discrimination and violates this policy. Harassment includes, but is not limited to, remarks, jokes, written materials, symbols, paraphernalia, clothing or other verbal or physical conduct which may intimidate, ridicule, demean, or belittle a person because of their age, sex, color, race, creed, religion, national origin, ethnicity, disability, or the presence of any sensory, mental, or physical disability, or pregnancy, or political affiliation, marital status, military veteran status, or status in another group protected by federal, state or local law.

Sexual harassment includes, but is not limited to, the following: unwelcome sexual advances; requests for sexual favors; other verbal or physical conduct of a sexual nature; and behavior, remarks, jokes or innuendos that intimidate, ridicule, demean or belittle a person on the basis of their gender, regardless of whether the remarks are sexually provocative or suggestive of sexual acts.

Harassment occurs when:

- Submission to and/or tolerance of the unwelcome conduct is explicitly or implicitly made a term or condition of a person's employment.
- Submission to, tolerance of, and/or rejection of the unwelcome conduct is a basis for employment decisions.
- The unwelcome conduct substantially interferes with a person's work performance and creates an intimidating, hostile, or offensive work environment.

Each employee has the responsibility to bring any form of harassment or discrimination to the attention of his or her supervisor or the Executive Director.

All employees are responsible for helping assure that we avoid harassment and discrimination in the workplace. If an employee experiences any problem of this sort, becomes aware of any other employee experiencing a problem of this sort, or has knowledge of any form of harassment or discrimination, sexual or otherwise, the employee must immediately report it to a supervisor or the Executive Director.

All claims of harassment or discrimination will be investigated thoroughly and promptly without

consequence to the employee experiencing or reporting the conduct. The Commission will endeavor to keep complaints, investigations, and resolutions confidential to the extent possible; however, the obligation to investigate complaints cannot be compromised. The employee who brought the complaint will be provided information on the outcome of the investigation within the limits of confidentiality. A non-employee who subjects an employee to harassment in the workplace will be informed of the Commission's policy and appropriate actions will be taken to protect the employee from future harassing conduct.

## **2.5 WHISTLEBLOWER POLICY**

The Commission's adopted whistleblower policy is incorporated here by reference and included as an appendix to this document.

## **2.6 RETALIATION**

Retaliation is illegal and contrary to the policy of the Commission. Employees who bring complaints of discrimination or who identify potential violations, witnesses interviewed during the investigation, and others who may have opposed discriminatory conduct are protected from retaliatory acts.

If an employee believes that he or she is being retaliated against, a written or verbal report shall be immediately made to the Executive Director. Those who are found to be acting in a retaliatory manner will be disciplined for such conduct.

## **2.7 OPEN DOOR POLICY**

Commission management recognizes that employees may have suggestions for improving the workplace, as well as complaints about the workplace. The most satisfactory solution to a job-related problem or concern is usually reached through a prompt discussion between an employee and the Executive Director or immediate supervisor. Suggestions and/or complaints should be discussed with a supervisor.

While the opportunity to communicate employee views exists, not every concern can be resolved to the satisfaction of all parties. Even so, Commission management believes that open communication is essential to a successful work environment and all employees should feel free to raise issues of concern without fear of reprisal.

## **2.8 ALCOHOL AND DRUG FREE WORKPLACE POLICY**

The Commission has a vital interest in maintaining a safe, healthy and efficient working environment. Being under the influence of drugs, controlled substances, or alcohol on the job poses

serious safety and health risks to the user and to those who work or come in contact with the user in the workplace. Accordingly, the use, sale, purchase, manufacture, distribution, dispensing, possession or being under the influence of illegal drugs, controlled substances, or alcohol in the workplace (i.e., Commission premises) poses unacceptable risks for safe, healthy and efficient operations and will be grounds for immediate discipline up to and including termination of employment.

The Commission further expresses its intent, through this policy, to comply with federal, state and local rules, regulations and/or laws that relate to the maintenance of a workplace free from illegal drugs, controlled substances, and alcohol.

#### Definitions

Alcohol: Any beverage that contains ethyl alcohol (ethanol), including, but not limited to, beer, wine and distilled spirits.

Controlled substance: A drug or chemical whose manufacture, possession, or use is regulated by the government. Controlled substances are substances that are the subject of legislative control. Controlled substances may include illegal drugs and prescription medications.

Commission premises: The Commission offices and surrounding area, including entryway or other access to Commission offices, meeting rooms, and storage areas. The term also includes all Commission owned vehicles and includes all other premises or facilities visited by employees in the course of their employment.

Illegal drug: Any drug which is not legally obtainable; any drug which is legally obtainable, but has not been legally obtained; any prescribed drug not legally obtained, not being used for the prescribed purpose or by the prescribed person or not being used in the prescribed dosage or manner; and any drug being used for a purpose not in accordance with bona fide medical therapy. Examples include, but are not limited to: marijuana, hashish, cocaine, heroin, methamphetamine, phencyclidine (PCP), barbiturates and so-called designer or look-alike drugs.

Reasonable suspicion: A belief based on objective facts sufficient to lead a prudent person to conclude that a particular employee is under the influence of alcohol or drugs. Reasonable suspicion must be directed at a specific person and must be based upon specific and articulable facts and the logical inferences and deductions that can be drawn from those facts. Reasonable suspicion may be based upon things such as: observable phenomena – such as the direct observation of the possession or use of a drug or alcohol or the direct observation of physical symptoms of being under the influence of a drug or alcohol such as slurred speech, unsteady gait; a pattern or unusual or

abnormal conduct or erratic behavior; information provided by a reliable and credible source; work-related accidents and deviations from safe working practices.

### Employee Responsibilities

- No employee shall unlawfully manufacture, distribute, dispense, possess, or use any controlled substance, medication, or alcohol.
- Any employee convicted under a criminal drug statute for a violation occurring in the workplace shall notify the Executive Director within five days after each conviction.
- No employee shall consume or be impaired by alcoholic beverages immediately before work, during work hours, or while at work during breaks or lunches.
- No employee shall represent the Commission in an official capacity while impaired by alcohol, illegal drugs, controlled substances, or medication.
- No employee, using medication that may impair performance, shall operate a motor vehicle or engage in safety sensitive functions while on duty for the Commission.
- If an employee is using a prescription or non-prescription medication that may impair performance of duties, the employee shall report that fact to his or her supervisor.
- An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, controlled substances, and/or medication shall immediately notify the Executive Director or immediate supervisor.
- Be aware of the Commission's Alcohol and Drug-Free Workplace Policy.
- Seek assistance for alcohol, drug abuse, or related problems through a program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

### Disciplinary Action

Any employee violating any of the provisions of this policy, including testing positive for illegal drugs, controlled substances, and/or alcohol, will be subject to disciplinary measures up to and including termination of employment.

### Drug and Alcohol Testing

In order to achieve a drug and alcohol-free workplace, an employee may be required to participate in alcohol and controlled substances testing in the event that there is reasonable suspicion to believe that an employee is in an impaired state during working hours. Drug and alcohol testing will be administered by an outside professional certified to conduct such testing. As a condition for return to duty after testing positive for controlled substances or alcohol, a follow up negative drug and alcohol test will be required.

## **2.9 TOBACCO FREE WORKPLACE POLICY**

Because the Commission recognizes the hazards caused by exposure to environmental tobacco smoke, it shall be the policy of the Commission to provide a tobacco free environment for all employees and visitors. This policy covers the smoking of any tobacco product and the use of oral tobacco products, and it applies to employees and non-employee visitors of the Commission. In addition to tobacco products, the Commission offices and all Commission property shall be e-cigarette free.

## **2.10 WORKPLACE VIOLENCE**

The Commission recognizes that violence in the workplace is a growing problem nationwide necessitating a firm, considered response by employers. The costs of workplace violence are great, both in human and financial terms.

It is the goal of the Commission to have a workplace free from acts or threats of violence and to effectively respond in the event that such acts or threats of violence do occur.

Workplace violence is any intentional conduct that is sufficiently severe, offensive or intimidating to cause an individual to reasonably fear for his or her personal safety or the safety of his or her family, friends and/or property such that employment conditions are altered or a hostile, abusive or intimidating work environment is created for one or several employees.

Workplace violence does not refer to occasional comments of a socially acceptable nature. Such comments may include references to legitimate sporting activities, popular entertainment or current events. Rather, it refers to behavior that is personally offensive, threatening or intimidating. The prohibition against threats and acts as described above applies to all persons involved in the operation of the Commission. Workplace violence should be reported immediately to the Executive Director or immediate supervisor or in the case of an emergency should be reported to the police.

# **3 EMPLOYMENT**

## **3.1 GENERAL EMPLOYMENT POLICY**

All employees, whether in Probationary Period status or not, are always employees at will. At-will means the organization does not offer, guarantee, contract, or promise employment for any specific length of time. Employees have the right to leave at any time and the Commission has the right to terminate the employment relationship at any time, with or without cause.

## **3.2 JOB DESCRIPTIONS**

The job description includes essential functions of work, a list of typical tasks, and experience requirements for the position. A copy of the appropriate job description will be given to and reviewed with each new employee upon his or her arrival.

Staff positions, job descriptions and salary ranges are developed by the Executive Director and approved by the Commission. It is recommended that each employee's job description is reviewed annually with that employee's immediate supervisor.

### **3.3 EMPLOYMENT CATEGORIES**

All employees at the time of hiring shall be designated as full-time employees, part-time employees, or temporary employees. Employees will also be designated as exempt, non-exempt, salaried or hourly.

- a) **Permanent Full-time Employee:** An individual hired to fill a position working a 40 hour work week for a duration greater than one year approved by the Board of Commissioners as a full-time staff member. Appointees to permanent positions are qualified to receive all employee benefits.
- b) **Permanent Part-time Employee:** A person hired to a part-time position of a permanent nature working less than 40 hours as approved by the Board of Commissioners. These positions involve work hours less than a full work week. Permanent part-time employees will earn annual leave based upon a percentage of hours worked in an average week. Permanent part-time employees will earn holiday leave proportionally on those holidays they are normally scheduled to work. The benefits set forth above are in lieu of all other benefits.
- c) **Temporary Employee:** A person hired to a full-time position of specified duration, not exceeding one year, as approved by the Board of Commissioners. Appointees shall receive only those employee benefits agreed upon in writing at the time of hire.
- d) **Temporary Part-Time Employee:** A person hired for a limited period of time at less than a full work week. Appointees are paid at an hourly rate and are not eligible for employee benefits. Appointments are subject to approval of the Executive Director.

*Exempt Employee:* an employee who occupies a position which is exempt (not eligible) from the overtime provisions of the Fair Labor Standards Act (FLSA). Exemptions only apply to employees who meet the salary and duties tests set forth by the FLSA. Full-time, part-time, and temporary employees may be exempt. Although not required by FLSA, exempt employees of the Commission may be eligible to receive compensatory leave at time and one-half, for all hours worked over 40 hours in a single workweek. Overtime (compensatory leave) must be approved by the Executive Director or immediate supervisor prior to being worked.

*Non-Exempt Employee*: an employee who is subject to FLSA and who is entitled to receive overtime pay or compensatory leave. Full-time, part-time, and temporary employees may be non-exempt. Employees working more than 40 hours are entitled to compensatory leave at time and one-half, for all hours worked over 40 hours in a single workweek. Overtime (compensatory leave) must be approved by the Executive Director or immediate supervisor prior to being worked.

### **3.4 APPOINTMENT AUTHORITY**

#### **3.4.1 BOARD OF COMMISSIONERS**

The Commission reserves the right to appoint the Executive Director, and may assign appropriate duties and compensation as required. This appointment serves at the pleasure of the Commission.

#### **3.4.2 EXECUTIVE DIRECTOR**

The Executive Director shall publicize vacancies to be filled, encourage qualified Commission employees to apply for upward classification, and seek new applicants.

#### **3.4.3 RECRUITMENT AND SELECTION**

All positions shall be open to all individuals who meet the minimum requirements for the position. The recruitment objective is to obtain well-qualified applicants for all vacancies and selection shall be based on the best-qualified person available at the salary offered for the particular position. The Executive Director may carry out open competition to fill any vacancy.

Employment decisions shall be handled in a manner consistent with the Virginia Conflicts of Interest Act (See § 2.2-3100).

### **3.5 HIRING PROCESS**

All applicants for employment must submit an appropriate resume and letter of interest and be interviewed prior to being selected for employment. The Executive Director has the responsibility for the final selection of Commission employees, but may request other staff members or outside professionals to assist in the interview process. Employment will be confirmed in writing, setting forth the salary, defining applicable benefits, identifying the date of employment, and describing any other special terms relative to the position.

### **3.6 PROBATIONARY PERIOD**

All regular full-time and part-time employees go through a Probationary Period of six (6) months. This probationary period is used to determine an employee's actual performance of their job responsibilities. An employee may resign or be dismissed without cause during the probationary period. At the conclusion of the probationary period, employees are employed at the will of the



Commission and may resign or be dismissed with or without cause upon 14 days' notice. The probationary period may be extended by the Commission or the Executive Director. Upon successful completion of the Probationary Period, the employee will become a regular employee.

### **3.6.1 PROBATIONARY PERIOD BENEFITS**

A new regular, full-time employee serving a Probationary Period accrues from date of employment, benefits to which he or she is entitled as herein set forth; including Annual Leave and Sick Leave at the prescribed rates, and all other benefits such as health insurance, and the VRS retirement plan will become effective.

At the end of the Probationary Period, the Executive Director and/or immediate supervisor will conduct an employee evaluation.

### **3.6.2 DISMISSAL DURING THE PROBATIONARY PERIOD**

The new employee may be discharged at any time during the Probationary Period if the Executive Director concludes that the new employee is not progressing or is performing unsatisfactorily. Additionally, employment may be terminated at will, with or without cause, and without prior notice within the Probationary Period. An employee may be dismissed with no right of grievance except where discrimination or retaliation is claimed. Employees with charges of discrimination or retaliation have the right to appeal through the grievance procedure described in Section 3.7.4.

### **3.6.3 NEPOTISM**

It shall be the policy of the Commission not to place immediate family members within the same department or in a supervisor-subordinate relationship. The immediate family shall include: spouse, children, stepchildren, brother, sister, parents, guardians, mother-in-law, father-in-law, grandparents, aunts, uncles, nephews, nieces or any other person residing in the household.

## **3.7 ADMINISTRATIVE ACTIONS**

### **3.7.1 PERFORMANCE EVALUATIONS**

The work of each employee will be evaluated at least annually by their immediate supervisor. The supervisor will meet with the employee to discuss work performance and problems of mutual concern. A written form may be prepared by the supervisor and discussed with the employee, rating the employee on such areas as job knowledge (professional positions) or technical proficiency (non-professional positions), overall performance, and dependability. It provides both parties with a medium for the appropriate comments. The employee may, should the employee desire, enter any comments on the evaluation report.

Each employee shall have his/her performance evaluated in the following periods:



- a) A new employee shall be evaluated at the completion of the 6-month Probationary Period.
- b) Evaluations should be done annually to coincide with the organization's budget process.
- c) The Executive Director may also request a special performance evaluation be completed whenever significant change occurs in the performance of the employee.

### **3.7.2 PROMOTION**

Based on Annual Performance Evaluations, an employee may be promoted and assigned to the appropriate pay grade at the beginning of the Fiscal Year. In exceptional circumstances, an employee's pay may be increased, outside of the annual review period, for meritorious service or enhanced responsibilities. Pay increases are not automatic nor guaranteed.

### **3.7.3 DISCIPLINE/DEMOTION**

An employee may be suspended with or without pay for disciplinary reasons by the Executive Director, for a period that does not exceed ten (10) working days. Alternatively, the employee may be demoted on a base salary not to exceed a ten (10) percent reduction. If an employee again becomes subject to disciplinary action within twelve (12) months, the Executive Director may dismiss the employee. A copy of the Personnel Action stating the reasons for discipline, suspension, or demotion and the period of such punishment shall be given to the employee immediately following the Executive Director's decision. The following are examples of cause for disciplinary action, but are not restrictive as to justifications:

- Neglect of duty
- Insubordination, including deliberate disobedience of a proper reasonable instruction
- Use of intoxicating beverages while on duty
- Discourtesy to the public
- Habitual tardiness, unauthorized or excessive absence, or abuse of paid time off, or failure to give proper notice of absence
- Falsification of records
- Improper outside activities as described in this manual
- Competency to perform the required duties with up-to-date skills
- Unsatisfactory performance
- Careless workmanship

### **3.7.4 GRIEVANCE & APPEAL**

The purpose of this procedure is to provide a prompt, fair, and orderly method for the resolution of employee grievances initiated by eligible employees of the Commission. The Commission specifically intends that no discrimination or reprisals shall be brought against any employee who uses this procedure to resolve a grievance.

#### **A. Definition of Grievance**

A grievance is a complaint of dispute by an employee relating to their employment, including but not necessarily limited to:

- a) Disciplinary actions, including: demotions, suspensions, or dismissals – provided that such dismissal is a result from formal discipline or unsatisfactory job performance.
- b) The application of personnel policies, procedures, rules, and regulations, and the application of ordinances and statutes.
- c) Discrimination on the basis of race, color, creed, religion, political affiliation, age, disability, pregnancy, national origin, or sex.

**B. Commission Rights and Prerogatives:**

Complaints involving the following management rights and prerogatives are not grievable:

- 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 which may reasonably be expected to be part of the job content.
- c) The contents of the personnel rules and regulations unless otherwise conflicts with Federal or State Law.
- d) The methods, means, and personnel by which work activities are to be carried on, including but not limited to:
- e) The provision of equipment, tools, and facilities necessary to accomplish tasks.
- f) The scheduling and distribution of manpower/personnel resources.
- g) The hiring, promotion, transfer, assignment, and retention of employees in positions within the Commission's service.
- h) Failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly.
- i) Direction and evaluation of the work of Commission employees.
- j) Termination, layoff, demotion, or suspension from duties because of lack of work, reduction in force, or job abolition.

**C. Coverage of Personnel**

Except as noted below, all non-Probationary Period full-time and part-time employees are eligible to file grievances under this procedure. The following are the exceptions:

- a) Commission Board Members
- b) Officials and employees who serve at the will or pleasure of an appointing authority.
- c) Temporary employees or employees within the Probationary Period

**D. Grievance Procedure:**

Step 1: An employee who believes they have a grievance shall discuss the grievance informally with their immediate supervisor or Executive Director within twenty (20) calendar days of the incident occurrence.

Step 2: The immediate supervisor or Executive Director shall communicate a response, either orally or in writing, to the grievant within ten (10) calendar days.

Step 3: If a satisfactory resolution is not achieved within ten (10) calendar days, the employee may reduce the grievance to writing and submit directly to the Executive Director, who shall investigate the matter with the assistance of other appropriate officials.

Step 4: Within ten (10) calendar days of receipt of the grievance, the Executive Director shall meet with the grievant to discuss the complaint. The grievant may have a representative of choice present at this meeting. All efforts possible shall be made by all parties to find a suitable solution to the complaint and take whatever corrective actions are necessary to prevent a recurrence of the grievance.

Step 5: If all preceding efforts fail to provide a satisfactory solution to the employee or employees' grievance, the employee or employees may within two (2) working days request in writing a meeting with the members of the Executive Committee. It shall be the responsibility of the Executive Director to notify the members of the Executive Committee of the requested meeting, its purpose and to provide each member of the Committee written statements by the employee or employees involved in the grievance and the supervisory personnel concerned with the matter.

Step 6: A meeting of the Executive Committee will be held within ten (10) calendar days per receipt of the written request from the employee or employees, to consider solutions to the grievance. The employee or employees may have a representative of choice present at this meeting. The decision of the Executive Committee on the grievance shall be final.

Step 7: The decision on grievability may be appealed to the Circuit Court. The grievant shall notify the Executive Director of such appeal by filing a notice of appeal with the Executive Director within ten (10) calendar days after the grievant received the Executive Committee's decision. Within ten (10) calendar days after the filing of the notice of appeal, the Executive Director shall transmit to the Clerk of the Circuit Court a copy of the Executive Committee's decision on the Commission's grievability procedure, a copy of the notice of appeal, a copy of the grievance record, and copies of all exhibits. A list of evidence furnished to the Court shall also be furnished to the grievant. The appeal will be heard by the Court as provided by law. The employee shall be

responsible for their own legal expenses.

### **3.7.5 REDUCTION IN STAFF**

An employee may be laid off when the position is abolished, or when there is a lack of funds or lack of work. So far as possible, employees with the shortest terms of service in the same rank and category should be laid off first. The skills needed to perform Commission duties will establish priority. Prior to such termination of employment, an employee shall receive at least ten (10) working days' notice, either by memorandum or by a copy of the Personnel Action, stating the reasons. Longer notice is desirable if possible.

### **3.7.6 RESIGNATION**

An employee who intends to resign shall notify the Executive Director in writing at least fourteen (14) days prior to the last day of work. An employee who resigns without sufficient notice is subject to having the separation designated as unsatisfactory service unless there is valid reason for not being able to give sufficient notice. Longer notice is desirable if possible. The Executive Director may require the resigning employee to take any accumulated annual leave during the fourteen-day period prior to their departure, in lieu of a lump sum payment for such unused credits upon their separation.

### **3.7.7 TERMINATION/DISMISSAL**

Prior to termination of employment, an employee shall receive notice; either by memorandum or by copy of the Personnel Action, stating the reasons; unless, in the judgment of the Executive Director, the violation is so flagrant as to render such notice inappropriate. An employee to whom notice is given may be directed to take remaining Annual leave. In the case of theft or serious destruction of official property, charge or conviction of a felony, an employee may be dismissed without previous warning or notice. Employees may be dismissed for cause with or without previous warning or notice. The following examples are of performance or actions which may lead to corrective action up to and including termination:

- Neglect of duty;
- Absence without leave, or failure to give proper notice of absence, to the detriment of the Commission;
- Incompetence or unwillingness to render satisfactory service, as shown by service, or as shown by service ratings below the satisfactory standard provided by these rules, or otherwise, to the satisfaction of the appointing authority;
- Mental or physical disability where the disability prevents the employee from performing duties specific to their position, in the absence of the eligibility for retirement;
- Use or possession of intoxicating beverages or controlled drugs while on duty;
- Conduct unbecoming an employee of the Commission such as to bring the Commission into disrepute, as by failure to pay, or make reasonable revision for the payment of, just debts;

- Willful violation of any of these rules;
- Conviction of any criminal act involving moral turpitude;
- Negligent or willful damage to public property or waste of public supplies or equipment;
- Use of bribery or political pressure to secure appointment advantages, or to have their opinion prevail;
- Material falsification of application.
- Improper outside activities as described in this manual
- Competency to perform the required duties with up-to-date skills
- Unsatisfactory performance
- Careless workmanship

The removal of an employee for partisan, racial, or religious consideration will be considered a violation of these rules.

### **3.7.8 SUSPENSION**

An employee may be temporarily suspended without pay by the Executive Director for disciplinary purposes. Reasons for the suspension may include, but are not necessarily limited to, any action or inaction on the part of the employee which in the opinion of the Executive Director is detrimental to the efficient and harmonious conduct of the Commission's operations. When an employee is suspended, he will receive a written notice from the Executive Director stating the period of such suspension and the reasons for the action and whether such suspension is with or without pay and/or benefits.

## **4 COMPENSATION**

### **4.1 PAYROLL**

Every employee shall receive a salary or stated hourly compensation. Specific salaries and hourly compensation for each employee shall be determined by the Executive Director. In general, all employees are paid bi-weekly. If the regular payday falls on a company-recognized holiday, then employees will be paid on the work day before the regular payday. All employees are paid by electronic direct deposit.

Each employee will maintain a time sheet identifying the distribution of their time. Signed timesheets are to be submitted to the Fiscal Officer at the end of the work week on a bi-weekly basis using a template that will be provided at the start of employment. The Executive Director will approve and sign the employee time sheet, but may delegate that duty to the employee's immediate supervisor.

## **4.2 PAYROLL DEDUCTIONS**

The Commission is authorized to make certain mandatory deductions from employee paychecks as required and permitted by law. The standard deductions are Social Security and Medicare, also referred to as FICA, and State and Federal taxes and contributions to the Virginia Retirement System and any contributions that may be required for health insurance coverage.

Additional deductions can include those mandated by court action or voluntary deductions authorized by the employee. State and Federal tax withholdings are determined by information provided by the employee on form W-4. Employees are required to advise the Fiscal Officer of changes in tax exemptions, marital status and home address.

## **4.3 GENERAL PAY PLAN**

All employees of the Commission, excluding the Executive Director, shall be appointed, promoted, and advanced in accordance with the General Pay Plan. The most current pay plan is included as an attachment to this manual.

## **4.4 PROMOTION**

The Executive Director has discretion to promote employees within the organization. When an employee is promoted, their salary shall be adjusted to the appropriate pay grade, but not less than the pay received for the position held at the time of promotion.

## **4.5 DEMOTION**

As a method of discipline, an employee may be demoted on a base salary not to exceed a ten (10) percent reduction.

## **4.6 OVERTIME**

Any time worked in excess of 40 hours per week is considered overtime for FLSA Non-Exempt employees. Overtime pay as defined herein shall be to all part time Non-Exempt employees at a rate of one and one-half times the eligible employee's normal hourly base rate of pay. Overtime incurred by full time Non-Exempt employees will be compensated with leave awarded at a rate of one and one-half times. In general, FLSA Non-Exempt employees who earn this overtime or compensatory leave should plan to take the leave within the same or next pay period.

Overtime must have prior approval from the Executive Director.

Employees in FLSA Exempt positions are generally ineligible to earn compensatory leave. FLSA Exempt employees are expected to manage their time effectively to achieve work expectations.

In instances where an employee anticipates an excess of hours worked over the 40-hour work week standard, they should make plans to balance their time to the total expected work or leave hours within the pay period.

Special circumstances may occur when an FLSA employee may be approved to accrue compensatory leave; such approval shall be granted by the Executive Director, shall not exceed twenty (20) hours, and shall be coordinated with the Fiscal Officer.

#### **4.7 PERFORMANCE RECOGNITION**

The Commission promotes excellence in its workforce. There are no automatic merit or award pay increases. In exceptional circumstances the Executive Director may grant an award to Commission employees. The Executive Director has discretion, within the limitations of a budget approved by the Commission and based on the employee's contributions to the agency, to award pay increases, paid time off, bonuses, or certificates and other forms of recognition.

#### **4.8 SALARY ADJUSTMENTS**

Within the salary ranges previously set down and subject to the availability of funds, increases or decreases will be made in the salaries of permanent staff members following the process under Salary Reviews, as listed above. The two types of adjustments in pay are as follows:

- a) Cost of Living - Subject to availability of funds, a cost-of-living increase may, but is not required to, be granted annually.
- b) Merit – A merit increase in pay, in addition to a cost-of-living adjustment, may be awarded to employees who, by initiative and diligence, have accomplished outstanding job performance.

When any adjustment in the salary of a permanent employee is made as outlined above, the Executive Director will execute a notification of salary adjustment and inform the employee in writing of the amount of such an increase or decrease and its effective date.

### **5 BENEFITS**

#### **5.1 BENEFITS PROGRAM OVERVIEW**

This chapter contains a general description of the current employee benefits program offered by the Commission. The benefits program is subject to change on an annual basis.

Detailed information regarding benefits is provided in the new hire orientation packet and is also available from the benefits administrator. To the extent any of the information contained in this

manual is inconsistent with official plan documents, the provisions of the official documents will govern in all cases.

## 5.2 GROUP HEALTH

The Commission is a member of The Local Choice, a Health Benefits Program created by the General Assembly in 1989 to provide health coverage to local governments and political subdivisions. The benefits package includes medical, dental, prescription drug, vision and behavioral health coverage. Please refer to the plan's benefits summary, given at orientation and available from the benefits administrator, for coverage details. Employee coverage is paid 90% by the Commission, with the employee paying the remaining 10%. Any additional coverage or family coverage is paid 2/3 by the Commission, with the employee paying the remaining 1/3.

All full-time employees are eligible to participate in The Local Choice program. Coverage is effective the first day of the month following hire date, if other than the first. For example;

- Hire date is October 1, coverage begins October 1
- Hire date is October 15, coverage begins November 1

Additional information is available from the benefits administrator and by contacting The Local Choice.

## 5.3 WORKERS' COMPENSATION INSURANCE

Workers' Compensation Insurance provides benefits for an employee in the event of certain occupational illnesses, injuries, or death.

An employee must immediately report all job-related injuries or illnesses to their supervisor, regardless of severity. All employees of the Commission are covered by Workers' Compensation Insurance.

For additional information and guidance, please refer to ***Workers' Compensation Administrative Procedures*** in the Attachment Section.

## 5.4 SHORT TERM/LONG TERM DISABILITY

The Commission provides short term and long-term disability coverage for full-time employees who are members of the Virginia Retirement System hybrid plan. This coverage offers income protection in the event an employee is unable to perform job duties due to a non-work related disability. Work related claims are processed in conjunction with Workers' Compensation Insurance.



## **5.5 VIRGINIA RETIREMENT SYSTEM**

The Commission participates in the Virginia Retirement System (VRS) through the Commonwealth of Virginia. Membership in VRS is a condition of employment for all regular full-time employees.

VRS provides a monthly payment to eligible members when they retire and for as long as the member lives. Retirement benefits are determined by a calculation using salary, years of membership, and age at retirement. VRS also provides a life insurance benefit of 2x the employee's salary in the event of natural death and 4x the employee's salary for accidental death. Employees contribute a portion of compensation each month to VRS through pre-tax salary reduction. Additionally, the Commission makes contributions to VRS on behalf of each employee.

Additional information is available from the benefits administration office and by contacting VRS directly.

## **5.6 EDUCATIONAL AID**

It is the position of the Commission to encourage employees to obtain training designed to develop the employee's value to the organization and to prepare individual employees for professional advancement.

The Executive Director may authorize Commission payments for professional development as needed to raise staff competence levels in specific work areas, provided funds are available in the Commission budget. The cost of training and related expenses undertaken at the direction of the Executive Director shall be paid in full by the Commission. For training requested by an employee, the employee may receive reimbursement of tuition costs if (1) the training was approved in advance by the Executive Director and (2) the employee shows successful completion of the course.

## **5.7 PROFESSIONAL MEMBERSHIPS**

Fees for those organizations in which employee membership may be required by the Executive Director will be paid by the Commission. At the request of the employee, and discretion of the Executive Director, the Commission may reimburse all or a portion of their membership fee in a work-oriented professional society, providing such fees fall within the Commission's approved budget. No fees will be paid for new employees except those coming due and payable upon or after employment as approved by the Executive Director. All publications and materials received in connection with the employee's membership will remain the property of the employee.

## 6 PAID TIME OFF & OTHER ABSENCES

### 6.1 LEAVE PROGRAM

This chapter describes the Commission's paid time off and holiday leave programs and addresses other work absence situations. An absence without authorized leave during required working hours shall be treated as an absence without pay. Employees who are absent without approved leave are subject to disciplinary action.

### 6.2 HOLIDAY LEAVE

The Commission observes those days designated by the Governor of Virginia as holidays of the Commonwealth. Full time employees are granted holiday leave with pay for observed holidays. All permanent full-time, permanent part-time and temporary full-time employees will be paid at their normal rate of pay for all observed holidays. Part time employees are granted holiday leave with pay for observed holidays that land on their scheduled work day.

Any employee desiring to work on an approved holiday and scheduling the day off at a later date may do so with prior approval by the Executive Director or immediate supervisor.

Holidays falling within a period of scheduled paid time off will be charged to holiday leave.

### 6.3 ANNUAL LEAVE

In addition to holiday leave, the Commission's Annual Leave program allows you more flexibility to use your paid time away from your job to meet personal needs. Full-time employees receive Annual Leave that may be used for vacation, personal business, or other uses as approved by the Executive Director. Annual Leave may also be used to supplement sick leave used to satisfy the short-term disability elimination period and to supplement short-term disability benefits not paid at 100%, and to supplement approved bereavement leave.

Full-time employees receive Annual Leave based on continuous length of service. For the purpose of accruing Annual Leave, a new employee shall be considered to have earned Annual Leave upon completion of the first full pay period. Annual Leave accrues and is posted to the employee's record each pay period according to the following schedule:

Years of Service	Hours Accrued per Month	Number of days of Annual Leave earned per year	Maximum days Accumulation
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0-5 years (60 months or less)	8	12	30
6-10 years (61-120 months)	10	15	36
10 years or more (121 months or more)	12	18	42

Changes in Annual Leave accrual rates shall be made the month following the anniversary date.

Annual Leave will accrue when an employee is on active pay status. Absences with pay do not affect Annual Leave accrual. An employee shall not accrue Annual Leave when in a non-pay status, i.e., administrative leave of absence, suspension or while out of work due to a workers' compensation injury/illness.

#### Requesting Annual Leave

Annual Leave should be scheduled so the on-going work effort and deadlines are not disrupted. Employees will not be permitted to take Annual Leave before it is earned. Employees are encouraged to utilize the Annual Leave benefit during the year in which it is accumulated. Annual Leave is allowed on a half-hour basis.

All requests for Annual Leave must be submitted in advance, except in cases of illness or emergency, and approved by the Executive Director. The Executive Director shall be notified two to five work days in advance of a planned absence of less than five working days and shall approve such absence. The Executive Director shall be notified four weeks in advance of a planned absence of five or more working days and shall approve such absence.

#### Disposition of Accumulated Annual Leave at Separation

A full-time employee leaving the Commission's service is entitled to payment, at the current rate of pay, for earned Annual Leave up to the maximum accrual. Payment of accumulated Annual Leave or other termination pay may be withheld whenever an employee leaving the Commission fails to return issued Commission property or is otherwise indebted to the Commission. At their discretion, the Executive Director may require the departing employee to take earned annual leave prior to leaving, in lieu of a lump sum payment of such unused credits upon separation.

In the event of death, payment will be made to the employee's beneficiary or estate.

Payment of accumulated Annual Leave will not be made to employees who are terminated for the violation of company policies and/or regulations or to employees who resign without appropriate notice as described Section 3.7.6 of this manual.

#### **6.4 SICK LEAVE**

Sick leave is absence from work without loss of pay that is granted to an employee who is unable to work because of illness or injury or who has a medical, dental, optical appointment, consultation, or serious illness of immediate family member. Such leave may not be used for vacation or other purposes. A maximum of three days at a time may be granted in the case of illness in the immediate family (i.e., parents, spouse, children, or any family member residing in the home). All permanent full-time employees are eligible for the provision of sick leave.

Sick leave is earned at the rate of one day for each completed month of employment, to a maximum of 90 working days. Upon separation from Commission employment, all sick leave credits are lost.

Approval of sick leave in advance will be sought when practicable. The employee will notify his supervisor of the need for sick leave as soon as possible so that arrangements can be made for performance of duties during his or her absence. In cases of absence due to illness, a physician's certificate may be required by the Executive Director in support of the leave claim.

#### **6.5 BEREAVEMENT LEAVE**

Bereavement leave up to three days may be granted to permanent full-time employees for the death of the following family members: Parents, spouse, children, brother, sister, grandparents or any family member residing in the home.

#### **6.6 CIVIL LEAVE**

An employee shall be granted civil leave with full pay for any absence necessary for serving on a jury or being summoned or subpoenaed to appear in any court of law or equity, except if the employee is a defendant in such proceedings. The employee is required to give reasonable notice of anticipated leave. Employees are not required to use Annual Leave for civil leave.

#### **6.7 FAMILY AND MEDICAL LEAVE (FMLA)**

The Commission extends eligibility to employees under the federal Family and Medical Leave Act of 1993 (FMLA), which entitles eligible employees to take up to 12 weeks of paid or unpaid job-

protected leave in a 12-month period commencing with the employee's initial request for leave under the FMLA.

The FMLA contains provisions on employer coverage; employee eligibility for benefits; entitlement to leave; maintenance of health benefits during leave; job restoration after leave; notice and certification of the need for leave under the FMLA; and protection for employees who request to take such leave.

An employee who has been employed by the agency for 12 months or more and has actually worked at least 1,250 hours in that 12-month period commencing with the employee's employment anniversary date may be eligible under the FMLA for up to 12 workweeks of paid or unpaid family and medical leave in the following cases:

- to care for any family member (as defined in the FMLA) who has a serious health condition and is incapable of care;
- for a serious health condition which makes the employee unable to perform the employee's job;
- for the birth, adoption or placement for foster care of a son or daughter of the employee and to care for such child. The leave must be taken during the 12-month period following the birth or placement. If both affected parents work for the Commission, they are entitled to a total of 12 weeks leave combined;
- for a "qualifying exigency" arising out of the fact that an employee's spouse, parent, son or daughter is on covered active duty or has been called to active duty in the Armed Forces; or
- for military caregiver leave (also known as covered service member leave) to care for an ill or injured service member. Eligible employees are entitled to a total of 26 weeks of unpaid "military caregiver leave during a single 12-month period to care for a family member (as defined in the FMLA) who is a member of the armed forces that is undergoing medical treatment or recovery.

Once the allowable leave under FMLA is exhausted within the 12-month period commencing with the employee's start of FMLA related leave, FMLA coverage ends for that 12-month period.

Under some circumstances, employees may be protected under FMLA intermittently which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule. If FMLA is used for birth and care or placement for adoption or foster care, use of intermittent leave is subject to the employer's approval. Leave associated with FMLA may be taken intermittently whenever medically necessary to care for a seriously ill family member as defined in the FMLA, or because the employee is seriously ill and unable to work.

In the case of illness, a certification from the attending physician or other health care provider will be required. Leave associated with FMLA should be requested 30 days in advance unless there is a medical emergency, or as soon as practical, and the employee must be certified by the executive director as eligible for FMLA. Employees may use any accumulated paid time off, when appropriate,

before going into a leave without pay status. Also, the Commission may require an employee to use annual or sick leave prior to granting unpaid leave.

Employees may also be required to provide:

- second or third medical opinions (at the employer's expense) and periodic re-certification; and
- periodic reports during FMLA leave regarding the employee's status and intent to return to work.

When intermittent leave is needed to care for a family member as defined in the FMLA or the employee's own serious illness, and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt the operation of the agency.

When on unpaid leave under the Family and Medical Leave Act, the employee's health care coverage may continue. The employee is to pay his share of the health care premium to the agency. If the employee fails to return to work, unless it is for a medical disability, the employee is to reimburse the agency for its portion of the premium paid. All other benefits will be treated the same as an employee who is in leave without pay status.

## **6.8 MILITARY LEAVE**

Military leave, which will be granted in addition to leave benefits otherwise allowable, is granted to employees who will be temporarily absent from their jobs for one of the following reasons:

- a. Report for military physical examination – one day
- b. Active duty for a member of the Virginia National Guard or Naval Militia when summoned under emergency orders of the Governor – number of days specified in order allowed.
- c. Active duty for a member of the reserve components of the U.S. Army, Navy, Air Force, Marine Corps, or Coast Guard, when recalled to active duty - number of days specified.

All permanent employees are eligible for military leave privileges. For leave not exceeding 7 days, the employee will be compensated by the Commission for the number of days allowed at normal rate of pay. All military leave beyond 7 days will be without pay. The employee will not receive credit for or accrue any sick or annual leave benefits during a military leave.

## **6.9 WORKMEN'S COMPENSATION LEAVE**

Leave benefits are provided under the Workmen's Compensation Act when an employee is unable to work because of an accident arising out of and in the course of his employment. In such a case, the employee's absence from work will not be charged against his earned annual or sick leave credits unless one desires to use their accumulated leave benefits for that purpose.

All employees are covered under the provisions of the Workman's Compensation Act, including temporary and part-time personnel.

## **6.10 LEAVE OF ABSENCE**

Leave without pay, as used in this section, is an approved absence from duty in a non-pay status. The Executive Director may approve a leave of absence when deemed in the best interest of the Commission and employee. Requests for leaves of absence are to be submitted in writing to the Executive Director. An employee shall not be granted leave without pay before consuming all accumulated Annual and Sick Leave. An employee does not accrue Annual or Sick Leave while on leave without pay, and shall accrue no other benefits. Such leave shall not exceed a period of 60 calendar days

The decision to approve or disapprove a leave of absence without pay is based on the circumstances, the length of time requested, the employee's job performance, attendance and punctuality record, the effect the employee's absence will have on the work of the Commission, and the expectation the employee will return to work when the leave period expires. In certain circumstances, the Executive Director may require reimbursement of health insurance premiums.

No leave of absence will be granted in situations where the overall performance of the Commission and its ability to serve its local governments will be irreparably damaged.

# **7 PROCEDURES AND GUIDELINES**

## **7.1 ATTENDANCE AND PUNCTUALITY**

Employees are hired to perform an important function as part of a team. As with any group effort, it takes cooperation and commitment from everyone to operate effectively. Dependability, attendance, punctuality, and a commitment to do the job right are essential at all times. As such, employees are expected at work on all scheduled workdays and during all scheduled work hours and to report to work on time. Good attendance is something that is expected from all employees and is an important responsibility – both to the Commission and to co-workers.

The Commission's office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday. The normal work hours of Commission employees shall be the same as the office hours; however, the Commission recognizes core Office Hours from 9:00 a.m. to 4:00 p.m. All employees are expected to be in the office during Core Office Hours except for outside meetings or other approved leave. Arrival or departure from work on either end of the Core Office Hours is authorized without prior approval from the Executive Director. In the event that hours worked are less than 40, employees will be required to utilize leave in order to receive compensation for missed time.



It is understood that there may be times when an employee's tardiness or absence cannot be avoided. When an employee knows they are going to be late or absent, they should notify the Commission office prior to 9:00 a.m. An employee who fails to contact the office may be subject to disciplinary action.

Telecommuting or working at home may be permitted with approval by the Executive Director. A copy of the Commission's telework policy is incorporated here by reference and included as an appendix to this document.

## **7.2 APPEARANCE**

Personal appearance, cleanliness, and neatness are vitally important to one's job and relationships with others. Common sense and consideration for others must be exercised in matters of personal hygiene. Employees are expected to dress in a professional manner whether in the office or working out in the field. If necessary, questions of proper attire and hygiene will be addressed by the Executive Director or immediate supervisor whose decision will be final.

## **7.3 PROFESSIONAL EMPLOYEE ETIQUETTE**

In order to assure orderly operations and provide the best possible work environment, the Commission expects employees to follow certain office procedures. As part of professional employee etiquette, all Commission employees shall:

- Treat all individuals, including subordinates, fellow employees, and management alike, and those whom they serve, with respect, courtesy and tact. This includes consideration for all points of view on any subject and in all forms of communication within the office and while representing the Commission outside of the office.
- Comply with rules and regulations governing hours of work, absences, use of leave.
- Comply with a proper order of an authorized supervisor.
- Dress appropriately in accordance with adopted procedures.
- Telephone calls, visitors, and mail which are personal in nature should be handled by employees out of the office and during non-working hours.
- Cell phones shall be turned off or set to silent or vibrate mode during working hours.
- Adhere to the Commission vehicle procedures.
- The Commission's resources shall not be used to solicit business opportunities for personal gain. The Commission's no solicitation rule applies equally to electronic resources.

## **7.4 CONFLICT OF INTEREST**

No employee of the Commission shall engage in any financial or other interest which might



negatively impact the performance of their duties.

Employees shall not, without proper authorization, disclose confidential information concerning the Commission.

Employees shall not accept any gift or favor from a citizen, corporation, or firm that is intended to influence their decision or discharge of their duties. Business dealings with other organizations or companies should not result in personal gains for any party. "Personal gains" are defined as bribes, product bonuses, special fringe benefits, unusual price breaks, and other windfalls that will benefit either party.

Employees shall not represent private interests before the interests of the Commission, unless they are doing so as a member of a civic organization or is speaking on an issue of general public interest.

Employees shall inform the Commission of potential conflicts consistent with the Virginia Conflicts of Interest Act (See § 2.2-3100).

## **7.5 SECONDARY EMPLOYMENT**

In order to minimize the potential for conflict of interest, the Commission discourages secondary employment. Any employee seeking secondary employment shall obtain approval from the Executive Director prior to accepting a position outside of Commission employment. It should be known that the employment with the Commission is primary. In the event the secondary employment interferes with the employee's performance, attendance or ability to do their job, the employee may be asked to discontinue dual employment. Employees who have secondary employment at the time of hire must have approval of the Executive Director to continue the secondary employment.

## **7.6 POLITICAL ACTIVITY**

All employees are free to engage in political activity to the widest extent consistent with the restrictions imposed by law. Because the agency receives federal funds, the federal Hatch Act is recognized as Commission policy, which applies to the political activity of certain state and local government employees. Covered employees under the act are persons principally employed by state or local executive agencies in connection with programs financed in whole or in part by federal loans or grants.

Employees with questions regarding political activity and eligibility under the Hatch Act may seek guidance from their supervisor or the executive director but are encouraged to review the

current federal language or seek a legal opinion prior to undertaking questionable activity.

In general, the Hatch Act, as of the drafting of this policy, provides that Commission employees may:

- run for public office in nonpartisan elections;
- campaign for and hold office in political clubs and organizations;
- actively campaign for candidates for public office in partisan and nonpartisan elections; and
- contribute money to political organizations and attend political fundraising functions.

Covered state and local employees may not:

- be candidates for public office in a partisan election;
- use official authority or influence to interfere with or affect the results of an election or nomination;
- directly or indirectly coerce contributions from subordinates in support of a political party or candidate; and
- discriminate in favor of or against any person or applicant for employment or services based on political affiliation or activity.

Additionally, employees may, under specific circumstances, seek the advice of the Commission's legal counsel or the Office of the Commonwealth's Attorney.

Commission employees shall not engage in any political activities or advocate for any candidate while performing their public duties, representing the Commission outside of the Commission property, or at any time on Commission property. Employees are prohibited from engaging in political activities while performing their public duties and from using Commission time, supplies or equipment in any political activity.

Nothing in this section shall be construed to prevent Commission employees from voting with complete freedom in any election. Any violation of this policy must be reported to the Executive Director. Violation of any provision of this section shall be deemed sufficient cause for disciplinary action.

## **7.7 CREDIT CARD**

Employees may be issued a Commission credit card for required agency travel or other purchases. Commission credit cards cannot be used to obtain cash advances, bank checks, traveler's checks, electronic cash transfers, or for personal expenses. The card may be used for gratuities when

allowable purchases are made related to travel and/or official Commission business. Gratuities shall not exceed 20%.

Any employee desiring to purchase supplies or other materials for use on the job other than the routine stock of supplies kept in inventory, will obtain authorization from the Executive Director for expenditures over \$50.00. Single purchases costing more than \$25.00 will also require the approval of the Executive Director.

Misuses of the card will result in cancellation of the card and withdrawal of credit card privileges. If the card is used for an employee's personal expenses, the employer reserves the right to recover these monies from the employee cardholder.

Cards are issued in the name of the individual and the Commission. The employee is responsible for the security of the card. Lost or stolen cards must be reported immediately to the credit card company and the Fiscal Officer.

Commission credit card expenditures must be reconciled and submitted with original receipts to the Fiscal Officer.

## **7.8 TRAVEL**

The Commission accommodates individuals traveling on official business, as approved by the Executive Director. When planning for travel, economy, prudence, and necessity are of primary concern. The use of Commission resources to accommodate personal comfort, convenience, and taste is not permitted. Employees are encouraged to seek ways to reduce travel costs – expenses must be reasonable and necessary as described in this manual.

Travel expenses, whether using the Commission credit card, or out of pocket costs, must be reconciled and submitted with original itemized receipts to the Fiscal Officer.

The Commission provides the following resources to assist with travel:

- Credit Cards
- Reimbursement for eligible expenses
- Participation in a rental car program

Expenses NOT eligible for reimbursement include, but are not limited to:

- Lost, stolen, or damaged personal property
- Alcoholic beverages
- Clothing
- Movies charged to hotel bills

- Expenses related to the personal negligence of the traveler, such as: fines
- Entertainment expenses
- Expenses for non-Commission employees

The Commission will reimburse on a per diem rate basis only when a granting agency requires such per diem rates as part of its grant agreements or reimbursement policies. In all other instances, the Commission will reimburse travel for eligible costs with proper documentation.

#### **7.8.1 TRAVEL PLANNING**

Travelers must prepare an estimate of the total cost of any proposed overnight travel. Total cost estimates should include: lodging, mileage, airfare, registration or other course fees, and meals. The Executive Director must authorize all trips prior to travel.

#### **7.8.2 LODGING**

Lodging is an eligible expense for Commission employees traveling overnight on official business. Each employee is allowed to have their own room. The Commission recognizes lodging accommodations vary depending on the destination, but all expenditures must be necessary and reasonable. As a political subdivision, the Commission is eligible for the "Government Rate;" which creates additional eligible lodging choices. Primary responsibility for ensuring the reasonableness of lodging costs rests with the Executive Director.

In general, travelers are required to seek accommodations consistent with the ***Commonwealth of Virginia Travel Policy***. Eligible lodging costs are limited to the actual expenses incurred up to the guideline amount, plus hotel taxes and surcharges. Expenses in excess of the Travel Policy will not be reimbursed, unless approved in advance, by the Executive Director.

Travelers who do not plan with careful consideration to these guidelines will bear the additional expense personally.

#### **7.8.3 TRANSPORTATION**

Transportation costs are eligible expenses for Commission employees traveling on official business.

For work-related vehicle travel, employees shall be reimbursed for actual miles traveled in a personal vehicle at a reimbursement rate equivalent to the current IRS standard mileage rates. The Commission also participates in a vehicle rental program through the Commonwealth of Virginia. For work-related vehicle travel outside of the region, or overnight travel, employees shall compare costs between vehicle rental and mileage reimbursement and select the most economical option. Employees electing to use their personal vehicle as a matter of convenience, without prior approval from the Executive Director, will not be reimbursed for mileage. The

employee will also be reimbursed for out-of-pocket expenses such as parking and tolls required by their travel. All reimbursement for such expenses shall be paid only upon tender of itemized receipts.

For trips greater than 200 miles, employees are expected to evaluate the costs of public air, vehicle rental, bus/transit, shuttle/taxi, and train. Total travel costs should not exceed the most economical mode (example: vehicle mileage may not exceed the most economical public air transport fare). Travel routing shall be measured by the most direct and practicable route.

#### **7.8.4 MEALS AND INCIDENTAL TRAVEL**

Generally, meals and certain incidental travel costs are eligible expenses for Commission employees traveling overnight or outside Commission offices on official business. Standard meal and incidental reimbursements (including all related taxes and tips) are provided for up to the GSA per diem rate for eligible expenses with proper documentation.

Business meals, in general, should involve an overnight stay to qualify for reimbursement. However, business meals are eligible if: approved by the Executive Director, involves substantive and bona fide business discussions, list by name all persons involved in the meal or the number in a group conference, and include the original itemized receipt.

#### **7.8.5 REPORTING**

Employees are responsible for reporting travel expenses and properly documenting the usage of Commission-owned resources. In addition to preparing appropriate Commission reports, the employee is responsible for reporting and adhering to grant funding agencies travel policies. Travelers should always use prudent judgment and remember that all travel expenses are open to the public and must be able to sustain the test of public view.

### **7.9 USE OF PERSONAL VEHICLE**

Employees who operate personal vehicles for Commission business are required to carry at least the minimum liability coverage, as required by the Commonwealth of Virginia on their personal vehicle. Employee's personal insurance will be responsible for paying claims resulting from accidents when the employee uses their personal vehicle for Commission business.

### **7.10 INTELLECTUAL PROPERTY POLICY**

All works created by employees and non-employees such as consultants and independent contractors, who create works on behalf of the Commission in the course of employment duties and constitutes work for hire under US law, shall become property of the Commission unless a written agreement exists to the contrary.

### **7.11 DATA USE & MANAGEMENT**

The value of data as an agency-wide resource is increased through its widespread and appropriate use. The value of data is diminished through misuse, misinterpretation, or unnecessary restrictions to its access. For these reasons, all Commission employees have permission to access regional data.

Employees are expected to access regional data only in their conduct of Commission business, to only access the data needed to perform their jobs, to respect the confidentiality and privacy of individuals whose records they may access, and to observe any ethical restrictions. In addition, employees should abide by applicable laws or policies with respect to access, use, or disclosure of information. Employees should not disclose data to others except as required by their job responsibilities, use data for their own or others' personal gain or profit, or access data to satisfy personal curiosity.

Much of the material produced by the Commission is considered available to the public through the Freedom of Information Act (FOIA); however, if an employee wishes to use such information for personal or other activities outside of their work for the Commission, they must notify the Executive Director that they wish to do so and specifically request permission to use the information. Any member of the public requesting documents from the Commission should file a request under the FOIA policy established by the Commission. See Section 8.5.

## **8 COMMUNICATIONS**

### **8.1 GENERAL COMMUNICATION POLICY**

This policy generally describes our guidelines with regard to representing the Commission and the use of the Commission's communication resources.

Employees should use the Commission's resources with the understanding that these are provided for the benefit of the Commission's business. Accordingly, employees should use these resources to further the Commission's ability to conduct its business and represent the Commission in a manner that is consistent with performance of their duties and responsibilities. Employees should never use the Commission's resources for personal use in a manner that interferes with work or any responsibilities to customers. Additionally, all employees are responsible for ensuring that they use the Commission's resources and represent the Commission in an effective, ethical and lawful manner.

### **8.2 ELECTRONIC RESOURCES**

These guidelines apply to all electronic resources owned and/or provided by the Commission including, but not limited to, computers, servers, phones, fax, printers, and internet access. Sending, saving, accessing, or viewing offensive material is prohibited. Messages stored and/or transmitted by the Commission's electronic resources, including the computer, voicemail, email, or the telephone system, must not contain content that may reasonably be considered offensive to any employee. Offensive material includes, but is not limited to, sexual comments, jokes or images, racial slurs, gender specific comments, or any comments, jokes or images that would offend someone on the basis of his or her race, color, sex, age, national origin or ancestry, disability, or any other category protected by federal, state or local law. Likewise, any use of the Internet, email, or any other electronic resource to harass or discriminate is unlawful and strictly prohibited by the Commission. Violators may be subject to administrative action (See Section 3.7), up to and including discharge.

Unless otherwise noted, all software on the Internet should be considered copyrighted work. Therefore, employees are prohibited from downloading software and/or modifying any such files without permission from the copyright holder.

Loss, damages, or theft of Commission property should be reported to an immediate supervisor at once. Negligence in the care and use of the Commission's property is grounds for administrative action.

Upon termination of employment, the employee must return all Commission property, in his or her possession or control.

#### **8.2.1 SOFTWARE CODE OF ETHICS**

Employees may not duplicate any licenses, software or related documentation for use either on the Commission's premises or elsewhere unless the Commission is expressly authorized to do so by agreement with the licensor. Unauthorized duplication of software may subject users and/or the Commission to both civil and criminal penalties under the United States Copyright Act. Employees may not give software to anyone outside the agency including contractors, customers, or others. Employees may use software on local area networks or on multiple machines only in accordance with applicable license agreements. Employees may not download software from the Internet and install it on their PCs without prior authorization from the Executive Director. The Commission reserves the right to audit any PC or laptop to determine what software is installed on the local drive(s).

### **8.3 ELECTRONIC SECURITY**

All computers and the data stored on them are and remain at all times the property of the Commission. As such, all messages created, sent or retrieved over the Internet or the

Commission's electronic mail systems are the property of the Commission, and should be considered Commission information. The Commission reserves the right to retrieve and read any message composed, sent or received using the Commission's electronic resources, including all computer equipment and the electronic mail system.

Employees should be aware that, even when a message is deleted or erased, it is still possible to recreate the message; therefore, ultimate privacy of a message cannot be ensured to anyone. Accordingly, Internet and electronic mail messages are not private. Furthermore, all communications including text and images can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver. Moreover, duplicates of e-mail transmitted through a personal, web-based e-mail account using Commission equipment could be stored on that equipment; likewise, information regarding Internet sites that an employee has accessed may also be stored.

Each employee is issued a user-id/password combination to be used for that employee's workstation or laptop. The Commission maintains a master list of passwords and maintains the right to logon to any Commission issued equipment at any time without the consent of the employee.

#### **8.3.1 VIRUS PROTECTION**

The Commission maintains virus protection software on all network servers and computers. The software monitors the file system and quarantines viruses found on Commission computers. Employees are encouraged to exercise caution in downloading materials from unsecured sites.

Any computer virus or other suspected cybersecurity incident shall be reported to the Executive Director and/or their designee immediately.

### **8.4 COMMUNICATIONS ISSUED AS A COMMISSION EMPLOYEE**

#### **8.4.1 EMPLOYEE RESPONSIBILITY**

Each employee is responsible for the content of all text, audio or images that they place or send using the Commission's resources as well as any statements they make while representing the Commission. All communications you send should identify you as the sender. Messages should not be transmitted under an assumed name. Employees or other users may not attempt to obscure the origin of any message. Employees who wish to express personal opinions on the Internet should use personal email accounts and addresses on their own time.

The Commission maintains the right to screen all inbound and outbound email content. Employees should not use Commission resources (including the telephone) for personal communications.



#### **8.4.2 PUBLIC STATEMENTS**

The following rules provide guidance for the granting of public fact and Commission policy and positions. Non-compliance will be considered sufficient grounds for administrative action (See Section 3.7).

##### Work Related Statements

Commission employees are authorized to make public statements of fact regarding projects within their areas of expertise. Any such statement shall be made based upon the best judgment of the individual employee. The Executive Director shall be kept informed of requests and subject matter of such public statements.

##### Policy Statements

No press conferences, statements, releases, interviews, or other official communication of Commission policy shall be made or granted by any employee without prior knowledge and approval of the Executive Director. Any statement or correspondence involving Commission policy or position will not be released without the approval of the Executive Director.

#### **8.4.3 MAINTENANCE OF CORRESPONDENCE**

As a Commission employee, your project information is subject to the Freedom of Information Act (FOIA). This includes email and other written correspondence. Paper and electronic correspondence essential to the project should be maintained during the project term. Essential files should be saved in the permanent files. For projects that do not include a final report submitted to the permanent files, correspondence should be saved as long as funding agency or other governing requirements direct. The Commission encourages staff to maintain an organized archive of emails to facilitate responses to any FOIA requests the Commission may receive.

#### **8.4.4 SOCIAL MEDIA**

When participating in social networking, you are representing both yourself personally and the Commission. The Commission believes social networking is a very valuable tool and advocates the responsible involvement of all the Commission employees in this space. While this online collaboration is encouraged, the following policy sets forth guidelines for appropriate online conduct to avoid the misuse of this communication medium.

##### Policy Guidelines

If you are posting to personal networking sites and are speaking about job related content or about the Commission, identify yourself as a Commission employee and use a disclaimer and make it clear that these views are not reflective of the views of the Commission. *"The opinions expressed on this site are my own and do not necessarily represent the views of the Commission."*

Do not post any financial, confidential, sensitive or proprietary information about the Commission or any of our clients and candidates.

Speak respectfully about our current, former and potential customers, partners, employees and competitors. Do not engage in name-calling or behavior that will reflect negatively on you or the Commission's reputations. The same guidelines hold true for the Commission vendors and business partners.

As a Commission employee, be aware that you are responsible for the content you post and that information remains in cyberspace forever.

Use privacy settings when appropriate. Remember, the internet is immediate and nothing posted is ever truly private nor does it expire.

If you see unfavorable opinions, negative comments or criticism about yourself or the Commission, do not try to have the post removed or send a written reply that will escalate the situation. Forward this information to the Executive Director.

Many sites like Facebook and Twitter blur the lines between business and personal. Keep this in mind and make sure to have a balance of information that shows both your professional and personal sides. And always balance negative with positive comments.

Be respectful of others. Think of what you say online in the same way as statements you might make to the media, or emails you might send to people you do not know. Stick to the facts, try to give accurate information and correct mistakes right away.

Do not post obscenities, slurs or personal attacks that can damage both your reputation as well as the Commission's.

When posting to social media sites, be knowledgeable, interesting, honest, and add value. The Commission's outstanding reputation and brand is a direct result of our employees and their commitment to uphold our core values of Integrity, Dedication, Teamwork and Excellence.

Do not infringe on copyrights or trademarks. Do not use images without permission and remember to cite where you saw information if it's not your own thoughts.

Be aware that you are not anonymous when you make online comments. Information on your networking profiles is published in a very public place. Even if you post anonymously or under a

pseudonym, your identity can still be revealed.

Users who violate the policy may be subject to administrative action, up to and including termination of employment. If you have any questions about this policy or a specific posting out on the web, please contact the Executive Director.

## **8.5 FREEDOM OF INFORMATION ACT (FOIA)**

The Virginia Freedom of Information Act guarantees citizens of the Commonwealth and representatives of the news media access to public records held by public bodies, public officials and public employees. The Commission is a public entity and must comply with FOIA for items pertaining to Virginia State Code and/or the Commission's Operations Manual.

# **9 INTERPRETATION OF REGULATIONS**

## **9.1 PROCEDURE FOR CLARIFICATION**

If questions arise concerning clarification of provisions in this manual, please contact your supervisor or the Executive Director. Matters of interpretation shall go to the Executive Director for determination.

## **9.2 SEVERABLE CLAUSE**

If a provision of this manual is found to be invalid or unenforceable as a result of court ruling or legislative action, the remaining provisions will remain in effect. Such a finding shall not affect the validity of the manual as a whole.

## **9.3 REPEAL OF CONFLICTING REGULATIONS**

Much of the information contained in this manual is drawn from relevant laws, regulations, and policies. Should there be a conflict between any statement, fact or figure presented here, and the current laws, regulations and policies, the latter takes precedence.

# A

## TTACHMENTS

### WORKERS' COMPENSATION ADMINISTRATIVE PROCEDURES

#### Workers' Compensation Policy

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

#### Reporting

Employees are required to immediately report, in writing, all workplace injuries, conditions or illnesses, to their supervisor or the Executive Director. All incidents shall be reported no matter how insignificant and regardless if medical treatment is necessary. The employee should retain a copy of the written notice given to the supervisor or Executive Director. If the supervisor or Executive Director is not available, report must be made to the Benefits Administrator. Late reporting by the employee can result in delayed or denied workers' compensation benefits.

The Executive Director or Benefits Administrator shall immediately complete an accident report and submit this report to its workers' compensation provider, VML Insurance. Delays in reporting can jeopardize the employees' rights under the workers' compensation law and subject the Commission to penalties, which can be assessed by the Virginia Workers' Compensation Commission. All accident reports shall be submitted to the workers' compensation provider within 24 hours of the notification of a work-related injury or illness.

#### Panel of Physicians

The Commission's insurance provider has developed an approved Panel of Physicians for treating workers' compensation injuries and illnesses. The supervisor shall, immediately upon notification of a work-related injury or illness, provide the employee with a copy of 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 Panel of Physicians shall be offered to the employee, regardless if the employee intends to receive medical attention. The supervisor shall provide the employee with a copy of the signed Panel.

Treatment by a physician or medical facility outside of the approved Panel of Physicians will be at

the employee's expense. However, 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.

#### Medical Treatment

An employee shall not utilize health insurance for situations believed to be work related, unless the claim is denied by the workers' compensation carrier.

#### 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 leave for up to seven days. If the employee chooses not to use earned leave this will be excused leave without pay. It is the employee's responsibility to notify his supervisor regarding how he/she would like to charge the first seven days missed. If a designation is not made, the period missed from work will not be compensated by the employer.

If the absence is longer than seven days, 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, which disability is authorized by a panel physician, the employee will receive from VML Insurance Programs, compensation for the first seven days. The employee may turn this payment over to, or reimburse the Commission for the amount of compensation awarded to the employee for the first seven days of absence and the Commission shall reinstate the employees' earned leave. Because workers' compensation benefits are not taxable, the Commission shall make a taxable adjustment on this pay.

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

Temporary and part-time employees who are not eligible for paid leave and employees who have no earned leave available will not receive pay for the first seven days missed from work unless the employee's absence is greater than twenty-one days under the conditions described above.

Earned leave cannot be used concurrently with workers' compensation benefits.

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

Return to Work – Light / Modified Duty:

The Commission shall make every effort to provide light/modified duty for employees with temporary restrictions resulting from a work-related disability. All light/modified assignments will be within the employee's medical capability and will adhere to the treating physician's recommendations. The light/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.

If an employee refuses a light/modified assignment that has been approved by their treating physician and is within their capabilities, his/her workers' compensation benefits will be jeopardized.

## Personnel Manual Receipt/Abide Acknowledgement Form

I acknowledge that I have received a copy of the Rappahannock-Rapidan Regional Commission's Personnel Manual.

I understand it is my responsibility to read, familiarize myself with the content, and understand and abide by the matters set forth in this Personnel Manual. I agree that if there is any policy or provision in the manual that I do not understand, I will seek clarification from Commission management.

This manual, approved by the Commission on August 24, 2022, supersedes all prior publications. The Commission reserves the right to modify, amend, or rescind the provisions of this manual.

I understand that no statement contained in this manual creates any guarantee of continued employment or creates any obligation, contractual or otherwise, on the part of the Rappahannock-Rapidan Regional Commission.

I understand the Rappahannock-Rapidan Regional Commission is an "at will" employer and as such employment with the Commission is not for a fixed term or definite period and may be terminated at the will of either party, with or without cause, and without prior notice.

I understand and acknowledge that the Rappahannock-Rapidan Regional Commission has the right, without prior notice, to modify, amend, or terminate policies, practices, benefit plans, and other institutional programs within the limits and requirements imposed by law.

Please sign and date receipt and return to the Fiscal Officer's office.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_