



EMPLOYEE MANUAL  
EFFECTIVE: JULY 1, 2022

# 1 Acknowledgement of Receipt of Employee Manual

I have received a copy of the City of Martinsville’s Employee Manual. This manual replaces any employee manuals or guides that I may have received as part of my employment with the City. The manual has been prepared from relevant laws, regulations, and policies, and outlines my privileges and obligations as an employee. I will become familiar with the specific guidelines in the manual because it summarizes specific procedures that may affect my daily work. If I have any questions or need further assistance with matters covered by it, I will contact my supervisor, department director, or the Human Resources Office.

This manual is subject to change with or without notice. It is understood that revisions in policy, procedure, or employee benefits in this Employee Manual will supersede or eliminate those found in pre-existing Employee and Administrative Policies & Procedures Manuals, and I may be notified of such changes through normal communication channels.

Nothing in this manual is intended or interpreted to create a contract (stated or implied) or guarantee of employment and or benefits for any specific period of time or for any specific procedures or type of work. This means that either the City of Martinsville or I may end the work relationship at any time for any reason. This practice is not a change from long-standing City policy and is only referred to here to avoid any misunderstanding.

I have had the opportunity to review the Employee Manual, ask questions if necessary, and acknowledge that I understand the policies and procedures set forth it. I agree to comply with the guidelines, policies, and procedures of the City. I further agree that failure to comply with any policy, procedure, or standard practice of the City may result in corrective action including immediate termination of employment.

I understand and agree that the City may execute a payroll deduction in order to reimburse the City for any lost, stolen, or damaged City property or worker’s compensation reimbursement for any reason and at any time with or without notice. I further understand and agree that the City may deduct from my vacation and comp-time banks at its discretion in order to reimburse the City for any lost, stolen, or damaged City property or worker’s compensation reimbursement for any reason and at any time with or without notice.

I further understand no supervisor, manager or representative of the City, other than the City Manager, can make any agreement guaranteeing employment for any specified period. I also understand any such agreement, if made, will not be enforced unless it is in writing and is signed by the City Manager.

---

Print Name of Employee Employee’s Signature/Date

---

Print Name of Witness Signature of Witness/Date

After obtaining the employee’s signature, this completed form will be retained in the Human Resources Office. It will become a part of your employee personnel file.

## Contents

<b>1</b>	<b>ACKNOWLEDGEMENT OF RECEIPT OF EMPLOYEE MANUAL ..</b>	<b>2</b>
<b>2</b>	<b>INTRODUCTION .....</b>	<b>8</b>
<b>3</b>	<b>PUBLIC SERVICE IN THE CITY OF MARTINSVILLE .....</b>	<b>9</b>
3.1	General Government .....	9
3.2	Our City History .....	9
3.3	Shared Vision Statement .....	9
<b>4</b>	<b>EMPLOYMENT PROVISIONS.....</b>	<b>10</b>
4.1	Employment at Will .....	10
4.2	Equal Employment Opportunity.....	10
4.1	Non-Discrimination.....	11
4.2	Disability Accommodation.....	11
4.3	General Rules of Conduct.....	11
4.4	Recruitment and the Application Process.....	11
4.5	Types of Appointment.....	12
4.5.1	<i>Regular Full-time Appointment.....</i>	<i>12</i>
4.5.2	<i>Temporary or Part-time Appointment.....</i>	<i>12</i>
4.5.3	<i>Acting Status, Temporary Assignment, and Assumption of Additional Duties .....</i>	<i>12</i>
4.6	Age Limitations.....	12
4.7	Physical Standards and Other Requirements.....	13
4.8	Criminal Convictions.....	13
4.9	Operation of a City-Owned Motor Vehicle .....	13
4.10	Residence.....	13
4.11	Work Authorization.....	13
4.12	Secondary Employment.....	13
4.13	Employment of Relatives .....	14
4.14	New Employee Orientation .....	14
4.15	Payroll Withholdings.....	14
4.16	Coverage and Assignment of Positions .....	14
<b>5</b>	<b>WORK HOURS AND ATTENDANCE.....</b>	<b>16</b>
5.1	Attendance and Absenteeism.....	16
5.2	Reporting Requirements.....	16
5.3	Working Hours .....	16
5.4	Lunch Periods.....	16
5.5	Inclement Weather.....	16
5.6	Unexcused Absences .....	17
5.7	Work Week and Fair Labor Standards Act.....	17

5.7.1	<i>Non-exempt Employees</i> .....	18
5.7.2	<i>Exempt Employees</i> .....	18
5.7.3	<i>Standard Work Week/Work Period</i> .....	18
5.7.4	<i>Hours Worked</i> .....	18
5.7.5	<i>Compensatory Time Off for Non-Exempt Employees</i> .....	18
5.7.6	<i>Record of Hours Worked</i> .....	19
5.7.7	<i>Partial Pay</i> .....	19
5.7.8	<i>Travel Time</i> .....	19
5.7.9	<i>Standby Time</i> .....	19
5.7.10	<i>Call-Back</i> .....	19
5.7.11	<i>Emergency Response</i> .....	20
5.7.12	<i>Lectures, Meetings, and Training Time</i> .....	20
<b>6</b>	<b>PERFORMANCE.....</b>	<b>21</b>
6.1	Performance Management Program .....	21
6.2	Nature and Frequency of Reviews.....	21
6.3	Introductory Assessment Period .....	21
6.4	Dismissal During or Extension of Introductory Assessment Period.....	22
6.5	Annual Performance Reviews .....	22
<b>7</b>	<b>PROFESSIONAL CONDUCT &amp; WORKING CONDITIONS.....</b>	<b>23</b>
7.1	Employee Conduct and Work Rules.....	23
7.2	Workplace Etiquette .....	24
7.3	Employee Personal Data Changes .....	24
7.4	Corrective Action .....	24
7.5	Violence Prevention .....	27
7.6	Safety.....	27
7.7	Drug and Alcohol Abuse .....	28
7.7.1	<i>Drug Testing</i> .....	29
7.8	Political Activity.....	29
7.8.1	<i>Restricted Activities</i> .....	29
7.8.2	<i>Permissible Activities</i> .....	30
7.9	Personal Use of City Time, Telephones and Equipment .....	30
7.10	Personal Use of Computers, Internet, and E-Mail .....	31
7.10.1	<i>Computers &amp; other electronic communication devices</i> .....	31
7.10.2	<i>Electronic Mail, Computer Files, &amp; Internet Access</i> .....	31
7.10.3	<i>Viruses</i> .....	32
7.10.4	<i>Personal Blogs/Social Networking</i> .....	32
7.11	Time Theft .....	32
7.12	Solicitation.....	32
7.13	Gifts.....	33
7.14	Conflict of Interest.....	33
7.15	Confidentiality of Records.....	33
7.16	City Vehicles and Equipment .....	33
7.16.1	<i>Vehicle Accidents</i> .....	34

7.16.2	<i>Non-Vehicular Accidents</i> .....	34
7.17	Harassment .....	34
7.17.1	<i>Sexual Harassment</i> .....	35
7.17.2	<i>Other Forms of Harassment</i> .....	35
7.18	Reporting an Incident of Harassment, Discrimination or Retaliation .....	36
7.18.1	<i>Informal Complaint Procedure</i> .....	36
7.18.2	<i>Formal Complaint Procedure</i> .....	36
7.18.3	<i>Prompt Investigation</i> .....	36
7.18.4	<i>Confidentiality</i> .....	36
7.19	Retaliation Prohibited .....	36
7.20	Conduct and Appearance.....	37
7.21	Whistleblower Policy .....	38
7.22	Personnel File Review .....	38
7.23	Security Inspections.....	39
7.24	Surveillance .....	39
7.25	Bulletin Board .....	40
7.26	Smoking.....	40
7.27	Travel and Expense Reimbursement .....	40
<b>8</b>	<b>COMPLAINT AND GRIEVANCE PROCEDURES .....</b>	<b>42</b>
	<i>Coverage of Personnel</i> .....	42
	<i>Exclusions</i> .....	42
	<i>Management Rights</i> .....	42
	<i>Definition of a Complaint (informal)</i> .....	42
	<i>Informal Complaint Resolution Procedure</i> .....	42
	<i>Definition of Formal Grievance</i> .....	43
	<i>Formal Grievable Issues or Disputes</i> .....	43
	<i>Non-Grievable Issues</i> .....	44
	<i>Grievability and Access to Procedure</i> .....	44
	<i>General Provisions</i> .....	45
	<i>Procedural Compliance</i> .....	45
	<i>Extension of the Time Periods</i> .....	45
	<i>The term "Time Limits"</i> .....	45
	<i>Witnesses, documents and relevant evidence</i> .....	45
	<i>Exceptions to Four-Step Procedure</i> .....	46
	<i>Supervisory Steps</i> .....	46
	<i>Hearing officers; duties.</i> .....	47
	<i>Scope of hearing officer's decision.</i> .....	48
	<i>Review of hearing decisions; costs.</i> .....	48
	<i>Protective Services Procedural Guarantees</i> .....	49
<b>9</b>	<b>BENEFITS .....</b>	<b>51</b>
9.1	Benefits Disclaimer .....	51
9.2	Anniversary Date .....	51
9.3	Retirement .....	51
9.4	Basic Group Life Insurance .....	51
9.5	Health Related Benefits .....	51

9.6	COBRA .....	52
9.7	Temporary Disability Payment.....	52
9.7.1	<i>Eligibility Criteria</i> .....	52
9.7.2	<i>Rate of Payment</i> .....	52
9.8	Voluntary Benefits.....	52
9.9	Unemployment Compensation .....	53
9.10	Workers' Compensation.....	53
9.11	Recognition Programs .....	54
9.12	Service Award Program.....	54
9.13	Employee Suggestion Program .....	55
9.14	Employee Assistance Program .....	57
9.15	Education Incentive .....	57
9.15.1	<i>Review of Request</i> .....	58
9.15.2	<i>Time for Class Attendance</i> .....	58
9.15.3	<i>Repayment</i> .....	58
9.16	Time Off with Pay for Community Service.....	58
<b>10</b>	<b>HOLIDAYS AND LEAVE .....</b>	<b>59</b>
10.1	Holiday Schedule.....	59
10.1.1	<i>Eligibility</i> .....	59
10.1.2	<i>Holiday Pay</i> .....	59
10.2	Religious Holidays .....	59
10.3	Leave of Absence with Pay .....	60
10.4	Temporary to Regular Status for Purpose of Earning Annual and Sick Leave .....	60
10.5	Annual Leave .....	60
10.5.1	<i>Justification for Annual Leave Use</i> .....	61
10.5.2	<i>Holidays during Annual Leave</i> .....	61
10.5.3	<i>Advancement of Annual Leave</i> .....	61
10.5.4	<i>Annual Leave Termination Payment</i> .....	61
10.6	Sick Leave and Accrual Rate.....	62
10.7	Rate of Accrual.....	62
10.8	Rate of Accrual.....	62
10.8.1	<i>Justification for Sick Leave Use</i> .....	62
10.8.2	<i>Medical and Dental Appointments</i> .....	63
10.8.3	<i>Family Illness</i> .....	63
10.8.4	<i>Immediate Family</i> .....	63
10.8.5	<i>Advancement of Sick Leave</i> .....	63
10.8.6	<i>Sick Leave upon Termination of Employment</i> .....	63
10.8.7	<i>Purchase of VRS Service using the Retirement Stipend</i> .....	63
10.8.8	<i>Sick Leave Compensation for Work-Related Fatalities</i> .....	63
10.9	Bereavement Leave .....	64
10.9.1	<i>Immediate Family</i> .....	64
10.10	Civil Leave .....	64
10.11	Military Leave .....	64

10.12 Leave of Absence without Pay .....65

10.13 Family and Medical Leave .....65

**11 SEPARATION OF EMPLOYMENT.....66**

11.1 Resignations .....66

11.2 Exit Performance Interview.....66

11.3 Reduction in Force .....66

11.4 Retirement .....67

11.5 Retirement Stipend .....67

11.6 Terminal Pay .....67

## 2 INTRODUCTION

### PURPOSE AND SCOPE OF EMPLOYEE MANUAL

This employee manual is a source of information about your employment with the City. While no set of written policies or procedures can cover every possible situation, this manual provides overall guidance for practical, consistent decision-making. The City Manager may make exceptions to policy in special or unusual situations which would be in the best interest of the City. If you have questions about anything in the manual, please discuss them with your supervisor, department director, or the Human Resources Office.

The personnel policies contained in this manual supersede any existing or conflicting statements, practices, procedures, or policies in effect prior to the date of the manual's publication, unless covered elsewhere. The policies, procedures, benefits and other programs contained in the manual may be changed or modified by the City at any time in accordance with Council policy, federal or state laws, or appropriate human resources practices. All revisions to this manual are issued and maintained by the Human Resources Office and will be provided to the City Council prior to the distribution to employees.

Your department director is responsible for maintaining a current employee manual that contains all revisions. From time to time, you will be provided with various notices and manual updates. Because of the nature of the operation of some departments under the City Manager's jurisdiction, separate rules and regulations to fit specific conditions may be necessary. In which case, the supplemental rules and regulations will be approved by the City Manager and considered part of this manual. **Failure to comply with any policy, procedure, or standard practice of the City may result in corrective action including immediate termination of employment.**

**Nothing contained in this manual should be intended or interpreted to create a contract or guarantee of employment (express or implied), specific procedure or type of work, or benefits for any specific period of time.** Either you or the City of Martinsville may terminate the employment relationship at any time, for any reason, with or without cause or notice. No supervisor, manager, or representative of the City, other than the City Manager, has the authority to enter into any agreement with you for employment for any specified period or to make any promises or commitments contrary to the above. Any employment agreement entered into by the City Manager shall not be enforceable unless it is in writing and signed by the City Manager.

This employee manual applies to all employees whose job descriptions and position classifications fall under the jurisdiction of the City Manager and are established within the Classification and Pay Plan. The manual *does not* pertain to constitutional offices of the Treasurer, the Commissioner of Revenue, the Sheriff, the Commonwealth's Attorney, the Clerk of the Circuit Court, and the Office of the Registrar. It *does not* apply to employees of the Blue Ridge Regional Library, the Piedmont Regional Criminal Justice Training Academy, Southern Virginia Recreation Facilities Authority, and the Dan River Alcohol Safety Action Program.

The City wishes you every measure of success as you meet the challenges ahead of you.



## **3 PUBLIC SERVICE IN THE CITY OF MARTINSVILLE**

### **3.1 General Government**

The Code of Virginia and the City Code establish the decision-making authority and responsibility of the City of Martinsville. A five-member City Council serves as the lawmaking body of the City. At-large elections are held every two years and are for staggered four-year terms. Official Council meetings are conducted on the second Tuesday (generally a work session) and fourth Tuesdays of each month in Council Chambers; Neighborhood Town Meetings may be held periodically in various locations. The Council sets the annual tax rate, adopts budgets for all City services, and establishes various programs and policies.

The City Manager serves at the pleasure of City Council, carries out the policy decisions of City Council, and oversees day-to-day governmental operations. The Manager keeps the City Council informed of the City's financial condition and future financial needs, prepares reports concerning the affairs of the City, and investigates and acts on complaints. Department directors and employees under the City Manager's jurisdiction are appointed by and report directly to the City Manager or his/her designee.

The Director of each department administers and manages all departmental functions, including the establishment and communication of work expectations, the development of operating procedures, the scheduling of activities and hours of work, the management of employee performance, and the continuation of a safe, non-discriminatory working environment.

### **3.2 Our City History**

Named for General Joseph Martin, the Town of Martinsville was established in 1791 from 50 acres of land in Henry County. The Town was incorporated in 1873. Due to an industrial boom and the railroad, the Town had reached a population of 5,400 by 1924. The City was incorporated in 1928 as a City of the Second Class. By 1941, Martinsville had become a City of the First Class, and the population had increased to better than 10,000. The City's present population is approximately 13,821 per the 2010 Census and covers 11.2 square miles in size.

### **3.3 Shared Vision Statement**

A vision statement says something about what an organization wants to become and gives direction for the future. The following statement was developed jointly by City Council and Department Directors regarding the City's vision for the future:

“As faithful stewards of the public trust, we will create in partnership with the citizens of Martinsville and the surrounding region, a strong, innovative, and unified community where every citizen may have the opportunity to become self-sufficient with satisfaction, pride and a high quality of life.”

## **4 EMPLOYMENT PROVISIONS**

### **4.1 Employment at Will**

Virginia is an “Employment-at-will” Commonwealth. Therefore, employment with the City is at-will. Employment at-will means that both the employee and the City have voluntarily entered into the employment relationship, and both the employee and the City are free to terminate the employment relationship at any time, with or without cause and for any reason, so long as such termination does not violate applicable law. Policies set forth in this manual are not intended to create an employment contract between the City and any of its employees. No one is authorized to deviate from this policy or promise anyone employment for any specific length of time. The only exception is the City Council and/or City Manager may approve employment contracts as they deem appropriate.

### **4.2 Equal Employment Opportunity**

The City of Martinsville shall provide equal employment opportunity to employees and applicants for employment on the basis of merit and qualifications without regard to race, color, religion, national origin, gender, age (except where gender or age is a bona fide occupational qualification), political affiliation, or otherwise qualified persons with disabilities. This policy shall be followed in recruiting and hiring practices, testing, compensation and pay practices, benefits, promotions, transfers, layoff/return from layoff, performance management, training, apprenticeship, demotions, corrective action, terminations, and all other terms, conditions, or privileges of employment. Any person employed by the City who fails to comply with this policy is subject to disciplinary action. This Equal Employment Opportunity Statement applies to those employees under the jurisdiction of the City Manager.

This policy is intended to discourage unfair practices such as:

1. Discrimination in favor of any employees or applicants for employment on the basis of race, color, religion, national origin, gender, age, political affiliation, or disability to the detriment of employment opportunities of any other qualified employee or applicant; or
2. Lowering of job requirements or performance standards for the purpose of favoring any employee or applicant on the basis of his or her race, color, religion, national origin, gender, age, disability, or political affiliation.

In response to requirements established by the Federal Government in order to receive Revenue Sharing funds and grants from such agencies as the Department of Criminal Justice Services and Housing and Urban Development, the following statement is incorporated into this policy:

“No person shall, on the grounds of race, color, religion, national origin, gender, age, disability, or political affiliation, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any City program or activity funded in whole or in part by Federal financial assistance.”

The ultimate responsibility for Equal Employment Opportunity Compliance rests with the City Council and City Manager. Responsibility for insuring that this policy is carried out on the departmental level is delegated to each director.

When employees and supervisors have problems, they will be assisted through corrective action and/or informal counseling. If and when such counseling fails, any employee who believes that he/she has

received unfair treatment has the right to file a grievance under the City's grievance procedure. The filing of such a complaint will in no way adversely affect the employee's treatment on the job. To provide for the prompt and equitable hearing of employee grievances concerning work-related matters, as well as discriminatory matters, the City has outlined formal grievance procedure guidelines of the Employee Manual.

#### **4.1 Non-Discrimination**

Discrimination against employee based on race, color, religion, age, gender, national origin, political affiliation, and disability or any other characteristic protected by applicable law or any other basis will not be tolerated except when certain physical and mental requirements are a bona fide occupational qualification necessary to perform the essential functions of the job. The complaint, investigation, and disciplinary action processes will similarly occur as defined in the Anti-Harassment Policy and Complaint and Grievance Procedures. Retaliation of any form is prohibited.

#### **4.2 Disability Accommodation**

The City is committed to complying fully with the Americans with Disabilities Act (ADA) and its amendments ensuring equal opportunity in employment for qualified persons with disabilities. Employment practices and activities are conducted on an equal opportunity and non-discriminatory basis.

#### **4.3 General Rules of Conduct**

The proper conduct of all employees is necessary to ensure a safe, productive and pleasant working environment. Employees will always use good judgment, discretion, and the highest standards of ethical conduct in carrying out City business. While on City of Martinsville premises or while conducting City business off the premises, rude, profane, or obscene remarks or gestures made to or about clients, customers, fellow employees, or management will not be tolerated, regardless of circumstances or location. Certain guidelines are used to govern improper conduct and to provide uniform disciplinary action when necessary. Employees are expected to follow the established guidelines listed below.

- To know and observe all established City policies and procedures
- To perform the job assigned as instructed by the supervisor
- To report to work on time and to devote full attention to work while on duty
- To know and abide by the safety rules of the City for the employee's own protection and that of fellow employees and the public
- To be fair, courteous and cooperative in dealing with the public and with fellow employees
- Employee conduct outside of work that reflects poorly on the City may result in disciplinary action up to and including termination of employment.

#### **4.4 Recruitment and the Application Process**

The Human Resources Office develops and maintains effective recruitment procedures that attract candidates who are representative of the community and who possess the education, skills and abilities to meet the current and future needs of the City. When a position is to be filled from outside of the department, the department director will notify the Human Resources Office of the need to advertise the position and seek qualified applicants for employment. The job opportunity/announcement is publicized in a designated area of each City department and other locations that are available to the general public. Human Resources and members of management reserve the right to reach out to any third party for assistance recruiting women and minorities or recruiting for diversity. Once a hiring decision is made and the candidate has reported to work, applicants who were not selected for the position will be notified.

Employment applications are accepted for advertised positions only and remain in an active file in the Human Resources Office for a period of twelve months. After the twelve-month period, applicants must complete a new employment application.

#### **4.5 Types of Appointment**

City employees may be appointed on a regular, temporary, or part-time basis. Department directors will appoint employees according to hiring procedures approved by the City Manager and maintained by the Human Resources Office.

##### *4.5.1 Regular Full-time Appointment*

An appointment made to a position whose classification is listed in the Classification Plan. Classified positions usually have no fixed duration of service and employees are eligible for employee benefits. Such appointments are subject to an introductory period.

##### *4.5.2 Temporary or Part-time Appointment*

An appointment that will end upon completion of a specific project or assignment, generally up to six months in any twelve-month period or when the work is occasional or sporadic, seasonal, or up to 29 hours per week.

Temporary and part-time employees are paid on an hourly basis and are not eligible for benefits. Time completed in a temporary capacity may be counted as part of the introductory period should a regular appointment be available at the end of the temporary assignment. Individuals hired from outside temporary agencies for specific assignments are employees of that agency and not the City of Martinsville.

##### *4.5.3 Acting Status, Temporary Assignment, and Assumption of Additional Duties*

Acting appointments occur, at the discretion of a department director, when an employee is required to temporarily assume the duties and responsibilities of a higher level position for a period in excess of thirty (30) days as a result of a resignation, termination, or extended leave outside the scope of their normal job. Acting appointments shall be documented in writing and shall be made a part of the employee's official personnel file.

The salary of an employee who takes on ALL of the duties of the higher level position will be increased by a minimum of five (5) percent or adjusted to the minimum salary of the grade in which appointed, whichever is greater. In exceptional situations, an increase of greater than five (5) percent may be requested based on written justification of the department director and approval of the Human Resources Director and City Manager. When less than full duties are assumed, the department director will determine the amount of temporary additional pay, if any.

When an employee takes on all of the duties of a higher level position, he/she also takes on the conditions of the employee of the position, such as FLSA status. If an employee is receiving acting duty pay at the time a general pay increase is awarded, the employee's interim pay will be adjusted to reflect the general increase. At the end of the acting status or assumption of additional duties, the employee's pay will return to the level of pay in effect prior to the appointment of acting status, plus any annual increases which the employee would have otherwise received.

#### **4.6 Age Limitations**

To be considered for a regular position, applicants must be at least eighteen (18) years of age and meet the established minimum job requirements as provided on the job description. Applicants for job opportunities in the Police and Fire/EMS Department must meet the age requirements for the particular position. Specific information about each vacancy can be obtained by contacting the Human Resources Office.

#### **4.7 Physical Standards and Other Requirements**

Before an employment offer can be extended, an applicant must be able to perform the essential functions of the job with or without reasonable accommodation and pass a drug test. For certain positions, successful completion of a post offer medical examination performed by a City chosen physician will be necessary. Periodic medical examinations may also be required in those positions where physical standards must be maintained. Background investigations and local/state police checks will also be required and will not violate any federal or state equal opportunity law or regulation. Due to the length of time required to complete certain background investigations, a conditional offer of employment may be extended, subject to the successful completion of the investigation.

#### **4.8 Criminal Convictions**

The City of Martinsville does not discriminate unlawfully against persons who have been convicted of criminal offenses. A prior conviction does not automatically exclude an applicant from employment with the City. The nature and the offense of a past conviction is weighed and considered in relation to the duties of the position desired.

#### **4.9 Operation of a City-Owned Motor Vehicle**

Some positions require the operation of a City-owned motor vehicle as an essential function of the job. Prior to their appointment, applicants may be required to provide a copy of their valid driver's license and Division of Motor Vehicles driving record, and where necessary, a copy of the applicant's Commercial Driver's License. Employees must report any restrictions, limitations, or loss of their driving privileges to their supervisor.

#### **4.10 Residence**

Departments that have critical and essential work to be performed outside regularly scheduled hours or during emergencies may require that some employees reside within a reasonable distance of the City.

#### **4.11 Work Authorization**

The Immigration Reform and Control Act makes it illegal for employers to employ anyone who is not authorized to work in the United States. Within three (3) days of beginning work, employees must provide one official document that establishes BOTH their identity and employment eligibility OR one document that establishes the employee's identity AND one document that establishes employment eligibility to work in the United States.

#### **4.12 Secondary Employment**

An employee of the City may be self-employed or may take occasional or part time jobs provided there is no conflict with working hours, loss of efficiency, or conflict of interest with the City. Employees who wish to accept outside employment must make sure that it conforms to City policy. Conflicting

outside employment shall be grounds for disciplinary action, up to and including termination. An employee is prohibited from working at outside employment while on approved sick, FMLA leave, or injury leave. All employees have the duty to disclose the acquisition of secondary employment at the time of hire and anytime thereafter to their immediate supervisor and Human Resources. Employees with secondary employment are further required to complete the Disclosure of Secondary Employment form in the Human Resources Office which is subject to review by City management and the City Attorney for conformity to City Policy.

#### **4.13 Employment of Relatives**

No relative of a member of City Council, the City Manager, or the Assistant City Manager may be employed or assigned to any type of position under the jurisdiction of the City Manager. In addition, two members of an immediate family cannot be employed in the same department. Also, two members of an immediate family cannot be appointed or assigned to a position where one employee would have influence over the other's employment, promotion, salary administration or other management or personnel considerations. Situations that violate this provision but which were in existence prior to the issuance of this manual will be allowed to continue. Immediate family includes spouse, parent (including step-parent), mother-in-law, father-in-law, children (including step-children and foster children), brother, sister, step-brother, half-brother, step-sister, half-sister, sister-in-law, brother-in-law, son-in-law, daughter-in-law, grandparent, grandchild, aunt, uncle, niece, or nephew of the employee and his/her spouse.

#### **4.14 New Employee Orientation**

At the beginning of their employment, all new employees must attend an orientation conducted by the Human Resources Office. During this time, benefits and enrollment requirements, compensation, and City policy are discussed. Prior to beginning work, all new employees must complete a Compensatory Time Agreement, where required.

The new employee's supervisor or departmental representative is responsible for conducting an on-the-job orientation. The employee's work schedule, specific responsibilities, and safety requirements will be discussed at length. During this time, the employee will be given a copy of their official job description and any specific departmental policies and procedures that apply.

#### **4.15 Payroll Withholdings**

The law requires that the City withhold certain amounts from employee paychecks, including amounts for applicable federal, state and local taxes and Social Security taxes. The City also offers programs and benefits for which employees may authorize deductions from their paychecks to cover the costs of participation. Employees should speak to their supervisor if they have questions about these programs or withholdings from your paychecks. Should an individual accept employment or continue their employment relationship with the City a condition of continued employment is that the employee may be required to reimburse the City for any lost, stolen, or damaged City property which may be collected via payroll deduction by the City at any time.

#### **4.16 Coverage and Assignment of Positions**

City Government exists to provide certain necessary and important services to the citizens of the City of Martinsville. In order to fulfill this responsibility, the City must attract and retain competent and loyal employees dedicated to the mission of providing high quality public service. This requires a

comprehensive compensation program that rewards and recognizes employee's commitment, skill development, and quality service.

The City's goal is to compensate employees fairly, relative to similar positions in the market place, and to offer a competitive wage and benefits package that keeps turnover to a minimum. Positions with similar duties and responsibilities are grouped together in the same job classification. Every position, except that of the City Manager, is assigned to a specific grade that consists of a minimum and maximum range of pay, with the mid-point or job rate reflecting the market average for that position. The grade determines the compensation for which an employee is eligible. Pay grades and job classifications may only be changed with the authorization of the City Manager.

## **5 WORK HOURS AND ATTENDANCE**

### **5.1 Attendance and Absenteeism**

An essential function of all positions is the requirement for regular and predictable attendance. Absences, especially those that are unexpected, can be a problem and place a burden on co-workers and hinder effective City operations. The determination of what is excessive tardiness and absenteeism, or attendance that is not regular and predictable, is reserved solely for City management. Excessive tardiness and absenteeism may result in disciplinary action up to and including termination. Any absence of three (3) consecutive workdays without prior approval from the supervisor may be considered a voluntary resignation.

### **5.2 Reporting Requirements**

Employees are expected to personally report any unscheduled absence to their immediate supervisor prior to the beginning of the assigned work period. Any unauthorized absence will be treated as an absence without pay and may be grounds for disciplinary action, up to and including termination of employment. If it is determined that the employee had a valid reason for failing to get prior approval for the absence, the time off may be approved retroactively. Questions regarding about how an employee should report an absence from work should be directed to the supervisor.

### **5.3 Working Hours**

Generally, full-time employees, except those in public safety departments, work a forty-hour work week. Administrative employees work from 8:00 AM to 5:00 PM; with offices open to the public from 8:00 AM until 5:00 PM, Monday through Friday. Because of the nature of work in some departments, special work hours may be required. A director may adjust, increase, or decrease the normal work schedule as operations demand; however, schedule changes will not be used to penalize an employee. The supervisor will provide each employee with a daily schedule as changes are to be implemented and with as much advance notice as possible.

Subject to the advance approval of the supervisor and department director, employees may work an alternate or flexible schedule provided the forty-hour minimum and specific requirements are met. Employees must account for hours not worked through the use of sick leave, annual leave, or other approved leave.

### **5.4 Lunch Periods**

Employees should check with their supervisor to determine when their official lunch period is scheduled. Employees who are scheduled for an unpaid meal break must immediately notify their supervisor if their meal break is interrupted. Employees may not voluntarily work through their unpaid meal break to finish work without approval of their supervisor.

### **5.5 Inclement Weather**

All municipal facilities will remain open for business during normal business hours regardless of weather conditions. Only under the most extreme conditions will the City Manager close all or any part of the City offices and operations, should a situation exist that warrants such action. Department directors will determine those employees whose jobs require the performance of operations necessary to the public welfare and safety even during an emergency or inclement weather. These “essential personnel” will be



required to report for and remain on duty regardless of the City Manager's decision to close City offices for a full or partial day.

Employees must use their own judgment as to whether it would be unsafe to drive to work and should not rely on transportation being provided by the City. If an employee does not report to work during those hours that municipal facilities are open for business, compensatory time, annual/vacation, or leave without pay must be used to cover the duration of the absence. In the event the municipal facilities close early (generally, this would pertain to general public use only) employees must again use compensatory time, annual/vacation, or leave without pay to cover the duration of absence if they choose to leave work early or department manager authorizes employee to leave early. An employee who is on pre-approved vacation or sick leave during the period of inclement weather will be charged accordingly with proper annual/vacation or sick leave hours.

## **5.6 Unexcused Absences**

An unexcused absence is any absence in which the employee does not have prior approval from his/her supervisor and for which the employee does not report to his/her supervisor within an hour of the assigned work period.

Any three (3) consecutive unexcused absences may be considered a voluntary resignation. Any (3) non-consecutive unexcused absences within a calendar year may result in corrective action up to and including immediate termination of employment. Vacation and then comp-time will be applied to all unexcused absences. If vacation and comp-time are exhausted the unexcused absence will be unpaid. Absences that are protected by the Family and Medical Leave Act, that occur in conjunction with Workers' Compensation or are due to Military Leave will not be used in calculating unexcused absences.

Any mitigating circumstances regarding attendance infractions may be reviewed at the sole discretion of the immediate supervisor in consultation with the department director and other City management as needed.

## **5.7 Work Week and Fair Labor Standards Act**

The City's overtime policies comply with those established under the Fair Labor Standards Act or (FLSA). The Fair Labor Standards Act does not limit the number of hours that an employee may work. It simply requires that overtime pay must be paid at a rate of not less than one and one-half times a non-exempt employee's regular rate of pay for each hour worked in a workweek in excess of the maximum hours required. This usually means overtime for hours in excess of 40 per week.

To be considered exempt from overtime, an employee's duties must fit into a specific category as determined by the FLSA. The duties performed by the employee will be designated as either "non-exempt" or "exempt", as defined in this Chapter, and used to determine if the employee is eligible for overtime compensation. Prior to their appointment, a new employee will be informed of their overtime status under the Fair Labor Standards Act. Employees whose primary duty is law enforcement or fire protection provide services on a seven (7) day, 24-hour-per-day basis and may work a special work period of up to 28 days, as permitted by Section 7 (k) of the FLSA.

In order to meet the business needs of the City, an employee may be required to work beyond the daily or weekly work schedule, or to return to work after leaving the work site for the day. Department directors will arrange and control the work schedules in their department so that, to the extent possible, required work will be accomplished without overtime. No overtime is to be worked except as authorized by the department director or his/her designee.

#### 5.7.1 *Non-exempt Employees*

Employees who are required to be paid overtime at the rate of time and one half times their regular rate of pay for all hours worked beyond forty hours in a work week, in accordance with applicable federal wage and hour laws.

#### 5.7.2 *Exempt Employees*

Employees who are not required to be paid overtime, in accordance with applicable federal wage and hours laws, for work performed beyond forty hours in a work week. Executives, professional employees, outside sales representatives, and certain employees in administrative positions are typically exempt. Exempt employees who work in excess of their normal workweek do not accumulate overtime or compensatory time.

#### 5.7.3 *Standard Work Week/Work Period*

Unless specifically exempt from the FLSA, as outlined in the Act, the standard work week for all employees shall consist of seven consecutive calendar days, as established by the City Manager or department director. Uniformed Fire/EMS personnel assigned to 24-hour shifts or uniformed Police personnel may have an alternate work schedule, as needed, to effectively deliver services and may be eligible for a special exception under Section 7(k) of the Act. Where implemented, a standard work period of no less than seven or more than twenty-eight consecutive days may be established by the City Manager or department director consistent with the requirements of the Act.

#### 5.7.4 *Hours Worked*

When properly authorized by the department director, all hours that a non-exempt employee is permitted to work are subject to compensation. The overtime compensation will begin for all hours worked over forty (40) during the established workweek, except where applicable under 7(k) of the Act or as required by Virginia Code. If an employee is expected to work overtime, the supervisor will give the employee as much advance notice as possible.

#### 5.7.5 *Compensatory Time Off for Police and Fire Personnel Only (07/01/2021)*

A non-exempt forty-hour employee who is required to work overtime in excess of the maximum hours required will be compensated in the form of time off with pay at the rate of one and one-half hours for each hour of employment for which overtime compensation is required. The City will allow a non-exempt employee to use the time earned within a reasonable period and at the discretion of management, provided that the time off does not adversely disturb the operations of the department. The Fair Labor Standards Act does not generally require that an employee be paid overtime compensation for hours worked in excess of eight per day, or for work on Saturdays, Sundays, holidays or regular days off so long as the maximum number of hours are not exceeded.

It is the responsibility of departmental management to monitor the use of compensatory time off. Unless otherwise authorized by the City Manager, Police, Fire & EMS personnel employees cannot carry over fifty-six hours of accumulated compensatory leave beyond June 30 of each year. To cover approved absences, department directors may require that employees use compensatory time in place of sick or annual leave. Upon termination of employment, a non-exempt employee shall be paid for any unused compensatory time at their current rate of compensation.

In certain circumstances, as determined by the department director and in consultation with the Human Resources Director and City Manager, monetary payment for overtime may be authorized.

Subject to available funds, the premium will be an additional half-time for each overtime hour as provided in the Fair Labor Standards Act and Federal Regulations Part 778.114 under the Fluctuating Work Week method. In determining overtime payment for emergency work performed outside the employee's work schedule, time *not worked* due to a holiday, vacation, or sick leave *will be counted as hours worked*.

#### 5.7.6 *Record of Hours Worked*

Non-exempt employees must accurately record and report all hours worked and time not worked on an official time sheet. The appropriate supervisor will verify and approve the hours worked and forward information to the Finance Office on appropriate forms. Both exempt and non-exempt employees must account for hours not worked through the use of sick leave, annual leave, or other approved leave.

#### 5.7.7 *Partial Pay*

A full-time introductory or regular non-exempt employee who works less than the normal pay period and has insufficient leave to cover any absences from work shall be paid based on the number of hours worked out of the total number of working hours in the month. An hourly non-exempt employee who works less than a normal pay period shall be paid at their established hourly rate based on the actual hours worked during the pay period.

#### 5.7.8 *Travel Time*

Normal home to work and back home travel time is not normally considered work or paid time. This is true whether the employee works at one location or many. Travel time between different work sites during the day is considered work time. When an employee is sent to work or attend a meeting requiring an overnight stay, only the travel time that falls within the regular scheduled work hours is compensable time unless the employee is working while traveling, in which case all the hours are compensable. Time spent traveling on off days during the employee's regular working hours is compensable time.

#### 5.7.9 *Standby Time*

Some City departments have a need for essential work to be performed outside regularly scheduled hours. Standby is a *pre-planned status* where specific employees are required to be available to respond to after-hours, holidays, and weekend emergencies within a specified period of time. This section does not apply to situations where essential work is required and performed as an extension of the employee's normal workday. To assure availability in the event of an emergency, departments will establish standby procedures and guidelines that outline specific expectations and requirements. Employees on standby status are not restricted in the use of personal time, but must be available to promptly return to work when contacted by pager, radio, telephone or other prearranged means. A non-exempt employee assigned to standby duty will be paid one hour of additional standby pay per day, at the employee's regular rate of pay, provided the employee remains available and is responsive to duty calls.

#### 5.7.10 *Call-Back*

Non-exempt employees who are required to report to work outside the employee's normally scheduled hours or on holidays will be compensated for a minimum of three hours. If the actual hours worked exceed the three-hour minimum, the employee will be compensated for all hours worked. Callback time will commence from the time the employee leaves his/her premises and returns to the

original location. If the employee is called back while in route to or from work, time worked will be credited as an extension of the normal workday and the three-hour minimum will not apply.

Should the employee be called back a second time within the original three (3) hours of the first call, an additional three (3) hour credit for the new call back will not be granted. Calls received and time worked by an employee in a callback situation must be reported to the employee's supervisor on the next regular workday. The nature and amount of time worked during on-call duty are subject to verification by supervisors. When discrepancies are noted, further justification may be required.

#### *5.7.11 Emergency Response*

In the event a situation arises that, in the judgment of management, requires an extraordinary response effort, any and all employees under the jurisdiction of the City Manager may be contacted to report to work. Under these circumstances, non-exempt employees will be compensated in the same manner as described under the "call-back" provision in this Chapter and in accordance with the Fair Labor Standards Act.

#### *5.7.12 Lectures, Meetings, and Training Time*

Attendance at lectures, meetings, training programs and similar activities will not be counted as working time if **all** the following four criteria are met:

- attendance is outside of the employee's regular schedule of work hours;
- attendance is voluntary;
- the course, lecture, or meeting is not directly related to the employee's job; and
- the employee does not perform any productive work during such attendance.

Training is directly related to the employee's job if it is designed to make the employee handle their job more effectively as distinguished from training the employee for another job, or for a new or additional skill. If an employee, on his or her own initiative, attends an independent school, college, or independent trade school after work hours, the time is not work time even if the courses of study are related to his or her job.

## **6 PERFORMANCE**

### **6.1 Performance Management Program**

In an effort to help the City achieve its goals and objectives, motivate and retain quality employees, and provide the City's workforce with an understanding of what is expected of them, a performance management system is utilized. The purpose of the program is to make each employee aware of their overall performance and effectiveness and clarify functions, duties and responsibilities. Work that meets and/or exceeds expectations can be recognized and rewarded and serious disciplinary problems can be identified and resolved.

The Human Resources Director, with input from department directors and approval of the City Manager, is responsible for the development and administration of the performance management program. Components include evaluation forms and methods, eligibility for performance increases, promotional, reassignment, demotion, and dismissal guidelines, employee training, certification, and development programs, and succession planning efforts. All full-time employees under the jurisdiction of the City Manager shall participate in the Performance Management Program.

### **6.2 Nature and Frequency of Reviews**

Except for interim and introductory reviews, the employee's immediate supervisor conducts the formal annual evaluation. The evaluation should be approved, in writing, by the next level of supervision prior to discussing the appraisal with the employee. In cases where the department director is the rater, the City Manager may review these ratings. Interim evaluations may also be conducted at any time during the performance cycle to advise both introductory and regular employees of progress toward meeting performance objectives or to document problems or exceptional performance.

A performance evaluation may be delayed in cases where an employee has been on FMLA, military leave, educational leave, job-incurred illness or injury, and/or the employee's supervisor has not had sufficient opportunity to observe the employee's work. In these circumstances, the department director may defer the evaluation for a period not to exceed the total time of the employee's absence from duties. The department director should document the deferral via written memorandum with copies to the Human Resources Director and the employee.

When in doubt, employees should ask questions regarding the requirements to meet the performance standards of their position. The City encourages employees to provide input into their formal evaluation. The employee may provide their supervisor with a listing of accomplishments for the evaluation period. To the extent possible, the evaluation shall be based on facts and careful observation of the employee's performance for a specified period of time. Appropriate comments, explanations, suggestions, and/or recognition shall be included as a part of the total evaluation.

### **6.3 Introductory Assessment Period**

The Introductory Assessment Period is intended to give new employees and existing employees transferred to a new position for reasons including but not limited to: voluntary or involuntary lateral transfers, demotions, or promotions, the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The City uses this period to evaluate employee capabilities, work habits, communication skills, and overall performance. Any employee who is transferred, demoted, or promoted to a new position and is unable to meet the requirements of and/or satisfactorily function in their new position is not guaranteed continued employment or the ability to return to his or her previous position.

The first six months of service for a regular full-time employee is considered an introductory assessment period. Law enforcement officers and fire personnel serve an introductory period of up to 12 months. During this time, the immediate supervisor will work closely with the employee. Guidance and training will be provided and the employee's work will be observed.

To determine if the employee has demonstrated their ability to perform the essential job functions and suitability as a City employee, performance evaluations will be conducted within 90 and 180 days following the employee's initial employment date or transfer date. The purpose of the review is to give both the employee and the supervisor an opportunity to discuss their working relationship, the employee's strengths, areas that need improvement, and whether employment should be discontinued or if the employee should be granted regular status. If granted regular status, satisfactory completion of the introductory period does not guarantee continued employment.

Upon the recommendation of the supervisor, the department director may extend an introductory period for up to six additional months in situations where the ability to meet essential job functions is questionable, or where the duties of the job require additional training.

#### **6.4 Dismissal During or Extension of Introductory Assessment Period**

An introductory employee may be dismissed at any time during the introductory period if it is determined that the employee is not capable of performing assigned duties and/or for other justifiable cause. Also, the introductory employee may terminate the employment relationship at any time during and after the introductory period. A new introductory employee who cannot or is unable to adjust to his or her position may be terminated or be placed in another classification for which he or she may be qualified, provided an appropriate vacancy is available. Upon the recommendation of the supervisor, the employee's department director may extend an introductory period for up to six additional months in situations where the ability to meet essential job functions is questionable, where the duties of the job require additional training, or where an additional working test period is required. The supervisor must notify the employee, in writing, if the introductory period will be extended. Prior to dismissal of an introductory employee, supervisors should consult with the Human Resources Director to discuss possible options.

#### **6.5 Annual Performance Reviews**

For regular employees, formal written performance evaluations are conducted at least once a year or at other intervals as determined by the immediate supervisor. Annual evaluations do not replace day-to-day discussions between the employee and supervisor, but they should help establish job specific examples of how to meet those goals.

The formal evaluation is conducted using forms designated by the Human Resources Office. While standards are different for each job, consideration will be given to: quality of work; job knowledge and skills; productivity; dependability; initiative; working relationships; and other categories.

Before a formal appraisal is conducted, the evaluation form will be reviewed and approved by the next level supervisor. Once the evaluation is conducted, the completed form shall be forwarded to the Human Resources Office and placed in the employee's personnel file. The department will retain a copy of the evaluation for their records. When an employee is transferred or promoted, the supervisor at the time of a transfer or promotion will complete an exit evaluation. The evaluation will be processed in the manner described above.

## **7 PROFESSIONAL CONDUCT & WORKING CONDITIONS**

Upon accepting a position with the City, employees are expected to apply themselves efficiently to their assigned duties, to be timely and regular in attendance, and to maintain satisfactory work performance. Failure to meet these standards can result in disciplinary action up to and including termination.

This Chapter provides employees with a general understanding of what can be expected when a violation of certain policies and/or procedures occurs. It is not possible to list every conceivable form of misconduct. As a result, the conduct standards listed in this Chapter are for illustrative purposes only. Misconduct or nonperformance issues not listed here will be treated consistently within the guidelines outlined in this Chapter. Whenever possible, the City recommends that corrective action be used as an alternative to discipline. However, immediate dismissal may result from situations where the City believes corrective action is inappropriate. The City does not intend for this manual to alter the at-will nature of its relationship with employees.

### **7.1 Employee Conduct and Work Rules**

All supervisors and managers have a responsibility to be responsive to questions, concerns and complaints raised by employees under their direction. This responsibility includes acquiring clarification, interpreting or making decisions regarding any regulation and procedure or policy that might be sought by an employee. Supervisors and managers must be receptive to suggestions that could alleviate or eliminate employee concerns, improve the efficiencies or services provide to the City. Some behaviors are unacceptable on City property. It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. Depending upon the seriousness and circumstances of each individual case, misconduct can result in various degrees of corrective action up to and including termination of employment. Violations of ethical conduct include but are not limited to the following:

- Theft or inappropriate removal or possession of property
- Dishonest, falsification of timekeeping records and other working documents
- Failure to comply or participate in a workplace investigation
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer, use or being under the influence of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment
- Fighting or threatening violence in the workplace
- Boisterous or disruptive activity in the workplace
- Negligence or improper conduct leading to damage of City-owned property
- Insubordination
- Violation of safety or health rules
- Smoking in prohibited areas
- Sexual or other unlawful or unwelcome harassment
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- Excessive absenteeism
- Excessive lateness for scheduled shift
- Unauthorized absence from work station during the workday
- Unauthorized use of telephones, mail system, or other employer-owned equipment
- Unauthorized disclosure of confidential information
- Violation of personnel, administrative, or any other policies and procedures

- Unsatisfactory performance or conduct
- Rude, discourteous or inconsiderate behavior or action directed toward other employees, visitors, or any other persons.
- Sleeping on the job

Employee conduct outside of work that reflects poorly on the City may result in disciplinary action up to and including termination of employment.

## **7.2 Workplace Etiquette**

The City strives to maintain a positive work environment where employees treat each other with respect and courtesy. Sometimes issues arise when employees are unaware that their behavior in the workplace may be disruptive or annoying to others. Many of these day-to-day issues can be addressed by politely talking with a co-worker to bring the perceived problem to his or her attention. In most cases, common sense will dictate an appropriate resolution. The City encourages all employees to keep an open mind and graciously accept constructive feedback or a request to change behavior that may be affecting another employee's ability to concentrate and be productive.

The following workplace etiquette guidelines are not necessarily intended to be hard and fast rules with corrective consequences. They are simply suggestions for appropriate workplace behavior to help everyone be more conscientious and considerate of co-workers and the work environment. Please contact the Human Resources Department if you have comments, concerns, or suggestions regarding these workplace etiquette guidelines.

- Avoid public accusations or criticisms of other employees. Address such issues privately with those involved or your supervisor.
- Try to minimize unscheduled interruptions of other employees while they are working.
- Be conscious of how your voice travels, and try to lower the volume of your voice when talking on the phone or to others in open areas.
- Keep socializing to a minimum, and try to conduct conversations in areas where the noise will not be distracting to others. Avoid breaches in confidentiality.
- Refrain from using inappropriate language (swearing) that others may overhear.
- Avoid discussions of your personal life/issues in public conversations that can be easily overheard.
- Monitor the volume when listening to music, voice mail, or a speakerphone that others can hear.
- Clean up after yourself and do not leave behind waste or discarded papers.

## **7.3 Employee Personal Data Changes**

It is the responsibility of each employee to promptly notify their immediate supervisor and the HR Department of any changes in personnel data, including personal mailing addresses, telephone numbers, number and names of dependents and individuals to be contacted in the event of an emergency.

## **7.4 Corrective Action**

This corrective action policy provides a method to improve unsatisfactory employee performance and conduct and to ensure, where appropriate, consistency in the administration of the corrective action process.

### **Documented Counseling**



The purpose of the Documented Counseling is to review standards of conduct and performance issues, define the problems, and offer solutions, but are not required or necessary in order to engage in formal Corrective Action. A meeting is held between the supervisor and employee and the results are documented and forwarded to Human Resources. The documented counseling is an informational and educational opportunity that sometimes occurs when supervisors question an employee's understanding of past discussions and trainings.

**All steps in the Corrective Action process will be documented and placed in the employee's personnel file. Documented Counseling Report or Corrective Action Report forms should be used as applicable. Human Resources will be notified of all Corrective Action steps.**

**Where appropriate, these stages are sequential. However, in particular serious instances, corrective action may begin at later stages, including immediate termination of employment. The City of Martinsville is not obligated to follow any specific Corrective Action process and reserves the right, in its sole discretion, to issue the form and level of discipline it believes appropriate under the circumstances.**

#### Documented Warning

**Documented Warnings must first be reviewed and approved by Human Resources.**

This process involves a meeting between the supervisor and the employee, in the presence of another member of management. The Documented Warning is signed by the employee, supervisor, and another member of management. Prior disciplinary actions, if any, are cited. The Documented Warning will be forwarded to Human Resources. Performance improvement goals will be established possibly including a schedule or timeline and or directives given to resolve any deficiencies.

#### Written Reprimand

**Written Warnings must first be reviewed and approved by Human Resources.**

If improvement is not noted within the timeframe specified in the Documented Warning, or if the employee's performance or standards of conduct are unsatisfactory for another issue, a Written Reprimand is issued to the employee. Prior disciplinary actions, if any, are cited. The Written Reprimand again outlines the problem and specific goals or directives for improvement. This process involves a meeting between the supervisor and the employee, in the presence of another member of management. The Written Warning is signed by the employee, supervisor, and another member of management. The original is forwarded to Human Resources to be placed in the employee's file.

#### Suspension (removed from the work schedule)/Final Written Warning (remain on the work schedule)

**Suspensions/Final Written Warnings must first be reviewed Human Resources, City Attorney, and approved by the City Manager and/or Assistant City Manager.**

Suspensions/Final Written Warnings normally occur when previous Documented Warnings and Written Reprimands have been ineffective and or if the employee's performance or standards of conduct are of significant concern. A written synopsis is given to the employee detailing the specifics about the nature, reason for the Final Warning/Suspension and length of Suspension. The Suspension/Final Written Warning process involves a meeting between the supervisor and the employee, in the presence of another member of management. The Suspension/Final Written

Warning is signed by the employee, supervisor, and another member of management. The original is forwarded to Human Resources to be placed in the employee's file.

### Investigative Suspensions

An employee may be suspended without pay during an investigation of alleged misconduct that is conducted at the request of City officials. An employee who is arrested for or charged with committing a felony, a crime of moral turpitude (crimes contrary to justice, honesty or good morals), or any offense that could directly affect public confidence in the employee's ability to perform City business will normally be suspended without pay.

If the City investigation clears the employee of all alleged misconduct, the employee will be reinstated without loss of any benefits, pay, or City service credit. After the completion of the investigation, the City may impose disciplinary action, up to and including dismissal, where warranted. While on leave without pay, a suspended employee who wishes to continue benefits must pay the employee's share of the premium(s).

### Termination of Employment

**Termination of Employment must first be reviewed and approved by Human Resources, City Attorney, and approved by the City Manager.**

Documentation such as a Corrective Action Report, letter, or memorandum is given to the employee, stating the reason for termination of employment and the effective date. An in-person meeting will be held with the employee being terminated if feasible or advisable. If a meeting is not feasible or advisable, the employee being terminated will be notified by phone, regular mail, and/or certified, returned receipt mail. The documentation is forwarded to Human Resources to be placed in the employee's file.

### Procedural Guarantees

Employees who serve in the Police Department in a sworn law enforcement capacity, firefighters, and emergency medical technicians are eligible for certain procedural guarantees provided by the Code of Virginia.

For the Police Department, the procedural guarantees apply to any sworn officer, other than the Chief of Police, who "in his official capacity, is authorized by law to make arrests and who is a non-probationary member" of the Police Department. These procedural guarantees provide an alternative to the City Grievance Procedure and can be found in Chapter 5 of Title 9.1 of the Code of Virginia, Sections 9.1-500 through 507.

For firefighter personnel, these procedural guarantees apply whenever an officer, a firefighter or an emergency medical technician is subjected to an interrogation that could lead to dismissal, demotion, suspension or transfer for punitive reasons. These procedures guarantees can be found in Chapter 3 of Title 9.1 of the Code of Virginia, Sections 9.1-300 through 9.1-304.

### Employee's Right to Notice

Within any documented warning, written reprimand, final warning/suspension, demotion, or disciplinary transfer or dismissal, an employee must be informed in writing of the infraction or offense by the appropriate supervisor, department director, or other member of City management. The City is not under any obligation to demote or transfer any employee whose standard of conduct and/or performance is inappropriate or inadequate and reserves the right to determine at its sole discretion when such actions may occur. The employee shall have the right to offer an

explanation and/or contest the decision. The supervisor should consult with the Human Resources Director before issuing any of these actions.

Non-introductory full-time employees are entitled to use the City's Grievance Procedure for matters relating to these Disciplinary Policies. Documented Counselings and Documented Warnings are not grievable. Terminations resulting from consecutive no-call no-shows are not grievable. Written Reprimands and Suspensions are grievable. Employment terminations are subject to the Grievance Procedure only if the employee immediately declares their intent to file a Grievance before the meeting ends. If an employee refuses to meet in person or discuss the reason for termination for example via telephone, then the right to file a grievance is forfeited. Employee conduct outside of work that reflects poorly on the City may result in disciplinary action up to and including termination of employment. Introductory employees are not entitled to use the Grievance Procedure unless they allege discrimination based on race, color, religion, age, gender, political affiliation, disability, veteran status, national origin, or other characteristic protected by law.

## **7.5 Violence Prevention**

The City does not tolerate employee violence or threats of violence on City property or on City time. The City strives to provide each employee with a safe working environment and to provide our customers with a comfortable business climate. Employees who jeopardize this safe atmosphere by engaging in violent behavior will be disciplined, up to and including discharge for a first offense. Any employee with knowledge of any violation of this policy should report to his or her supervisor, department director, or the City Manager without delay. The unauthorized possession of firearms, illegal knives, blackjacks, explosives, or other weapons on City property or on City time is absolutely prohibited. Violation of this rule warrants discharge for a first offense.

Violent behavior includes fighting, threats, harassment, verbal assault, and other aggressive or intimidating behavior that places another individual in discomfort or fear for his or her well-being. If an employee is subjected to violent behavior, the employee should inform his or her supervisor instead of responding with violence. An employee should not escalate a potentially hostile situation. This excludes self-defense and situations of imminent bodily harm or death.

## **7.6 Safety**

Accidents can be prevented or limited by the support of management and supervision of an effective safety program and through employee awareness of the hazards of their occupation. This will be accomplished through the development of safety-related policies and procedures, technical assistance, inspections and audits of City facilities/operations, and related safety training for City employees. While general safety rules and procedures may apply to all City employees, each department may have the need for specific rules that address safety issues that are unique to that department. The City will make reasonable efforts to promptly investigate and address health and safety issues, not require employees to perform tasks that are dangerous to the health and safety without adequate training and safety equipment, and make readily accessible information on hazardous materials.

Employees should familiarize themselves and comply with all safety policies that apply to their workplace; attend all training mandated by City policies and/or their supervisor; use appropriate safety devices and personal protective equipment; maintain their workplace in a safe manner; and report accidents and unsafe working conditions to their supervisors. An employee who finds any apparent defect in City equipment must report it to the appropriate supervisor as soon as possible, preferably before beginning the shift. Any accident involving City equipment must also be reported to the appropriate

supervisor regardless of the cause. An employee or group of employees who refuse a work assignment because of a reasonable belief that to perform such work would endanger his/her physical safety beyond the normal hazards of the occupation or violates safety standards, should use the City's complaint procedures.

Employees shall not be required to resume the disputed work until the alleged hazard is corrected, the complaint process is completed or a determination has been made by a qualified person stating the work is not unsafe or dangerous. No employee who refuses to perform work in accordance with this policy shall be disciplined or retaliated against or lose the right to perform the work once the hazardous condition has been corrected.

Violations of this policy may result in disciplinary action up to and including termination. All employees are responsible for notifying supervisors or managers of any behavior they or another person have witnessed on City premises or connected to City employment which they regard as unsafe. Supervisors that become aware of or have a reasonable expectation to be aware of safety violations are subject to disciplinary action per City policy. An employee who has previously reported a safety violation and feels the unsafe practice has been unresolved may by-pass their immediate supervisor and take the issue up the chain-of-command.

## **7.7 Drug and Alcohol Abuse**

In accordance with long-standing policy, this notice is to reemphasize to our employees (and employees of other companies and contractors) that the abuse of drugs and alcohol poses a serious threat to the safety of our employees and to the City's operations. A copy of the complete policy is available in the Human Resources Office. Accordingly, the use, possession, being under the influence or having a detectable presence of drugs or alcohol in one's system (except where expressly authorized) or manufacture, distribution or sale of such substances on City premises or on-the-job, or off-the-job abuse of such substances which adversely affects or threatens to adversely affect an employee's job performance or other City interests is prohibited.

"Drugs" and "alcohol" include any substance with the potential to produce the effects of intoxication and/or the potential to produce physical, mental, emotional or behavioral changes that could adversely affect an employee's ability to perform his job safely and efficiently. This prohibition includes any prescription or over-the-counter drug unless an employee's possession and use of such drug on City premises, or on-the-job, is expressly authorized. The term "City premises" in this notice is used in its broadest sense and includes all land, property, buildings, structures, cars, trucks, and all other means of conveyance owned or leased by the City, or otherwise being utilized for City business. The term "on-the-job" includes paid and unpaid meal periods during the business day and paid and unpaid overtime.

Employees who have drug and/or alcohol abuse problems are encouraged to request assistance through the City's employee-assistance program or through other appropriate community agencies. The City will take no disciplinary action against an employee who voluntarily seeks such assistance prior to the City's determination that the employee is violating this policy. The existence of, or employee participation in, an employee-assistance program does not, however, relieve any employee from compliance with the terms of this notice or other applicable standards governing performance and conduct.

Employees who violate this Drug and Alcohol Abuse Policy will be subject to disciplinary action up to and including discharge and may be allowed to participate in EAP-approved treatment as an alternative to discharge. Employees of independent contractors and temporary agency employees who violate this policy will not be allowed to perform additional services on behalf of the City.

To further insure safe and healthy working conditions, the City may request an employee to participate in drug or alcohol testing for justifiable reasons. The City also reserves the right to take other justifiable measures, including the inspection of all City premises and the personal property of employees on City premises in order to insure compliance with this policy.

Participation in such testing and inspection is voluntary, but employees who refuse shall be deemed in violation of this policy which will result in termination of employment. Contract employees who refuse shall not be permitted to perform further work for the City.

All records and information obtained by the City regarding alcohol and drug testing, the test results and treatment of employees for chemical dependency will be confidentially maintained by restricting access on a need to know basis to those designated by management. Cooperation in the enforcement of this policy will assist the City in providing employees with a healthy and safe work and patient care environment.

#### *7.7.1 Drug Testing*

The City recognizes that its health and future success are dependent upon the physical and psychological health of its employees and that it has a vested interest in maintaining safe, healthy, efficient and effective work environment.

The City uses drug and alcohol testing in the following circumstances that include but are not limited to pre-employment, random, post-accident, and reasonable suspicion, or there has been an accident which involves as loss of life, injury, or damage to a City vehicle, or an employee was cited for a moving violation while using a City vehicle. Drug testing may be in the form of but not limited to breathalyzer, urine screen, hair analysis, blood testing. All test results will remain confidential among appropriate City management, the testing laboratory, applicable medical personnel and the employee tested. Drug testing must be done immediately after an accident, injury, or supervisor's directive and depending on mitigating circumstances no later than eight hours after the aforementioned.

All Managers, Directors, or anyone in a supervisory capacity noticing a change in behavior or performance of an employee that is abnormal or extreme, needs to bring the employee directly to the HR Department, to be sent for alcohol test and/or drug screen. Anyone noticing an extreme or abnormal change in a co-workers behavior or performance should immediately notify their supervisor or next person in the chain of command if the immediate supervisor is unavailable.

Refusing to comply with drug testing or failing to get tested in a timely manner will be deemed voluntary resignation by the employee at which time the employment relations between the City and the employee will immediately end.

### **7.8 Political Activity**

City employees shall serve all citizens equally. In no way shall the amount or quality of service an individual receives from the City be affected by the individual's political opinions or affiliations. Prior to engaging in any political activity, an employee should determine whether such activity conflicts, either actually or potentially, with the proper performance of his/her regular duties.

#### *7.8.1 Restricted Activities*

Officials and employees of the City shall not:

- a. While on duty or in the work place:
  - (1) Use their official authority or influence for the purpose of interfering with or affecting the results of an election or nomination for political office;
  - (2) Coerce, solicit, or compel contributions for political or partisan purposes by another employee;
  - (3) Actively campaign for a candidate or for a partisan issue; or
  - (4) Wear political badges.
- b. Be required as a duty or condition of employment, promotion, or tenure of office to contribute funds for political or partisan purposes.
- c. Use city funds, supplies, equipment, office uniforms, the City logo or seal for partisan or political purposes.
- d. Suggest or imply that the City has officially endorsed a political party, candidate or campaign.

### 7.8.2 *Permissible Activities*

Nothing in this policy shall be construed to prevent any employee from becoming or continuing to be a member or officer of a political party; attending a political meeting while off duty; or from enjoying freedom from all interference in casting his/her vote. While off duty, not in uniform, and not on City premises, employees may:

- a. Take active part in any political campaign, wear or distribute badges, distribute pamphlets or handbills favoring or opposing any candidate for nomination or election to public office. Employees may place political or partisan bumper stickers on their private vehicles. Employee may place political and partisan signs on their private property as long as they comply with relevant sign requirements.
- b. Attend political or partisan meetings; advocate or support issues or candidates of their choice, including donations and the use of their personal names in an advertised list of supporters.
- c. Vote in political or partisan elections.
- d. Solicit voluntary contributions or donations to partisan or political purposes from another employee but not in the workplace.
- e. Be an affiliate, member, or other officer in a political or partisan civic organization; however, while on duty or in the work place, the employee may not carry out any duties either as a volunteer or an officer.
- f. Run for office.

Any employee in violation of this policy shall be subject to disciplinary action up to and including dismissal.

## 7.9 **Personal Use of City Time, Telephones and Equipment**

Employees will report to work as scheduled and make every effort to use time wisely for completing assigned duties. Any use of the City's mailing address for personal use or benefit is prohibited. Employees must give prompt, courteous attention to all citizens who call with a complaint or a question. If an employee cannot answer the question or handle the complaint, the caller should be transferred to someone who can, or the caller's number should be taken for a call back.

The City provides telephones, including mobile communication devices, for employees who need them to conduct City business. Although cell phones have become valuable in conducting business and more employees are using them to perform their jobs, cell phones may increase the risk of highway accidents. As a result, employees may not use a cellular phone while operating a vehicle.

In unusual or emergency circumstances, employees may make personal long-distance calls, which must be charged to the employee. Employees are expected to exercise discretion in using personal cell phones as is expected for the use of city phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. Department Heads may prohibit the use and or carrying of a personal cellular telephone and any other electronic communication device during work time.

## **7.10 Personal Use of Computers, Internet, and E-Mail**

### *7.10.1 Computers & other electronic communication devices*

Computer use and all forms of electronic communications are provided to employees for the benefit of the City and its customers. It is the responsibility of the employee to protect computer resources from physical and environmental damage. This responsibility includes operating the equipment in a secure manner, procuring effective maintenance, and safeguarding the equipment from damage. All computer equipment used on City premises is considered City property. Only authorized personnel may reconfigure hardware or add/delete software as deemed necessary. Users are not permitted to copy, transfer, rename, add or delete information or programs belonging to other users unless given express permission to do so. Failure to observe copyright or license agreements may result in disciplinary action or legal action by the copyright owner.

The addition of personally owned hardware or software is not permitted unless authorized by the City, and become the property of the City. The Director of Information Services must recommend any exceptions to this policy to the City Manager prior to the use of such equipment.

User identification numbers (ID) and passwords help maintain individual accountability for resource usage. Any employee who obtains a password or ID for an Internet resource or software access must keep that password confidential. The City prohibits the sharing of user ID's or passwords.

### *7.10.2 Electronic Mail, Computer Files, & Internet Access*

E-mail and other computer files are a method of enhancing the performance of City business and should be treated as an official communication from a representative of the City of Martinsville. E-mail is a non-secure method of communication. Confidential or sensitive information should not be included in e-mail. Although e-mail files may have been deleted, they are susceptible to being retrieved and subject to the Freedom of Information Act.

Employees shall refrain from using e-mail to display, discuss, generate, or transmit material that is unlawful, defamatory, harassing, or discriminatory. Employees who abuse or violate this policy are subject to disciplinary action, including and up to termination. To ensure the appropriate use or when considered a business necessity, the City reserves the right to enter, search and monitor the computer network, files or e-mail of any employee without advance notice.

Internet access is provided as a means of enhancing productivity in the workplace and providing a method by which employees can keep informed on issues that affect their job. However, unlawful Internet usage may also create negative publicity for the City and expose it to significant legal liabilities. Personal use of Internet is allowed within reason to for example access e-mail during break time, but should not be excessive or abused to the point that the volume or size of message files affects performance of the City computer system in any way, nor shall it detract from an employee's effectiveness in completing assigned duties (see *Time Theft*). The aforementioned does not include blogging and social networking including but not limited to Facebook, Twitter, Pinterest, etc., are strictly

prohibited on City time or accessed through use of any City computer or electronic communication devices unless part of an investigation or business activity approved by a department director. Employees have no privacy rights with regard to their email or internet use from or to City-issued equipment or County e-mail addresses.

Employees are responsible for the content of all text, audio, or images that they place or send over the Internet. Internet messages are public communication and can be disclosed to law enforcement or other third parties without prior consent of the sender or receiver. Intentionally accessing sites that contain fraudulent, harassing, or sexually explicit information, or advocate unlawful activity are prohibited. Messages with derogatory or inflammatory remarks about an individual or group's race, religion, national origin, physical attributes, or sexual preference shall not be transmitted.

The City reserves the right to monitor all network traffic including local and wide area sites visited on the Internet by employees as deemed necessary and appropriate. Excessive or inappropriate use of the Internet for non-business purposes may result in disciplinary action, up to and including termination.

#### *7.10.3 Viruses*

Viruses have the potential to cause drastic damage to both personal computer and the network servers. Any computer that is attached to the City network must have virus protection installed. Removal of any virus scanning software will be considered a disciplinary offense. Entry points for viruses include files that are downloaded from the Internet as well as files brought into work from other sources. Employees should take precaution in downloading software from the Internet without permission from management.

#### *7.10.4 Personal Blogs/Social Networking*

The City respects the rights of employees to exercise freedom of speech through personal blogs/social networking; however, personal blogging/social networking shall not occur during working hours. Any expressions outside of working hours should be the personal view of the employee and clearly expressed as such with no reference or suggestion of providing an official view on behalf of the City. Statements of any kind should not include harassment of a coworker or other statements that may be reasonably construed as improper, slanderous, inaccurate, false, or a misrepresentation of information under the guidelines of any and all City policies, procedures, and practices. False, inaccurate, harassing, demeaning, grossly unprofessional and derogatory statements are subject to disciplinary action up to and including termination of employment.

### **7.11 Time Theft**

The City values each employee and the job they do. It is expected that employees will report to work and make every effort to use time wisely in the completion of assigned duties. Employees shall not misuse City time for personal reasons. Such misuse will be considered time theft and will be treated as such by the immediate supervisor, and department head or the department head's designee. Theft of time may result in corrective action up to and including termination of employment.

### **7.12 Solicitation**

City employees are not permitted to sell items for personal gain to other employees or members of the general public during regular office or work hours. Other forms of solicitation will not be permitted in any City buildings, except as approved by the City Manager or sponsored by the City



Council. Violation of the aforementioned may result in corrective action up to and including termination of employment.

### **7.13 Gifts**

City employees are in a position of public trust and may not accept gifts, gratuities, favors or rewards for any services they perform in connection with City employment. In addition, it is unlawful to solicit, offer or accept money or anything of value in exchange for an appointment, promotion, or special privileges with the City. These limitations are not intended to prevent employees from accepting articles of little value that may be distributed by other City employees or citizens. Violation of this policy could result in disciplinary action up to and including termination.

### **7.14 Conflict of Interest**

City employees are prohibited from using information they have gained while performing their job to further their personal interests. Violation of this policy may result in disciplinary action up to and including termination. All City employees shall comply with Code of Virginia 2.2-31 *etseq.*

### **7.15 Confidentiality of Records**

The City complies with HIPPA and the Virginia Health Records Privacy Act. If an employee is uncertain about releasing information, he or she should refer the individual requesting the information to the appropriate department director or other City official.

The City believes in the right to privacy with regard to employee's protected health information. The Human Resources Office will only use, disclose and maintain the minimum amount of protected information that is required for administrative functions performed on behalf of the group benefit plans, including benefit enrollments and changes, accounting and billing functions, budgeting, and auditing. Information about individual medical conditions, treatment, or claims is not received or used by the group benefit plan. This type of protected information remains with business associates who may require it for the purpose of processing claims. Questions regarding procedures or information maintained on employees should be directed to the Human Resources Office.

### **7.16 City Vehicles and Equipment**

Employees who use City owned vehicles or equipment are accountable for their proper use and maintenance. Any defects noted must be reported to the employee's supervisor as soon as possible. City owned vehicles and/or equipment shall not be used for personal use. The established safety procedures must be followed while using City vehicles:

- All employees who operate a City vehicle must possess a valid operator's license. If the employee's license is suspended or revoked, the employee must notify their supervisor immediately. Suspension or revocation of one's driver's license may be sufficient grounds for demotion or dismissal if driving is an integral part of the employee's job. In addition, employees who will be driving larger vehicles must possess the appropriate Commercial Driver's License (CDL).
- All employees who operate a City vehicle are required to review, comprehend, and comply with the *Idling for All Vehicles* policy. All employees who operate a City Vehicle shall present all questions regarding the aforementioned policy to their supervisor. Employees

may not drive a City vehicle until they comprehend the policy and receive their supervisor's approval to operate a City vehicle.

- When an accident investigation involving any City vehicle concludes by a preponderance of evidence that negligence or recklessness was involved on the part of the employee, driving privileges may be suspended and/or other disciplinary action, up to and including termination, may be taken as deemed appropriate by the department director. At the discretion of the department director, any employee having an accident involving a City vehicle may have driving privileges suspended and/or other disciplinary action, up to and including termination.

Temporary employees age 24 and under, or any employee with an impairment that might reduce the ability to operate equipment safely, will not be allowed to operate any City vehicle or equipment unless specifically authorized by the department director.

- Any employee paid a vehicle allowance for the use of his/her private vehicle shall be required to carry private insurance of at least the following levels: \$100,000 for property damage, \$300,000 for liability, and \$50,000 for medical expenses.
- Except in specific instances involving the use of emergency vehicles or as authorized by the department director, employees who drive a City vehicle or operate City equipment must wear seatbelts. This requirement also applies to passengers riding in a City vehicle as well as employees who receive a travel allowance.

#### *7.16.1 Vehicle Accidents*

If an employee is in an accident involving a City-owned vehicle, the appropriate supervisor must be contacted immediately. Where the accident involves bodily injury or property damage (regardless of the damage), law enforcement personnel must be notified.

#### *7.16.2 Non-Vehicular Accidents*

City employees who are involved in an accident or incident which involves City property and in which a citizen feels the City should bear responsibility or liability should observe the following requirements:

- Do not admit any liability on behalf of the City.
- Render any aid or assistance that may be required, including calling for medical assistance.
- Attempt to identify the person involved, if a person has been injured, or identify the property owner if personal or real property has been damaged.
- Try to obtain names and addresses of any witnesses.
- Report the accident or incident to his/her supervisor immediately (over radio) if possible or as soon as possible otherwise.
- Report the accident or incident to the City's insurance carrier as soon as possible. Supervisors are responsible for insuring that the accident is promptly reported. If the employee is unable to personally report the accident, the supervisor should do so.

### **7.17 Harassment**

It is the City's policy that harassment based on sex (with or without sexual conduct), race, color, religion, national origin, age, disability, and protected activity will not be tolerated. The policy applies to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to the City. Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

#### *7.17.1 Sexual Harassment*

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purpose of this manual, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work, or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; sexual or discriminatory displays or publications anywhere in the workplace; and other physical, verbal, or visual conduct of a sexual nature, such as:

1. Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning, or pornographic, or bringing into the work environment or possessing any such material to read, display or view at work. A picture will be presumed to be sexually suggestive if it depicts a person of either sex who is not fully clothed or in clothes that are not suited to or ordinarily accepted for the accomplishment of routine work in and around the workplace and who is posed for the obvious purpose of displaying or drawing attention to private portions of his or her body.
2. Reading or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic;
3. Displaying signs or other materials purporting to segregate an employee by sex in any area of the workplace (other than restrooms and similar semi-private lockers/changing rooms).

#### *7.17.2 Other Forms of Harassment*

Harassment on the basis of any other protected characteristic is also strictly prohibited. The City employees are required to familiarize themselves with these policies and to be aware that any complaint in violation of these policies will be investigated and resolved appropriately. Any employee who has any questions or concerns about these policies should discuss them with the Human Resources Manager.

Under this policy, harassment is electronic, verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of race, color, religion, sex, sexual orientation, national

origin, age, disability, marital status, citizenship or any other characteristic protected by law or that of his/her relatives, friends or associates, and that:

- has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- has the purpose or effect of interfering with an individual's work performance; or
- otherwise adversely affects an individual's employment opportunities.

### **7.18 Reporting an Incident of Harassment, Discrimination or Retaliation**

The City encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victims of such conduct should discuss their concerns with their immediate supervisor or the Human Resources Director.

In addition, employees who believe that they are being subjected to such conduct should promptly advise the offender that the behavior is unwelcome and request that it be discontinued. This action alone may resolve the problem. However, an employee may prefer to pursue the matter through informal or formal complaint procedures.

#### *7.18.1 Informal Complaint Procedure*

If for any reason an individual does not wish to address the offender directly, or if such action does not successfully end the offensive conduct, the employee should notify his/her immediate supervisor or the Human Resources Director, who may, if the individual so requests, talk to the alleged offender on the individual's behalf. In addition, these may be instances in which an employee seeks only to discuss matters with the Human Resources Director and such discussion is encouraged.

An employee who reports harassment, discrimination, or retaliation should be aware that it may be necessary to conduct an investigation beyond the informal discussion. This decision will be discussed with the employee. The informal procedure is not a required first step for the reporting individual.

#### *7.18.2 Formal Complaint Procedure*

Employees who believe that they have been the victim of conduct prohibited by this policy statement or believe they have witnessed such conduct should discuss their concerns with the Human Resources Director. The prompt reporting of complaints or concerns is encouraged.

#### *7.18.3 Prompt Investigation*

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved, and where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

#### *7.18.4 Confidentiality*

Confidentiality will be maintained throughout the investigation process to the extent consistent with adequate investigation and appropriate corrective action.

### **7.19 Retaliation Prohibited**

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed. Misconduct constituting harassment, discrimination or retaliation will be dealt with. Responsive action may include training, referral to counseling and/or disciplinary action up to and including termination. False and malicious complaints of harassment, discrimination or retaliation as opposed to complaints that, even if erroneous, are made in good faith, may be the subject of disciplinary action.

## **7.20 Conduct and Appearance**

As representatives of the City, it is important that employees be well groomed, neat, and dressed appropriately for their job functions in order to project a professional and favorable appearance with the City's customers. Because of business or safety considerations, some departments may require more stringent dress and/or appearance requirements than others. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted. In addition, the City expects employees to maintain a neat work area.

Employees who have regular contact with the public must comply with the following personal appearances standards:

- a. Garments should be clean and in good condition.
- b. A reasonable standard of dress rules out tight, suggestive, or sexually provocative attire, shorts, or similarly revealing clothing. Clothing that exposes undergarments is not permitted. Leggings and jeggings are not permitted.
- c. Employees should not wear T-shirts, caps, or hats that display implied or stated profanity, illegal, racial, or sexual connotations, or wear novelty buttons and similar items that do not present a businesslike appearance.
- d. Employees should be clean and demonstrate acceptable personal hygiene at all times. Hair should be clean, combed, and neatly trimmed or arranged. Shaggy, unkempt hair is not permissible regardless of length. Sideburns, moustaches, and beards should be neatly trimmed.
- e. Employees should not wear an extreme amount of cologne, perfume, or aftershave to the extent that it triggers allergic reactions and creates health problems for co-workers.
- f. Offensive tattoos and body piercing (other than earrings) should not be visible and should be in keeping with a professional image.

Employees who do not regularly meet the public should follow basic requirements of safety and comfort, but should still be neat and businesslike.

- Depending on the nature of their job, employees who are required to meet special dress or uniform requirements must conform to the guidelines established within the specific department.
- At its discretion, the City may allow employees to dress more casually than is normally required. On these occasions, employees are still expected to present a neat appearance and are not permitted to wear ripped or disheveled clothing; sweatshirts, sweat or spandex pants, leggings or jeggings or other inappropriate clothing. We also ask that you not wear flip flops, beach sandals, or similarly inappropriate shoes.
- Any employee who does not meet the standards of this policy will be required to take

corrective action, which may include leaving the premises.

### **7.21 Whistleblower Policy**

The City of Martinsville is committed to upholding high standards of honesty and integrity as business is conducted throughout this organization. Business is handled in a manner which is lawful and ethically responsible.

In order to maintain these standards, this policy formalizes the City's commitment to encourage its employees, citizens, or customers to disclose any improper or inappropriate governmental actions. This includes internal personnel who report such practices and those individuals external to the organization who make such reports that involve agents of the local government.

City employees are encouraged to bring any inappropriate practices or concerns to the attention of their immediate supervisor. The supervisor will communicate such actions to their respective department director, and finally to the City Manager. If the issues involve the employee's supervisor or department director the employee may direct their concerns to the attention of the City Manager. If the alleged improper or inappropriate action involves the City Manager, the matter should be reported to the City Attorney. Any report made in good faith that involves the City Manager will be fully investigated by an impartial panel appointed by the City Attorney. After the investigation is complete and the allegations warrant disciplinary action, appropriate measures will be taken.

No adverse personnel action will be taken against a City employee in retaliation for any lawful disclosure of information on a matter of public concern to a public body, which information the employee, in good faith, believes evidences: (1) a violation of any law, (2) mismanagement, (3) gross waste or misappropriation of public funds, (4) a substantial and specific danger to public health and safety or (5) an abuse of authority, collectively referred to as "alleged wrongful conduct". Alleged wrongful conduct does not include personnel actions involving employee grievances and related complaints. No supervisor, department/division manager or any other employee with authority to make or materially influence significant personnel decisions shall take or recommend any adverse personnel action against an employee in retaliation for disclosing alleged wrongful conduct to a public body. Any employee found to have violated this policy shall be disciplined up to and including termination. This policy applies only to employees acting in good faith.

### **7.22 Personnel File Review**

All current employees may review their personnel file with advance written notice of at least 24 hours to Human Resources. To assist in responding to an employee's request, Human Resources may require the employee to identify the purpose for the personnel file review. Personnel files may be reviewed during regular business hours of the office where those records are usually maintained and only in the presence of a member of the Human Resources staff. Proper identification may be requested, as needed. A current employee may review the personnel file but may not take the file or make copies of it. Human Resources will provide time to review the contents of the personnel file. Employees will be limited to one personnel file review per calendar year. The following information is considered part of an employee's personnel file under applicable law, and therefore, may be reviewed:

- Application for employment
- Wage or salary information
- Notices of commendations

- Warnings or disciplines
- Authorization for a deduction or withholding of pay
- Fringe benefit information
- Leave records (FMLA and Leave of Absence)
- Employment history, including salary information, job title and dates of changes
- Retirement record
- Attendance records
- Performance evaluations
- Policy receipt acknowledgement
- Training Records
- Medical records (maintained in separate file)

The following information is not considered part of an employee's personnel file under applicable law, and therefore, is not subject to review:

Records relating to an investigation of a possible criminal offense

Letters of reference

Documents which are being developed or prepared for use in civil, criminal, or grievance procedures

Materials which are used to plan for future operations

Information prohibited by law

### **7.23 Security Inspections**

The City wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, the City prohibits the possession, transfer, sale, or use of such materials on its premises. The City requires the cooperation of all employees in administering this policy.

Desks, lockers, and other storage devices may be provided to employees but remain the sole property of the City. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the City at any time, either with or without prior notice.

The City likewise wishes to discourage theft or unauthorized possession of the property of employees, the City, and visitors. To facilitate enforcement of this policy, the City or its representative may inspect not only desks and lockers but also persons entering and/or leaving the premises and any packages or other belongings. Any employee who wishes to avoid inspection of any articles or materials should not bring such items onto City premises.

### **7.24 Surveillance**

Various areas of City properties are under video, audio, or other forms of surveillance. Images and sounds may be collected that allow an individual or group of people to be identified. City management maintains the right to record meetings with or without notice and with or without the agreement of employees, visitors, and business associates. All employees have the right to ask if they are being recorded and all employees are required to answer honestly, and without any request necessary immediately turn off whatever device with any recording capability they may have excluding the previously identified management rights.

Employees including police officers are prohibited from recording or conducting any form of surveillance of other employees on City property. Further, employees may refuse to be recorded in any form by visitors, business and service associates, and customers. A police officer will need the prior written permission from the Chief of Police, City Manager, or City Attorney to be exempted from this

policy for a specific investigation or situation before recording or conducting surveillance of any City employee while on City property. Any material or information collected in violation of this policy may not be used in the Complaint & Grievance process.

The City reserves the right to use a Global Positioning System (GPS) or similar technology to track movements of employees in any of its vehicles, cellular telephones, and all City equipment and property with or without notice.

#### **7.25 Bulletin Board**

The City maintains bulletin boards in our facilities as an important source of information. They are to be used solely for City announcements and government postings. Employees may not post or remove any information without their supervisor's permission.

#### **7.26 Smoking**

No smoking or other tobacco use is permitted inside any worksite building or in City vehicles. In the interest of public health, safety, welfare and protection of City property, it is the policy of the City that smoking and the use of other tobacco products is only allowed in designated areas of employee worksites. This policy is applicable to employees and the general public alike.

#### **7.27 Travel and Expense Reimbursement**

Employees, who are authorized to attend business-related conferences, meetings, and educational sessions as well as participate in other business-related travel, may be reimbursed for certain expenses. Employees must obtain prior authorization from their supervisor before participating in all out of facility/work site programs.

Expenses related to registration fees, transportation, lodging, meals, and miscellaneous charges may be eligible for reimbursement when accompanied by a receipt. To the extent a request for reimbursement is not supported by a receipt or affidavit, the request may be denied. Commuting mileage, to and from home to an employee's primary worksite is to be deducted from the total mileage traveled.

Approved expenses will be reimbursed according to the following protocols:

- Air - Reimbursement for coach fare
- Train - Reimbursement for coach fare
- Auto - Reimbursement for mileage (less normal commuting mileage to and from home to the primary work site). Expenses related to the normal commute are not reimbursable.
- Taxi, shuttle, car rental - Reimbursement for fare may be submitted when the use of a taxi or shuttle is the primary mode of transportation to a work related event. Use of a rental car is authorized when alternative transportation is not available and is less costly than the use of taxis or shuttles. Car rentals will be reimbursed up to the mid-size car rate.
- Parking: reimbursement for business-related parking expenses
- Lodging Expenses - Reimbursement for the required number of days of business related lodging. Non-business related hotel charges will not be reimbursed.
- Meals - Meals will be reimbursed when attending work related programs at a reasonable expense for breakfast, lunch and/or dinner. Meal costs are not reimbursable when travel is between service sites.



Expenses are subject to approval by the individual's immediate supervisor. Final approval for all but routine travel expenses are subject to the approval of the Department Director. Expenses are to be submitted on a monthly basis. Any and all reimbursement rates are subject to change with or without notice and it is the employee's responsibility to contact the Finance Office about the prevailing reimbursement rates and save receipts for all expenses.

## **8 COMPLAINT AND GRIEVANCE PROCEDURES**

Any supervisor or other management official who makes a reprisal against an employee for filing a complaint or grievance may be subject to strict disciplinary action, including demotion and dismissal.

### *Coverage of Personnel*

All regular full-time employees under the jurisdiction of the City Manager may use the Complaint and Grievance Procedure except as noted in “Exclusions”.

### *Exclusions*

The following categories of employees do not have access to the formal Grievance Procedure:

- Introductory employees;
- Appointees of elected groups or individuals;
- Department Directors;
- Constitutional Officers and employees of their offices;
- Law enforcement officers who have elected to pursue a grievance under the Code of Virginia, Chapter 5, Title 9.1.

An employee who has voluntarily resigned may not have access to the grievance procedure after the effective date of the resignation. Introductory and temporary employees may file a grievance if the complaint involves a charge of discrimination.

### *Management Rights*

The City has the authority to organize and manage its human and material resources in order to provide efficient and effective services to its residents. Nothing in the Complaint and Grievance Procedures is intended to restrict or change the following management rights, so long as they are not exercised in an arbitrary and/or capricious manner:

- To direct the work of employees as well as establish and revise wages, salaries, position classifications and general employee benefits
- To hire, promote, transfer, assign and retain or dismiss employees
- To maintain the efficiency of City governmental operations
- To relieve employees from duties in emergencies
- To determine the methods, means and personnel to accomplish operations

### *Definition of a Complaint (informal)*

A Complaint is defined as a concern or problem regarding working conditions or a decision made by the City that affects an employee’s job that is not covered in the formal Grievance procedure.

### *Informal Complaint Resolution Procedure*

It is the intent of the Complaint Resolution process to afford employees a voice in those matters that have a potential adverse, unjust, or inequitable effect on their employment conditions. Such issues may be honest differences of opinion, or judgment situations, but the City acknowledges the importance of their expression.

To express a concern, the employee should submit a written complaint to the immediate supervisor on the “Employee Report of Complaint” form within twenty (20) calendar days after the occurrence or condition that caused the complaint. (See appendices) The supervisor, and such management personnel as may be involved, should review the concern for the purpose of resolving the matter at the supervisory level in an attempt to reach a satisfactory solution. A written decision will be provided within ten (10) calendar days.

If the immediate supervisor does not resolve the concern, the supervisor and/or employee may request a review at the department director level within five (5) calendar days following receipt of the immediate supervisor’s response. A written decision will be provided within ten (10) calendar days after receipt of the written Employee Report of Complaint.

If the matter is not resolved at this level, the department director or employee may refer the matter to the City Manager within five (5) calendar days following receipt of the immediate supervisor’s response. Within five (5) calendar days following receipt of the department director’s decision, the employee should arrange an appointment to present and discuss the issue with the City Manager. The City Manager, or his or her designee, will conduct an informal conference, review the facts, and issue a final determination as to a resolution of the concern. Records of each complaint and the resolution process will be maintained in the Human Resources Office. The Human Resources Director may assist in the process in order to assure that it is completed in a timely manner. On the basis of the information provided, or related written documents, the City Manager will render a final written decision to the employee and others within five (5) calendar days after the meeting.

#### *Definition of Formal Grievance*

A grievance is defined as an employee dispute relating to their employment, generally resulting from a written reprimand, disciplinary action, or improper conduct which could result in a suspension, demotion, or termination, including but not necessarily limited to the situations outlined below under “Grievable Issues”. A grievant is an employee who files a grievance. An employee has the right to use the Grievance Procedure for any matter he or she believes needs to be formally addressed. When in doubt, the City Manager will determine whether an employee’s complaint will be resolved using the Grievance Procedure. If the City Manager determines that the complaint is not grievable, the employee may appeal the decision to the Martinsville Circuit Court.

#### *Formal Grievable Issues or Disputes*

Following the Code of Virginia, the City has distinguished circumstances where a dispute will generally be determined grievable and situations where it will not. Issues or disputes related but not limited to the following will generally be found grievable:

- Disciplinary actions, including dismissals (whenever resulting from formal discipline or unsatisfactory job performance or an involuntary resignation), disciplinary demotions and suspensions, and written reprimands;
- The proper application or interpretation of personnel policies, procedures, rules and regulations;
- Acts of retaliation for using the grievance procedure or for participation in the grievance of another employee;
- Complaints of sexual harassment or discrimination on the basis of race, color, religion, national origin, sex, age, disability, or political affiliation; and

- Acts of retaliation because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, or has sought any change in law before the Congress of the United States or the General Assembly.

### *Non-Grievable Issues*

The following matters are not grievable under this procedure:

- The contents of ordinances, statutes, or established personnel policies, procedures, rules and regulations;
- Work activity accepted by the employee as a condition of employment or work activity which may be reasonably expected to be a part of the job content, and the measurement and assessment of an employee's work performance by a supervisor through an informal discussions, counseling session, formal performance evaluation or any other means. A performance evaluation shall be grievable where the employee can show that it was arbitrary or capricious, or was not conducted in accordance with established practice and procedure;
- Establishment and revision of wages or salaries, position classifications or general benefits;
- Failure to be promoted, except where the employee can show that established promotional policies or procedures were not followed or applied fairly;
- The methods, means, personnel and hours of work by which work activities are to be carried out, including the assignment to a particular shift, rotation of the work week, and the assignment and requirement of overtime;
- The hiring, promotion, transfer, assignment, reassignment, and retention of employees, provided such actions do not constitute disciplinary action;
- The relief of employees from duties of the City in emergencies;
- Any action which is necessary to comply with City, State or Federal law; and
- Discharge, demotion, transfer, reclassification, suspension or layoff because of lack of work, reduction in work force or job abolition, except where such action affects an employee who has been reinstated within the previous six months as the result of the final determination of a grievance. For grievances brought under this exception, the City's action will be upheld once it shows that a valid business reason existed for the action and the employee was notified of the reason in writing prior to the effective date of the action.

### *Grievability and Access to Procedure*

At the request of the department director or grievant, the City Manager will determine whether or not a complaint is grievable, provided the request is made subsequent to the reduction of the grievance to writing but prior to the second step meeting. Once raised, the issue must be resolved before further processing of the grievance. The *Determination of Grievability Form* must be used to make the request. The form is available through the Human Resources Office.

Within ten (10) calendar days of a request, the City Manager will review the decision, determine if the complaint is grievable, and notify the grievant and all other parties, in writing, of the decision. The City Attorney or Commonwealth Attorney shall not be authorized to decide the issue of grievability. Within ten (10) calendar days after the date of the decision, the grievant may appeal the City Manager's decision to the Martinsville Circuit Court. The grievant must initiate such an appeal, in writing, to the City Manager and must set forth the reasons why the grievant believes the grievance presents a grievable matter or is eligible for access to the grievance procedure.

Within five working days, the City Manager shall transmit to the Clerk of the Court a copy of the *Determination of Grievability Form* and any exhibits. A copy of the transmittal shall be provided to the grievant and to any other parties. The failure of the City Manager to transmit the record within the time allowed shall not prejudice the rights of the grievant. The court, on motion of the grievant, may issue a writ of certiorari requiring the City Manager to transmit the record on or before a certain date.

Within thirty (30) calendar days of receipt of such records, the Circuit Court, sitting without a jury, shall hear the appeal on the record transmitted by the City Manager and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The Court, in its discretion, may receive such other evidence as required. The Court may affirm the decision of the City Manager or may reverse or modify the decision. The decision of the Court shall be rendered no later than fifteen (15) days from the date of the conclusion of the hearing, and shall be final and may not be appealed.

The classification of a complaint as non-grievable shall not be construed to restrict any employee's right to seek, or management's right to provide, customary administrative review of complaints outside the scope of the grievance procedure.

#### *General Provisions*

All stages of the grievance beyond the first complaint shall be in writing on forms supplied by the Human Resources Office. The grievant must bear any cost involved in employing representation or in preparing or presenting their case. Once an employee reduces the grievance to writing, the employee must specify the specific relief expected through use of this procedure.

#### *Procedural Compliance*

After the initial filing of a written grievance, failure of either party to comply with all substantial procedural requirements of the grievance procedure without just cause will result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the noncompliance within five (5) working days of receipt of written notification by the other party on the compliance violation. Such written notification by the grievant shall be made to the City Manager, who shall determine whether the noncompliance is substantial and without just cause. Failure of either party without just cause to comply with all substantial procedural requirements at the fourth stage hearing shall be resolved in favor of the other party.

#### *Extension of the Time Periods*

The time periods outlined in this Chapter constitute substantial procedural requirements. However, such time periods may be extended by mutual agreement between the grievant and the appropriate supervisor to whom the time period is applicable.

The term "***Time Limits***" refers to consecutive calendar days. This means that the various consecutive calendar day periods referred to throughout this policy will include all leave days, holidays, and unauthorized absence time, as well as normal work days and weekend days for all employees.

#### *Witnesses, documents and relevant evidence*

A. Witnesses may be called to offer evidence pertinent to the grievance and shall be excused upon completion of their statements. Otherwise, at the first and second step meeting, the only persons who may be present are the grievant and the appropriate supervisor at the level at which the grievance is being heard. At the third step meeting, the grievant, and a representative of their choice, may meet with the City Manager. If the grievant is represented by legal counsel, the City likewise has the option of being represented by counsel.

B. Absent just cause, all documents, as defined in the Rules of the Supreme Court of Virginia, relating to the actions grieved shall be made available, upon request from a party to the grievance, by the opposing party, in a timely fashion. Upon such request a party shall have a duty to search its records to ensure that all such relevant documents are provided. Documents pertaining to nonparties that are relevant to the grievance shall be produced in such a manner as to preserve the privacy of the individuals not personally involved in the grievance. A party shall not be required to create a document if the document does not exist. Any disputes as to production of such documents will be resolved, in the first three stages by the City Manager and at the fourth stage by the Hearing Officer.

C. Except in allegations of discrimination where the grievant is a member of a statutorily protected class, treatment or discipline of other employees shall not be considered as part of a grievance, nor shall evidence of such treatment or discipline be considered relevant.

#### *Exceptions to Four-Step Procedure*

Employees of the City who wish to file a grievance must follow a step-by-step procedure, except as follows:

An employee whose immediate supervisory level is above that which is set forth in Step I, and below the supervisory level as set forth in Step III, shall initiate their grievance with the next level of supervision using the appropriate step level fitting the particular situation. The initial procedure for filing such a grievance shall be set forth in that step.

Departments and offices which do not have the number of levels or supervision paralleling the supervisory levels as set forth in the steps of this grievance procedure, may omit non-applicable intermediate steps, provided, however, the initial procedure for filing a grievance shall conform to the requirements of the step in which the employee initiates the grievance.

#### *Supervisory Steps*

*First Step* - Within twenty (20) calendar days after the occurrence or condition giving rise to the grievance, the employee affected must identify the grievance verbally to the employee's immediate supervisor. Within ten (10) calendar days of such presentation, the supervisor shall give his/her response to the employee with respect to the grievance. If a satisfactory resolution is not reached by this process, the employee shall reduce the grievance to writing, identifying the nature of the grievance and the expected remedy on the grievance form. Such written grievance shall be presented to the immediate supervisor within ten (10) calendar days of the immediate supervisor's verbal reply. The immediate supervisor must then reply in writing within ten (10) calendar days.

*Second Step* - If a satisfactory resolution is not reached at the first step, the employee may submit the grievance to the department director. Submission to the second step must occur within ten (10) calendar days of the first step reply. The department director shall meet with the employee within ten (10) calendar days, and render a written reply to the grievance within ten (10) calendar days following the second step meeting.

*Third Step* - If a satisfactory resolution is not reached at the second step, the employee may submit the grievance to the City Manager. Submission to the third step must occur within ten (10) calendar days of

the second step reply. The City Manager shall meet with the employee within ten (10) calendar days, and render a written reply to the grievant within ten (10) calendar days following the third step meeting.

Fourth Step Hearing - Within ten days after the City Manager's reply in the Third Step, the grievant may request in writing to the City Manager review by a Fourth Step Hearing.

*Hearing officers; duties.*

*Nothing in this policy shall create, nor shall be construed to create, a property interest in selection or assignment to serve as a hearing officer for grievance hearings.*

The Director of the Commonwealth's Department of Employment Dispute Resolution shall assign a hearing officer to conduct the grievance hearing. All hearing officers shall be selected, on a rotating basis, (i) from the list of administrative hearing officers maintained by the Supreme Court of Virginia pursuant to § 2.2-4024 or (ii) from attorneys hired as classified employees by the Department through a competitive selection process. Hearing officer fees shall be reasonable, in accordance with compensation guidelines developed by the Department of Employment Dispute Resolution. In addition to the training requirements imposed by the Supreme Court, each hearing officer shall meet the criteria established by the Director pursuant to subdivision 6 of § 2.2-1001 and attend annually at least one day of training in employment law or state personnel policies and organizations. The training shall be conducted by the Department of Employment Dispute Resolution or an organization approved by the Virginia State Bar for continuing legal education.

*Hearing officers shall have the following powers and duties:*

1. Hold conferences for the settlement or simplification of issues;
2. Dispose of procedural requests;
3. Issue orders requiring testimony or the production of evidence;
4. Administer oaths and affirmations;
5. Receive probative evidence; exclude irrelevant, immaterial, insubstantial, privileged, or repetitive proofs, rebuttals, or cross-examinations; rule upon offers of proof; and oversee verbatim recording of the evidence;
6. Receive and consider evidence in mitigation or aggravation of any offense charged by an agency in accordance with rules established by the Department of Employment Dispute Resolution pursuant to Code of Virginia § 2.2-1001; and
7. Take other actions as necessary or specified in the grievance procedure.
8. The conduct of the hearing shall be as follows:
  - a.) The Hearing Officer shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing; whether the number of witnesses to be heard shall be limited; whether only one witness shall be allowed in the room at one time; and whether cross-examination of witnesses and/or the parties involved shall be allowed.
  - b.) The Hearing Officer may at the beginning of the hearing ask for statements clarifying the issues involved.
  - c.) Exhibits, when offered by the grievant or by the City, may be received in evidence by the Hearing Officer and, when so received, shall be marked and made a part of the record.
  - d.) The grievant and the City, or their representatives, shall then present their claims and proofs and witnesses who shall submit to questions or other examination. The Hearing Officer may, at its discretion, vary this procedure but shall afford full and equal opportunity to all parties and witnesses for presentation of any material or relevant proofs.

e.) The parties may offer evidence and shall produce such additional evidence as the Hearing Officer may deem necessary to an understanding and determination of this dispute. The Hearing Officer shall be the judge of relevancy and materiality of the evidence offered. All evidence shall be taken in the presence of the Hearing Officer and of the parties.

f.) The Hearing Officer Chairperson shall specifically inquire of all parties whether they have any further proof to offer or witnesses to be heard. Upon receiving negative replies, the Hearing Officer shall declare the hearing closed.

g.) The hearing may be reopened by the Hearing Officer on its own motion or upon application of a party for good cause shown at any time before the award is made.

h.) The Hearing Officer may decide procedural questions and rule upon objections raised during the course of the hearing.

*Scope of hearing officer's decision.*

For those issues qualified for a hearing, the hearing officer may order appropriate remedies. If the hearing officer finds that the employee has substantially prevailed on the merits of the grievance, the employee shall not be entitled to recover reasonable attorney fees. All awards of relief by a hearing officer must be in accordance with rules established by the Department of Employment Dispute Resolution, and the non-prevailing party shall bear the costs for the hearing officer and other associated hearing expenses that the hearing officer may award.

The decision of the hearing officer shall (i) be in writing, (ii) contain findings of fact as to the material issues in the case and the basis for those findings, including any award of reasonable attorney fees pursuant to this section, and (iii) be final and binding if consistent with law and policy.

The Hearing Officer has the responsibility to interpret the application of City policies and procedures in the case. He does not have the prerogative to formulate or to change policies or procedures.

The decision of the Hearing Officer shall be final and binding in all its determinations, and shall be consistent with provisions of law and written policy. The question of whether the relief granted by the Hearing Officer is consistent with written policy shall be determined by the City Attorney.

*Review of hearing decisions; costs.*

A. Upon the request of a party to a grievance hearing for an administrative review of the hearing decision, the City Attorney shall determine, within 60 days of receipt of such request, whether the hearing decision is consistent with law and written policy.

B. Within 30 days of a final decision, a party may appeal on the grounds that the determination is contradictory to law by filing a notice of appeal with the clerk of the circuit court in the jurisdiction in which the grievance arose. After a notice of appeal has been filed by either party, the City Attorney shall then transmit a copy of the grievance record to the Clerk of the Circuit Court. The court, on motion of a party, shall issue a writ of certiorari requiring transmission of the record on or before a certain date. Within 30 days of receipt of the grievance record, the court, sitting without a jury, shall hear the appeal on the record. The court may affirm the decision or may reverse or modify the decision.

C. The Hearing Officer's final decision shall be effective from the latter of the date issued or the date of the conclusion of any administrative review and judicial appeal, and shall be implemented immediately thereafter, unless circumstances beyond the control of the agency delay such implementation.



D. Either party may petition the circuit court for an order requiring implementation of the final decision or recommendation of a hearing officer.

E. The court may award reasonable attorneys' fees and costs to the employee if the employee substantially prevails on the merits of a case brought under subsection B or D.

#### *Protective Services Procedural Guarantees*

*Title 9.1 of the Code of Virginia* contains several procedural guarantees for law enforcement officers and firefighters. These apply before any dismissal, demotion, suspension without pay, or transfer for punitive reasons may be imposed on an officer, or whenever a firefighter is subjected to an interrogation which could lead to a similar action. The investigation/interrogation must be conducted in accordance with requirements of the State Code. The guarantees do not prohibit the informal counseling of an employee by a supervisor in reference to a minor infraction of policy or procedure which does not result in disciplinary action being taken against the employee.

*Law Enforcement Officers - before any dismissal, demotion, suspension without pay, or transfer for punitive reasons may be imposed, the following must be complied with:*

- The law enforcement officer shall be notified in writing of all charges, the basis therefore, and the action which may be taken.
- The officer must be given an opportunity, within a reasonable time limit after the date of the written notice provided for above, to respond orally and in writing to the charges. The time limit shall be determined by the Police Chief, but in no event shall it be less than five (5) calendar days unless agreed to by the officer.
- In making his/her response, the officer may be assisted by counsel at his/her own expense.
- The officer shall be given written notification of his/her right to initiate a grievance under this procedure. The officer shall be provided with an additional copy of the grievance procedure upon request.

The officer may, within a reasonable amount of time, request a hearing to be conducted in accordance with Title 9.1-504 of the State Code. In lieu of following the notice of charges steps listed above, the Police Chief may give the officer a written statement of the charges, basis for the action which will be taken, and provide a hearing as provided for in the State Code prior to taking the action. The recommendations of the Hearing Officer shall be advisory only, but shall be accorded significant weight.

A law enforcement officer may proceed under the grievance procedure or the procedural guarantees, but not both.

*Firefighters - the procedural guarantees for firefighters include the following:*

- The interrogation shall take place at the facility where the investigating officer is assigned at the facility which has jurisdiction over the place where the incident under investigation allegedly occurred
- No firefighter shall be subjected to interrogation without first receiving written notice of sufficient detail to reasonably notify the firefighter of the nature of the investigation.
- All interrogations shall be conducted at a reasonable time of day, preferably when the firefighter is on duty, unless the matters being investigated are of such a nature that immediate action is required.
- The firefighter under investigation shall be informed of the name, rank, and unit or command of the officer in charge of the investigation, the interrogators, and all persons

present during the interrogation.

- Interrogation sessions shall be of reasonable duration and the firefighter shall be permitted reasonable periods for rest and personal necessities
- The firefighter being interrogated shall not be subjected to offensive language or offered any incentive as an inducement to answer any questions.
- If a recording of any interrogation is made, and if a transcript of such interrogation is made, the firefighter under investigation shall be entitled to a copy without charge. Such record may be electronically recorded.

No firefighter shall be discharged, disciplined, demoted, denied promotion or seniority, or otherwise disciplined or discriminated against in regard to their employment, or be threatened with any such treatment as retaliation for or by reason solely of their exercise of any of the rights granted or protected by these guarantees.

## **9 BENEFITS**

### **9.1 Benefits Disclaimer**

A variety of benefits, combined with an employee's salary, establish a total compensation package that helps to attract, reward, and retain employees. From time to time, conditions or circumstances may require that the City make changes, additions, or deletions in its benefits program for both active employees and retirees as the City determines are appropriate. **All benefits available to employees do not constitute any contract implied, or otherwise, and do not guarantee current or future benefits or continuance of benefits in any form, unless required by federal or state law. All benefits are subject to change or cancellation with or without notice.**

### **9.2 Anniversary Date**

The first day an employee reports to work will be recorded in the City records as the employee's anniversary date. This date may be used to calculate many different company benefits. If an employee has any questions regarding his/her anniversary date, please see the HR Department.

### **9.3 Retirement**

Membership in The Virginia Retirement System (VRS) is a condition of employment for all eligible full-time City employees. Employees hired on or after 1/1/2014 will be considered VRS Hybrid members, this does not apply to hazardous duty employees. Employees should contact VRS or the Human Resources Office for additional information regarding this benefit.

### **9.4 Basic Group Life Insurance**

Full-time employees are required to participate in the City's group life insurance plan. The amount of basic group life insurance is equal to the employee's annual salary, rounded to the next highest thousand, and then doubled. This benefit is provided at no cost. Employees must choose a beneficiary at the time of enrollment. To change a beneficiary, contact the Human Resources Office.

### **9.5 Health Related Benefits**

Full-time employees may enroll in health related benefits offered by the City. Employees who enroll in these programs will receive information that explains the programs in detail, the benefits provided, and the monthly premiums, if applicable. Unless otherwise permitted, employees have an opportunity to add or drop coverage only once a year during open enrollment unless a valid family status change occurs as described below.

Upon regular or disability retirement, as defined by the Virginia Retirement System, **and** in accordance with the July 1, 2010 Ordinance on Health Insurance Benefits for City Employees a retiree may continue his or her medical insurance that was in effect prior to retirement. The retiree's dependent(s) must be enrolled in the City's medical group plan six (6) months prior to retirement in order to be continued under the City's health insurance program. Specific information and eligibility criteria are available in the Human Resources Office.

The City has established a Section 125 Benefit Plan that allows employees to save taxes on the money employees pay toward certain group sponsored benefit premiums. Employees' premium contributions are automatically deducted from their salaries before taxes are taken out. Taxable income is reduced by the amount contributed, so employees pay less in taxes and have more take-home pay. All

full-time employees are automatically enrolled in this pre-tax premium plan. However, an employee may waive their pre-tax status if they wish to do so.

The IRS requires that an employee experience a valid “family status change” in order to adjust the amount of their pre-tax amount.

If an employee wishes to make a change to health or dental coverage, he or she must complete and sign appropriate paperwork within 31 days of one of the valid family status changes listed.

## **9.6 COBRA**

The Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) requires most employers who sponsor group health plans to offer covered employees and their families the opportunity to extend their health coverage in the event of loss of coverage. To be eligible to continue coverage, certain circumstances called “qualifying events” must occur. Please contact the Human Resources Office with any question regarding COBRA

## **9.7 Temporary Disability Payment**

Under certain situations, the City provides temporary disability benefits to *full-time regular employees* in the event an employee becomes unable to work because of a non-work related injury or illness. (See “Family and Medical Leave”.) Temporary disability payment is only available to employees hired before 1/1/14 and those in hazardous duty positions. VRS Hybrid employees are not eligible for this benefit.

### **9.7.1 *Eligibility Criteria***

In order to qualify for this benefit, an employee must:

- have worked a minimum of six months of continuous service at the time the leave of absence without pay begins;
- have exhausted all sick, annual, and compensatory leave, and be on leave without pay for no less than five consecutive scheduled work days; and
- provide certification of the attending physician that the employee is too ill or disabled to work, and the date employee expects to return to work (if that date is known). FMLA Certification will be accepted in lieu of additional documentation.

If the employee is then unable to return to work on the anticipated date, an additional certification from the physician may be required. The department director and the City Manager must approve the extension of the leave of absence without pay.

### **9.7.2 *Rate of Payment***

The rate of payment is 30% of the employee’s salary, calculated on a per diem basis, retroactive to the first day of leave without pay. Disability benefits are awarded for no more than twelve consecutive weeks (480 hours) in any 52-week period, or the maximum duration of the employee’s FMLA leave whichever is less. This benefit does not apply to employees who are receiving Workers’ Compensation benefits. The aforementioned rate of payment is subject to change at any time, with or without notice, and does not constitute a guarantee or contract.

## **9.8 Voluntary Benefits**

A deferred compensation plan allows employees to set aside a specific percentage of taxable earnings, before taxes, in an investment of the employee's choice. Employees may also join the Virginia Credit Union.

## **9.9 Unemployment Compensation**

An employee who is laid off or terminated may apply for unemployment compensation at the local office of the Virginia Employment Commission. The Commission will determine the employee's eligibility, which depends upon such factors as length of employment, reason for separation, and salary earned.

## **9.10 Workers' Compensation**

Supervisors are required to enforce safe work practices and make safety an integral part of the day-to-day activities. Employees are required to comply with safety policies, including proper operation of machinery and use of safety equipment. Disciplinary action may be taken where unsafe practices are observed. Determinations of qualification and the award of benefits are made by the City's workers' compensation insurance carrier.

Any employee filing a worker's compensation claim may be required to submit to a post-accident blood or urine drug and alcohol testing. The means of testing, blood or urine, and testing provider are at the City's sole discretion. Failure to comply may result in immediate termination of employment. Employees tested after a work-related accident or injury shall not return to work until the test results are known. Employees are directed to review the Drug and Alcohol-Drug Testing section of this handbook for further details.

The employee must report any work-related accident to the supervisor, no matter how insignificant. In case of a life or limb threatening emergency, the employee's supervisor should call 911.

A nurse call center is used to first report a non-life threatening emergency work-related injury. The medical professional at the call center will obtain specific details of the injury and the employee's medical condition and help the employee determine the appropriate level of treatment. The medical professional at the call center will also send the first report of injury to the City's workers' compensation insurance carrier and to other designated officials.

State law allows the City to designate physicians that will treat Workers' Compensation illnesses/injuries. Where medical attention is desired or recommended by the call center nurse, the supervisor will provide the employee with a copy of the *Panel of Physicians* form. The *Panel of Physicians* form must be completed by the supervisor and employee and forwarded to the Safety Officer or Human Resource Office.

If an employee chooses to be treated by a physician other than one on the City's panel of physicians, the employee may be responsible for medical expenses related to that treatment. During the first seven calendar days that an employee is absent from work because of job-related illness or injury, the employee will receive full pay from the City. If the employee's absence extends beyond 21 calendar days, the employee must fully reimburse the City for the first seven days of paid time off. If the injury is determined to be non-compensable, the absence shall be charged to accrued sick leave, and if necessary, annual leave. Workers' Compensation benefits are paid directly to the employee and are non-taxable.

Time missed from work due to an illness or injury qualifying for Workers' Compensation Act benefits will not be applied against any of the employee's accrued leave balances. The employee may not

substitute any accrued paid leave for benefits provided under the Act. The absences away from work because of an accident on the job should be recorded on employee time records as a “Workers’ Compensation.” The injured employee will not accrue sick and annual leave while out on leave without pay.

If the employee is not paid wages for the entire day on which the injury occurred, the seven-day waiting period shall include the day of injury regardless of the hour of the injury. All days or part of days when the injured employee is unable to earn a full day’s wages, or is not paid a full day’s wages due to injury, shall be counted in computing the seven-day waiting period even though the days may not be consecutive. The immediate supervisor will periodically monitor the employee’s progress.

If an injured employee is unable to return to work at the conclusion of the 12 weeks, the employee will remain on leave of absence for a period not to exceed six months. Subject to applicable law, department directors have the discretion of extending the Workers’ Compensation Leave based on the needs of the department and any undue hardship created by the continued absence of the injured employee. Should an employee believe they are eligible for disability retirement under the Virginia Retirement System, contact the Human Resources Office. Questions regarding Workers’ Compensation may be directed to the Human Resources Office or Emergency Management Coordinator.

Departments may be required to establish a light duty program which will allow an employee who has not reached maximum medical improvement to return to a limited work situation, subject to the approval of the treating physician. Light duty programs must be reviewed and approved by *both* the Human Resources Director and Department Director in order to be implemented. An employee who declines to return to light duty which is approved by their physician must use leave time to cover the absence from work. An employee who fails to fully cooperate with the intent and spirit of the Workers’ Compensation policy is subject to disciplinary action.

### **9.11 Recognition Programs**

Subject to available funds, regular full-time employees who meet specific eligibility requirements may be considered for programs which recognize continuous employment or other special employee contributions that the City from time to time develops.

### **9.12 Service Award Program**

The purpose of the service award program is to build individual morale and to give the long service employee a measure of individual distinction, to show appreciation to the employee for his/her faithful service, and to strengthen his/her feeling of being a part of City government.

This program applies to all regular full-time employees in Departments under the jurisdiction of the City Manager.

Service awards shall generally be in recognition of continuous employment for five-year increments of time, and as follows:

An employee’s service shall be considered continuous so long as his/her name remains in an uninterrupted way on the City’s payroll, and/or

1. The employee is on an approved leave of absence under the terms of the City’s Employee Manual.
2. The employee has been laid off involuntarily.

3. The employee enters military service and returns to work within ninety days after his/her honorable discharge.

No credit for prior service shall be considered in the award program in a case where an employee is terminated by reason of voluntary resignation or discharge, and then re-hired.

An employee whose service terminates for any reason prior to his/her appropriate employment anniversary date shall not be eligible to receive an award, with certain exceptions as follows:

1. The employee shall receive an award if he/she retires voluntarily or is required by reason of physical disability to retire within ninety days of the appropriate anniversary date.
2. The employee's family shall receive the award if he/she dies within ninety days of the appropriate anniversary date.
3. The employee shall receive the award if he/she is required to retire by reason of statutory age limitation within 365 days of the appropriate anniversary date.

Questions concerning an individual employee's eligibility under this program shall be determined by the Human Resources Office and the City Manager.

Each eligible employee shall receive a cash award based on his or her length of service as follows:

<u>CASH AWARD</u>	
<u>Years of Service</u>	<u>Cash Amount</u>
5	\$ 150
10	\$ 175
15	\$ 200
20	\$ 500
25	\$1,000
30	\$1,500
35	\$2,000
40	\$2,500

The cash award will be a part of the employees' payroll check at the end of their anniversary month. The City Manager and Director of Human Resources shall present award certificates at a staff meeting. Department heads will be given a list of their eligible employees and are asked to contact each eligible employee (and their immediate supervisor if they so desire). A list of employees receiving service awards shall be made a part of the City Council agenda on a quarterly basis where it will be read and made a part of the minutes and the media coverage of the meeting. The value of any and all cash awards is subject to change with or without notice.

### **9.13 Employee Suggestion Program**

The purpose of the Employee Suggestion Program is to stimulate employees to examine the manner in which routine operations are carried out and to offer suggestions for improving the economy, efficiency, safety and quality of municipal work; to provide employees with an opportunity to participate in the management of the City's operations by providing a channel through which employees can communicate ideas to management, allowing the City to draw upon the knowledge and experience of its employees for its benefit.

A suggestion may be eligible for an award if it contributes to the efficiency, economy, or other improvement of City operations. A suggestion may be tangible or intangible. To qualify for consideration, a suggestion must be a written proposal that clearly outlines a problem and recommends a specific solution. Eligible suggestions may include but are not limited to:

- a) improving methods and procedures to increase efficiency;
- b) saving time, labor, space, material, or supplies;
- c) improving tools or materials;
- d) improving administrative or operations techniques and practices;
- e) eliminating unnecessary procedures, records and forms;
- f) eliminating delays and duplication;
- g) improving the quality of service to the public; and
- h) improve safety, health, or working conditions.

#### Ineligible Suggestions

The following types of suggestions are not eligible for consideration for a suggestion award:

- a) suggestions dealing with routine repair and maintenance;
- b) suggestions that point out problems without proposing solutions;
- c) general complaints, personal grievances, or expressions of dissatisfaction;
- d) proposals for minor improvements in working conditions that the employee or immediate supervisor can correct through normal or customary action, or which are clearly within the scope of the employee's job;
- e) suggestions proposing salary increases, job reclassifications, or liberalization of pay policies or benefits;
- f) matters already and specifically under study or review by management; or a duplicate of another suggestion already under study or which has previously been considered;
- g) proposals to have a survey, study or review with a course of action to be taken in accordance with the findings;
- h) matters requiring judiciary or State legislative action;
- i) strict enforcement of already existing rules, regulations and laws within or outside the City;
- j) suggestions which only recommend increased rates for taxes, fees, and licenses.

#### Employee Eligibility

All City employees are eligible to participate in the Employee Suggestion Program, except department heads, city council members, and employees who are assigned a particular problem to solve that is within the scope of their duties and responsibilities; and any employee whose employment relationship with the City has ended.

The amount of the award will normally be based on the estimated net monetary benefits for the first year of operation following implementation of the suggestion. A minimum tangible benefit of \$250 will be required for an award. For \$250 - \$600 in benefits, the award will be \$30; for benefits exceeding \$600 the award will be 5% of the benefits, not to exceed an award of \$1,500. The value of any and all cash awards is subject to change with or without notice.

Awards for joint suggestions will be apportioned equally among the employees that made suggestion.

If the full cost savings cannot be immediately assessed, the employee making suggestion will be notified of the length of time necessary for thorough evaluation, not to exceed one year.



Certificates of merit will be presented by City Council to award winners, who will also be recognized in the City newsletter and other public announcements, unless the employee specifically indicates that he/she wants no publicity.

#### Suggestion Processing

An eligible suggestion will then be referred to the Department Head concerned, who will evaluate the suggestion and make a recommendation regarding adoption/rejection and tangible/intangible benefits. The Department Head's evaluation and recommendation will then be reviewed and approved/disapproved by the City Manager. Where appropriate, the award amount will be determined. The employee will be advised whether the suggestion is approved. The award will be made when the suggestion is put into practice.

#### **9.14 Employee Assistance Program**

The City offers Employee Assistance Program (EAP) services as a benefit to full-time employees. If an employee or a member of his/her immediate family experiences a personal difficulty or problem which might affect their job performance, confidential assistance is available through the EAP. The employee or their immediate family member may contact the EAP directly. The employee may also be referred to EAP by their immediate supervisor. The basis for or a referral by the City shall ordinarily be:

- a decline in work performance, unsatisfactory attendance, poor attitude, or unusual behavior which may be caused by a personal problem;
- a particular on the job incident which indicates the presence of a personal problem; or
- a request from the employee to his/her supervisor for advice or assistance regarding a personal problem.

If an employee's performance or attendance is unsatisfactory, the immediate supervisor will discuss this matter with the employee. Should the supervisor feel the employee's performance or attendance is being adversely affected by a personal problem, EAP services may be offered as an alternative to disciplinary action, subject to the approval of the department director. When confidential help and services are offered as an alternative to disciplinary action, employees are expected to accept assistance, comply with referrals for the assessment of his/her problem, and to cooperate and follow the recommended treatment plan.

#### **9.15 Education Incentive**

Annually, the City Manager will establish the fiscal year reimbursement limits for employees who satisfactorily complete specific coursework that is directly related to their position, which will improve their knowledge and skills, and will increase their job performance. Subject to available funds and compliance with applicable administrative guidelines, the City may provide tuition assistance to regular employees who:

- complete the requirements for a GED (for employees who wish to obtain the equivalent of a high school diploma); and
- complete college level courses that specifically relate to the duties of the employee's current job.

"Satisfactory completion" is defined as receipt of a grade of "C" or better, or in a case where no grade is given, receipt of a certificate or diploma.

### 9.15.1 *Review of Request*

Prior to enrollment in a class, an employee who wishes to take a course or courses that could qualify for reimbursement under the Education Incentive Policy must complete an *Education Incentive Request* form and submit the request to their department director for approval. The department director must determine that the coursework will be mutually beneficial to the employee and the City in at least one of the following ways:

- It will enable the employee to assume and perform more difficult responsibilities and tasks;
- It will improve the quality of the employee's work and bring additional skills to the job; or
- It will enhance the employee's opportunity for promotion to a higher classified position within the employee's related field.

Upon approval, the department director will forward the form to the Human Resources Director for further action and subsequent approval by the City Manager. The Human Resources Office will notify the employee and the department director as to whether the request has been approved and to what extent the course costs can be reimbursed. Within fifteen days after successful completion of the course or program, the employee must provide the Human Resources Office with a copy of the grade report or certificate and receipt for the cost of tuition, required books, and technology fee.

### 9.15.2 *Time for Class Attendance*

Employees will take courses on their own time. If a course is offered only during the employee's scheduled work hours, the employee may request that the supervisor adjust his or her work schedule. The department director will approve or disapprove the request.

### 9.15.3 *Repayment*

An employee who terminates employment shall repay the City for any reimbursements received within the previous twelve months.

## **9.16 Time Off with Pay for Community Service**

When a full-time employee chooses to participate in City-approved community service activities which occur during their normal workweek, the employee will be granted up to twenty four (24) hours each calendar year with pay, subject to the approval of the department director and City Manager. The employee must notify their department director, in writing, of the desire to participate in an event or to serve on a committee or board that will benefit the community. If the department director recommends approval, the request will be forwarded to the Human Resources Director for review and final approval by the City Manager. Once approved, the employee will work in conjunction with his/her immediate supervisor to ensure that the essential duties of his/her position are performed during the period of absence. The immediate supervisor must notify the department director if he/she has reason to believe that the essential duties of the employee requesting time off for community service will not be completed. The department director will make the final determination as necessary regarding an employee's approval or denial for time off for community service. The department director's decision is final. This decision along with any subsequent disciplinary action related to or deriving from this decision are not grievable.

## **10 HOLIDAYS AND LEAVE**

### **10.1 Holiday Schedule**

Employees under the jurisdiction of the City Manager will observe the state holiday schedule officially designated and approved by the Governor of Virginia, and will be subject to revisions when additional holiday time is granted.

For those offices that remain open on designated holidays or do not follow the established holiday schedule, the total number of paid holidays shall include the number of holidays officially designated by the state schedule and approved by the Governor of Virginia. For purposes of computing holiday pay and compensatory time earned, a declared holiday shall be defined as eight (8) hours, unless otherwise approved by the City Manager and or City Council. When a holiday falls on a Saturday, the Friday before the holiday will be observed. When a holiday falls on a Sunday, the Monday following the holiday will be observed.

#### *10.1.1 Eligibility*

All regular full-time employees, including those serving in an introductory period, are eligible to receive pay for observed holidays, as specified below:

- If an employee's first day of work in the pay period is a holiday and the employee works the next day, the employee will be paid for that holiday;
- If an employee retires or leaves City employment and the final day of the pay period falls on a holiday and the employee works the day before, the employee will be paid for that holiday.

If a holiday falls on a day when an employee is normally scheduled to work more than the number of hours for which the employee would receive holiday pay, the employee will be allowed to work the additional hours on another day or charge the additional hours to accrued annual or compensatory time. An employee whose scheduled day off falls on a holiday and who does not work that day may be given the holiday off at another time.

#### *10.1.2 Holiday Pay*

Non-exempt employees who are normally scheduled or authorized to work on a holiday will be credited with compensatory leave for the hours actually worked. In addition to the regular holiday, non-exempt employees who are required to perform emergency work on an authorized holiday will be paid at a rate of one and one-half times their hourly rate for all hours worked on the holiday.

### **10.2 Religious Holidays**

Each department will make reasonable accommodation for the religious holiday needs of employees, unless accommodation will result in undue hardship to the department. If an employee requests time off to observe a religious holiday that falls during their normal work hours, the department should make a reasonable effort to allow time off. Employees are expected to request leave in advance so that the department may accommodate the request. Time off for religious holidays shall be charged to an employee's accrued annual or compensatory leave balances, or to leave without pay, as appropriate.

### **10.3 Leave of Absence with Pay**

The City provides leave with pay in the interest of the health and well-being of its employees. Leave privileges add to the security of employees and aid in retaining and attracting capable employees. In return for granting leave, the City expects its employees to consider the interests of the City and not to take unfair advantage of leave privileges.

### **10.4 Temporary to Regular Status for Purpose of Earning Annual and Sick Leave**

In the event an employee moves from temporary to regular employment, temporary employment shall not be credited toward the calculation of service years for the purpose of computing leave earnings. An employee who changes from full-time benefited to temporary or part-time status is no longer eligible to use sick leave for absences. All accrued sick leave will be retained in the employee's file for use if the employee returns to a full-time benefited position.

### **10.5 Annual Leave**

Regular and introductory full-time employees earn annual leave based on the length of their continuous service. Annual leave is provided for the purpose of rest and relaxation, but it may also be used for absence of other personal necessity. Annual leave may be taken as earned, subject to the approval of the supervisor. Employees may accumulate annual leave based on years of service. A maximum monthly accumulation and a maximum annual carryover are based on the charts listed below. **Employees hired 7/1/2018 and after must be employed 90 days before they can use accrued annual leave.**

An employee does not earn leave in any calendar month in which the employee is on approved leave of absence without pay for more than half of the working days; or suspended for more than half of the working days.

Annual leave is credited to the employee at the end of each accrual cycle unless the employee has experienced a leave without pay during the pay period. In the initial and/or terminal months of employment, if the employee works at least one-half of the working days of the month, the full amount of credit will be provided. An employee ceases to earn annual or sick leave after the maximum accumulation has been reached.

#### **Accrual Rate and Accumulation for Full-Time Forty-Hour Employees**

<b>Years of Service</b>	<b>Rate of Accrual</b>	<b>Maximum Accumulation/Carryover</b>
0 through 4	8 hours per month/12 days per year	240 hours
5 through 9	10 hours per month/15 days per year	240 hours
10 through 14	12 hours per month/18 days per year	240 hours
15 through 19	14 hours per month/21 days per year	240 hours
20 or more	16 hours per month/24 days per year	240 hours

#### **Accrual Rate and Accumulation for Full-Time Fire Personnel Who Work 2912 Hours Per Year**

<b>Years of Service</b>	<b>Rate of Accrual</b>	<b>Maximum Accumulation/Carryover</b>
0 through 4	11.2 hours per month	336 hours

5 through 9	14 hours per month	336 hours
10 through 14	16.8 hours per month	336 hours
15 through 19	19.6 hours per month	336 hours
20 or more	22.4 hours per month	336 hours

**Accrual Rate and Accumulation for Full-Time Fire Personnel Who Work 2756 Hours Per Year**

<b>Years of Service</b>	<b>Rate of Accrual</b>	<b>Maximum Accumulation/Carryover</b>
0 through 4	10.6 hours per month	318 hours
5 through 9	13.25 hours per month	318 hours
10 through 14	15.9 hours per month	318 hours
15 through 19	18.55 hours per month	318 hours
20 or more	21.2 hours per month	318 hours

*10.5.1 Justification for Annual Leave Use*

Although annual leave is an employee benefit, it should be scheduled so the ongoing work effort is not disrupted. As a result, all requests for annual leave must be approved in advance by the employee's immediate supervisor and in accordance with established departmental requirements. When authorized, annual leave may be taken in minimum increments of fifteen (15) minutes.

*10.5.2 Holidays during Annual Leave*

Any scheduled holiday that falls during an employee's annual leave will not be charged to that leave balance.

*10.5.3 Advancement of Annual Leave*

No advancement of annual leave is allowed unless otherwise addressed in an offer letter for new employees. Offer letters are created in Human Resources and then reviewed and signed by department directors.

*10.5.4 Annual Leave Termination Payment*

An employee who leaves City employment shall be paid for any unused annual leave, not to exceed the employee's maximum accumulation rate. The date of termination of employment shall be considered to be the last active working day for the employee. The termination payment will be based on the employee's salary rate prior to termination. If an employee leaves City employment and has taken more leave than earned at the date of termination, such deficiency shall be deducted from the employee's final salary payment. In the event of an employee's death, the unused annual leave credit will be payable to the employee's estate. An employee who returns to work within (90) days may be credited with their previous accrual rate, less the length of the absence.

*10.5.6 Constitutional Transfers Accrual Rate*

Effective July 1 2022, any employee that has transferred or transfers from a constitutional position, shall accrue time with their corresponding years of service.

## 10.6 Sick Leave and Accrual Rate

Regular and introductory full-time employees earn sick leave based on their length of continuous service. Sick leave is a privilege and is provided to help protect an employee against loss of salary and employment when injury or sickness makes it impossible for the employee to work and should only be used when necessary. **Employees hired 7/1/2018 and after must be employed 90 days before they can use accrued sick leave.** Abuse of sick leave is considered grounds for counseling and/or discipline.

Employees hired as of 1/1/14 and after, specifically VRS Hybrid employees or employees that transfer to the VRS Hybrid plan, may accumulate a maximum of 240 hours of sick leave but sick leave will not accrue beyond the 240 hours carryover limit. Sick leave is not paid out upon termination of employment.

If an employee is hired 1/1/14 or after, specifically a VRS Hybrid plan participant becomes eligible for short term disability specific to this plan, the employee may elect to use sick leave followed by any remaining vacation in order to make up for any loss of wages.

### **Accrual Rate and Accumulation for Full-Time Forty-Hour Employees**

<b>Years of Service</b>	<b>Rate of Accrual</b>
0 through 19	8 hours per month or 12 days per year
20 or more	16 hours per month or 24 days per year

### ***Accrual Rate and Accumulation for Full-Time Fire Personnel Working 2912 Hours per Year***

<b>Years of Service</b>	<b>10.7 Rate of Accrual</b>
0 through 19	11.2 hours per month
20 or more	22.4 hours per month

### ***Accrual Rate and Accumulation for Full-Time Fire Personnel Working 2756 Hours per Year***

<b>Years of Service</b>	<b>10.8 Rate of Accrual</b>
0 through 19	10.6 hours per month
20 or more	21.2 hours per month

All employees hired prior to 1/1/14 may accumulate up to but not exceeding 1000 hours of sick leave. Fire/EMS personnel may accumulate up to but not exceeding 1400 hours of sick leave. Sick leave is not paid out upon termination of employment.

#### *10.8.1 Justification for Sick Leave Use*

When an employee is sick and unable to report for work, the employee must notify his/her immediate supervisor of the need to take sick leave. Unauthorized use or abuse of sick leave and failure to notify the supervisor of an absence prior to one hour after the beginning of the employee's workday, except in an emergency situation, is considered grounds for discipline up to and including termination. Prior notification to the immediate supervisor is required of the employee's need for sick leave use due to appointments for health or medically related issues. Sick leave may be taken in minimum increments of fifteen (15) minutes for the following reasons:

At the discretion of the immediate supervisor or department director, documentation from a licensed physician may be required to substantiate proof of the employee's illness or medical appointment. In lieu of a doctor's note, dated documentation of an emergency room visit may be used to substantiate an illness.

In the event that a doctor's note is requested and not provided, the absence may be noted as an unexcused absence and corrective action may result including immediate termination.

#### *10.8.2 Medical and Dental Appointments*

If permission of the immediate supervisor is obtained, medical and dental appointments that occur during working hours may be charged to sick leave.

#### *10.8.3 Family Illness*

Sick leave is also available when an immediate family member requires the employee's assistance or supervision. In situations where the employee is required to care for a child, parent, or spouse and the medical situation meets the definition of a "serious medical condition", the absence will be considered a qualifying event under the Family and Medical Leave Act.

#### *10.8.4 Immediate Family*

Immediate family is defined as parents (including step-parents), spouse, children (including stepchildren and foster children), brother or sister, and any relative living in the employee's household provided that the employee is contributing to the primary support of that relative or "other" person as defined by IRS regulations. If, upon investigation, the supervisor or department director does not consider the circumstances warrant such absence, the employee will be required to charge the absence to annual leave or leave without pay.

#### *10.8.5 Advancement of Sick Leave*

An employee may only take sick leave that he or she has earned. A non-exempt employee's pay will be reduced by the amount of sick leave taken but not yet earned.

#### *10.8.6 Sick Leave upon Termination of Employment*

Except as provided in the "Retirement Stipend", any balance of unused sick leave will be automatically cancelled without monetary compensation upon termination of employment. An employee who returns to work within (90) days may be credited with their previous accumulated sick leave balance and years of service.

#### *10.8.7 Purchase of VRS Service using the Retirement Stipend*

All or a portion of the "Retirement Stipend" may be used as payment. This type of purchase counts toward the service requirement for unreduced VRS benefits. An employee who wishes to purchase service using their retirement stipend should contact the Human Resources Office for details.

#### *10.8.8 Sick Leave Compensation for Work-Related Fatalities*

In the event of a work-related fatality, the City will pay an amount equal to the employee's sick leave balance, not to exceed \$2,000, to the deceased employee's next of kin or estate.

## **10.9 Bereavement Leave**

When there is a death in the immediate family, full-time introductory and regular employees are allowed a leave of absence with pay in order to attend the funeral or memorial service of an immediate family member, to experience the initial grieving process, and to take care of personal business specifically related to the death in the family. Bereavement leave will be granted for a period not to exceed three (3) working days. The leave is not automatic and should not be requested or granted unless used as intended. Bereavement leave does not accumulate from year to year and must be approved by the immediate supervisor. A reasonable form of verification such as an obituary may be requested from employees who take bereavement leave.

### *10.9.1 Immediate Family*

Immediate family is defined as the employee's parents (including step-parents), spouse, children (including stepchildren and foster children), brother or sister, grandparents, grandchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law and any relative living in the employee's household provided that the employee is contributing to the primary support of that relative or "other" person as defined by IRS regulations. If, upon investigation, the supervisor or department director does not consider the circumstances warrant such absence, the employee will be required to charge the absence to annual leave or leave without pay.

## **10.10 Civil Leave**

Any introductory or regular full-time employee shall be granted leave with pay when performing jury duty or when required by proper authority to be a witness in legal proceedings, provided such call to duty is reported in advance to the employee's department director. An employee shall not, however, be granted such leave to attend a trial as a party unless required to do so by the City.

Leave with pay will also be granted to employees when serving as an officer of election, provided such service is reported in advance to the employee's department director.

If jury duty time or officer of election service ends prior to the end of the employee's regularly assigned work hours, the employee will be required to report to work as soon as possible after jury duty or officer of election service has ended. No employee who is summoned and appears for jury duty or officer of election service for four or more hours including travel time in one day, shall be required to start any work shift that begins at or after 5:00 p.m. on the day of his appearance for jury duty or begins before 3:00 a.m. on the day following the day of his appearance for jury duty.

Fees received for jury duty will be considered allowance for miscellaneous expenses (meals, parking and travel) associated with jury service. Pay received for officer of election service will be considered allowance for miscellaneous expenses and extended hours on Election Day. Employees do not have to submit these fees or pay to the City of Martinsville.

## **10.11 Military Leave**

In accordance with federal regulations, the City will grant a leave of absence to any employee who is enlisted in the Armed Forces Reserve, National Guard, Naval Militia, the Virginia State Defense Force, or National Defense Executive Reserve while engaged in active duty, reserve duty, time away for a



physical examination to determine fitness for duty, or periods of training that are approved by the Governor or the Governor's designee. Please contact the Human Resources Office with any questions.

#### **10.12 Leave of Absence without Pay**

Employees must exhaust all annual and sick leave and comp-time in order to be eligible for a leave of absence without pay. Except where legally required the City is not obligated to grant leave without pay. However, an employee may be granted a leave of absence without pay for reasons that the City Manager considers to be in the best interest of both the employee and the City. Leave without pay must be requested in writing and submitted to the employee's department director, subject to the review of the Human Resources Director, and approval of the City Manager.

Employees who are on approved leave of absence without pay do not earn annual and sick leave and are ineligible for bereavement leave and holiday pay. Employees are required to return to work as directed unless extenuating and approved circumstances prevent an employee's return to work on the specified date subject to the review of the department director and Human Resources Director, and approval of the City Manager.

#### **10.13 Family and Medical Leave**

The federal Family and Medical Leave Act (FMLA) of 1993, as amended, provides up to 12 weeks or 480 hours of job-protected leave per year in a twelve-month period for specified family and medical reasons. To be covered under the FMLA, an employee must have worked for the City for twelve (12) months and must have worked at least 1,250 hours within the twelve (12) months preceding the start of the leave. The City uses a Rolling Calendar year method for purposes of tracking usage and eligibility. If necessary contact the Human Resources Office for further information.

## 11 SEPARATION OF EMPLOYMENT

### 11.1 Resignations

In order for the City to make proper provisions to fill a position, a regular full-time employee is required to give the immediate supervisor at least a two weeks' written notice. In some departments, notices of longer duration may be required. Failure to give the required notice may affect the employee's eligibility for re-employment with the City. All resignations are filed with the Human Resources Office. Employees who leave City service must return all City property in their possession to the appropriate department. This includes items such as manuals, identification cards, books, badges, credit cards, keys, uniforms and tools. The employee will not receive payment for accumulated annual leave until all City property is returned and any debt to the City is settled.

### 11.2 Exit Performance Interview

Prior to an employee's termination date, the immediate supervisor and/or department director and Human Resources Director will conduct an exit interview. Documentation will be forwarded to the Human Resources Office.

### 11.3 Reduction in Force

When material changes in duties, needs of the organization, or a shortage of funds occur so that the City can no longer support certain programs or services, the City may first temporarily place an employee or group of employees on unpaid leave, or develop other alternatives to avoid a possible layoff such as job sharing and/or reducing working hours. Unless otherwise directed by the City Manager or his designee, department directors will identify prospective job classifications and/or positions to be eliminated, combined, those that can be held vacant, and/or staff members to be temporarily placed on leave or laid off.

In determining those employees **to be retained from a reduction in force or placed on temporary unpaid leave**, priority will be given to those employees who are full-time, regular (non-probationary) benefited employees. In addition, emphasis will be placed on the following factors:

1) The organizational needs of the City. Mandated, operational, and service demands of the City will be given first priority in determining which positions will be eliminated. The current or known future vacancies may be abolished or remain unfilled long enough to achieve the required results without unduly disrupting the delivery of such services.

2) The quality of employee's past performance. An employee's performance in his/her existing job will be considered, as well as the individual's special skills, knowledge, and qualifications needed to fulfill functions within the work unit/department.

3) Seniority. While the City considers tenure a valuable attribute, allowing senior employees to replace or "bump" junior employees from their positions will not be permitted. Seniority may be the determining criteria where two employees are equally qualified.

The City Council may, by resolution, provide job assistance, severance pay, and other benefits that it deems appropriate in a reduction in force situation. An employee who is rehired by the City within two (2) years of a layoff will receive full credit for their previous service time for purposes of calculating any internal City benefits that are based on length of service. Employees who are laid off because of a Reduction in Force shall be given at least fourteen (14) calendar days notice of anticipated layoff date. If this is not possible, such employees will receive up to two (2) workweeks compensation in lieu of notice in addition to any other benefits/considerations noted earlier.

#### **11.4 Retirement**

There is no mandatory retirement age for most municipal employees, except where special mandatory requirements have been imposed upon firefighters and law enforcement officers. The Virginia Retirement System provides a package of benefits for eligible members based on an employee's age at retirement, average final compensation, and years of service. For specific information, contact the Human Resources Office. An employee may elect early retirement as defined by the Virginia Retirement System. Specific criteria are available in the Human Resources Office.

#### **11.5 Retirement Stipend**

Based on years of service and sick leave accumulated at the time of retirement, employees who retire in good standing and are eligible for either regular or disability VRS retirement benefits, OR retire at or after age 62 with at least five continuous years of service, will receive a retirement stipend. The minimum gift shall be \$100; a larger award may be available according to the *Retiree Stipend* schedule listed below.

<b>Years of Service</b>	<b>Payment</b>
0-10 years	\$100.00 for no current employee sick leave balance or 25% of value of employee's current sick leave up to \$500.00
11-15 years	25% of value of employee's current sick leave up to \$750.00
16-20 years	25% of value of employee's current sick leave up to \$1,000.00
21-25 years	25% of value of employee's current sick leave up to \$1,250.00
26-30 years	25% of value of employee's current sick leave up to \$1,500.00
31-35 years	25% of value of employee's current sick leave up to \$1,750.00
36+	25% of value of employee's current sick leave up to \$2,000.00

Subject to VRS criteria, all or a portion of the Retirement Stipend (payment of unused sick leave at retirement) may be used to purchase VRS service credit for unreduced benefits on an actuarial equivalent rate. The value of any and all retirement stipend is subject to change with or without notice.

#### **11.6 Terminal Pay**

The Finance Office, the respective department director and Human Resources will determine the final pay of all employees under the jurisdiction of the City Manager who leave City service. Pay will be made in accordance with applicable Federal and State law.