

Central Virginia Planning District Commission

Employee Handbook
July 1, 2019



Employment Policies & Procedures

**CENTRAL VIRGINIA PLANNING DISTRICT COMMISSION
EMPLOYEE HANDBOOK**

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**CHAPTER ONE
GENERAL INFORMATION**

A. INTRODUCTION

1. The Central Virginia Planning District Commission (CVPDC or Commission) was established under the Regional Cooperation Act of the Code of Virginia (15.2-4200) as a mechanism to encourage regional cooperation and better coordinate resources and services in the Central Virginia/Lynchburg region. The personnel policies and procedures contained in this handbook have been adopted by the Central Virginia Planning District Commission under the authority of Section 15.2-4200 Code of Virginia, 1950, as amended.
2. This document contains the employment policies and procedures that guide effective human resource management within the CVPDC. No set of written policies can include every possible situation and these policies, when used as a whole, provide guidance and sufficient flexibility to allow the exercise of judgement and common sense while establishing consistent standards and procedures for employees and the Commission.
3. The Commission may change and amend these rules and regulations from time to time as they deem appropriate.

B. EMPLOYMENT AT WILL

Virginia is an “employment at will” state and employees of the Central Virginia Planning District Commission do not have a contract of employment. Neither these policies nor any other document constitutes an express or implied employment contract or any right to continued employment. These policies do not imply or create a vesting or contract entitling CVPDC employees to any specific benefits or policies. The contents of this handbook and the CVPDC’s policies and procedures may be changed at any time so long as they are in compliance with all applicable Federal, State and local employment laws and regulations.

C. APPLICABILITY

The rules, regulations and procedures contained in this handbook are applicable to employees employed under the CVPDC’s Position Classification and Pay Plan. Any special provisions or exemptions for specific employees will be noted in the handbook where appropriate. The handbook will be made available to all employees electronically or by a printed copy.

D. RESPONSIBILITIES

1. The Central Virginia Planning District Commission is responsible for establishing personnel policies for its employees. The Executive Director, within the resources allocated in the approved budget, is responsible for developing and implementing the methods, means and personnel necessary for accomplishing effective work activities including: staffing levels, position classification, payroll administration, recruitment, personnel record maintenance, employee orientation, and maintenance of the pay and classification plan.
2. The CVPDC shall make every effort to understand and comply with all applicable Federal and State statutes, regulations and legal guidelines, for the benefit of the citizens of the Central Virginia region, Commission employees and the community as a whole.

3. CVPDC Executive Director:
 - a. Under the general direction of the Commission, the CVPDC Executive Director (Executive Director or ED) is responsible for the administration of the policies and procedures outlined in this handbook;
 - b. The Executive Director serves as the principal Personnel Officer and, assisted by CVPDC staff, is responsible for the content and interpretation of this handbook;
 - c. The Executive Director may make exceptions to these policies in special or unusual situations when in an exception would in the best interest of the Commission. No other member of administration has the authority to modify any of the terms or provisions of these policies and procedures;
 - d. The Executive Director is responsible for maintaining a current copy, providing a copy to new employees and making the handbook available to the public as appropriate;
 - e. The Executive Director is responsible for reviewing the handbook annually to ensure its provisions conform to current policy and practice and for suggesting amendments or revisions to the CVPDC as needed. The Executive Director shall actively seek outside comment and guidance from employees during any revision process.

4. CVPDC Employees:
 - a. Employees are responsible for signing the “Employee Receipt of Handbook” upon receipt;
 - b. Employees are responsible for familiarizing themselves with the contents of this handbook;
 - c. Employees are responsible for abiding by CVPDC policies, regulations and procedures;
 - d. Employees are responsible for bringing to the attention of the Executive Director any discrepancies present;
 - e. Employees are responsible for directing questions/requests for clarification concerning the contents of this handbook to the CVPDC Executive Director.
 - f. Employees are expected to actively engage in any revision process, and are encouraged to offer comments, suggestions, or concerns.

**CHAPTER TWO
DEFINITIONS**

- A. **Appointing Authority.** The CVPDC Executive Director is authorized to make appointments to positions as authorized by the CVPDC.
- B. **Classification.** The assignment of a job or group of jobs to an appropriate pay grade and range on the basis of type, difficulty and level of responsibility of the duties actually performed and the minimum requirements that qualify a person.
- C. **Compensatory (Comp) Time.** Paid time off the job that is accrued by an employee in lieu of cash payment for working overtime hours.
- D. **Contracted Service Provider.** An individual or agency paid a contracted amount to complete a specific project(s). Payment is based on the completion of the project(s), not the number of hour worked unless the contract is on an hourly basis.
- E. **Demotion.** The change of an employee from a position in one grade to a position in another grade having a lower minimum salary rate.
- F. **Exempt (E) Positions.** Those positions meeting the requirements of Section 13(a)(1) of the Fair Labor Standards Act (FLSA) which provides an exemption from both minimum wage and overtime pay for employees. Employees holding exempt positions are normally expected to work the hours necessary to meet the expectations of the position without additional compensation.
- G. **Freedom of Information Act (FOIA).** The Virginia Freedom of Information Act (FOIA), located § 2.2-3700 et seq. of the Code of Virginia, guarantees citizens of the Commonwealth and representatives of the media access to public records held by public bodies, public officials, and public employees.
- H. **Full-Time Employee.** A person employed on an on-going basis who works a regular schedule of at least 32 hours per week in a classified position. An employee is not considered to be working on an on-going basis until after the completion of the initial probationary period.
- I. **Grade.** A pay range to which a group of jobs (or single position) are assigned in the Classification and Pay Plan. Jobs within the same grade are typically sufficiently alike in duties, authority, and responsibility and therefore are treated in the same manner for pay purposes.
- J. **Immediate Family.** Persons related to the employee including parents (step, foster and in-law), spouse, children (step, foster and in-law), brother (in-law), sister (in-law), grandchildren, and grandparents (in-law).
- K. **Job.** A defined set of duties and responsibilities.
- L. **Job Description.** The written description of a job or group of jobs, containing a title, a statement of the duties, authority and responsibilities of the job, essential functions and the minimum qualifications which are necessary and/or desirable for satisfactory performance. The job description may also include the usual lines of promotion to and from the job.

- M. Non-Exempt (NE) Position. Those position subject to all provisions of the Fair Labor Standards Act (FLSA). Employees working in non-exempt positions are normally required to account for all hours worked. Non-exempt employees must be compensated for all hours worked over 40 in a work week at the premium rate of one and one half times the employee's base rate, in either direct pay or compensatory time (one and a half hours accrued for each hour worked over 40).
- N. Overtime. Hours that a non-exempt employee works in excess of 40 during one work week.
- O. Part-Time Employee. A person employed on an on-going basis, working an average of 29 hours or less per week. This includes part-time employees who work recurring periods from year to year. An employee is not considered to be working on an on-going basis until after the completion of the initial probationary period.
- P. Performance Evaluation. An individual appraisal process that rates employees on identified areas.
- Q. Position. A single job requiring the full or part-time employment of one person. Positions may be occupied or vacant, and shall be created and abolished by the CVPDC.
- R. Position Classification Plan (Pay Plan). An administrative structure that includes all approved pay grades with accompanying pay ranges to which CVPDC positions are assigned.
- S. Probationary Period. The working test period in which an employee demonstrates fitness by performing the assigned duties of the position. This period normally extends from an employee's date of hire to six months after hire and may be extended at the discretion of the Executive Director.
- T. Promotion. The change of an employee from a position in one grade to a position in another grade having a higher minimum salary.
- U. Temporary/Seasonal Employee. A person employed in a position having a fixed time period (usually less than one year) to complete a specific project(s). A temporary employee may (or may not) be considered a seasonal employee, and vice-versa. Temporary employees may be appointed by the Executive Director in lieu of the usual recruitment process.
- V. VRS Plan 1. VRS Plan 1 members have a Virginia Retirement System membership date before July 1, 2010 and were vested as of January 1, 2013.
- W. VRS Plan 2. VRS Plan 2 members have a Virginia Retirement System membership date that is on or after July 1, 2010, or their membership date is before July 1, 2010, and they were not vested as of January 1, 2013.
- X. VRS Hybrid Plan. Most Hybrid Plan members are those whose Virginia Retirement System membership date is on or after January 1, 2014. In the event a member may have elected to opt-in to the Hybrid Plan during a special enrollment period, their Hybrid Plan coverage effective date is July 1, 2014.
- Y. Work Plans. Documents that identify specific goals and tasks as they relate to the organization and/or department.

**CHAPTER THREE
EMPLOYMENT**

A. RECRUITMENT AND SELECTION

The CVPDC is committed to filling each position in the Commission's service with the best available qualified applicant. The Commission's application and selection procedures shall conform to guidelines set by the CVPDC and comply with all relevant Federal, State and Local employment law and regulations. The Executive Director is responsible for ensuring compliance.

B. EQUAL EMPLOYMENT OPPORTUNITY

The CVPDC is an Equal Opportunity Employer and is fully committed to the principles and practices of equal opportunity, diversity and inclusion in all aspects of its recruitment, selection and employment policies. The CVPDC will not discriminate on the basis of race, color, religion, sex, national origin, age, physical or mental disability, marital status, pregnancy, genetics or retaliation unrelated to the ability to perform the essential functions of the position. The CVPDC will make all decisions regarding recruitment, hiring, reassignment, promotion, training and other terms and conditions of employment without unlawful discrimination.

The Commission will not tolerate any form of workplace discrimination, including sexual or racial harassment, of its employees. Such allegations will be thoroughly investigated and disciplinary or corrective action taken as warranted. See Chapter Seven for more information.

C. APPLICATION FOR EMPLOYMENT

1. Job descriptions and salary ranges will be approved by the Executive Director prior to any advertisement or acceptance of applications for a vacancy. Vacant positions will be filled only as approved by the Executive Director.
2. When a vacancy occurs or a new position is available, the Executive Director, in coordination with the appropriate Department Director, shall determine whether the position may be filled by promotion or hiring from within the current workforce. If the Executive Director determines that an adequate applicant pool exists within the Commission workforce, the position will be advertised among the various CVPDC departments. If qualified employees apply, the Executive Director has the authority to appoint a current employee to the position to be filled from the applications submitted.
3. The Executive Director has the authority to advertise the position outside Commission service, as appropriate. If the position is advertised outside Commission service, it shall also be advertised inside Commission service. All openings for vacant positions will be posted on the Commission's website and at the various facilities and work sites so that individuals within the organization have ample opportunity to apply for vacant positions.
4. Positions will usually be posted for two weeks prior to interviewing. A variety of publicity methods may be utilized such as advertisements in local and other newspapers and trade journals, radio broadcasts, referral by the Virginia Employment Commission, correspondence and other contact with local governments, secondary schools and colleges and the encouragement of employees to advise others of employment opportunities. Web based recruitment methods may be substituted for print advertisements.
5. All applicants for a vacancy will be directed to the CVPDC's Human Resources office to

obtain necessary application forms and job descriptions. All completed applications and related information will be made available to the department with the vacancy after the advertised closing date. All submitted applications will be retained by the Human Resources office as required by the Library of Virginia's Records Retention guidelines.

6. Application for employment shall be made on forms approved by the Executive Director. Only completed applications shall be considered, and may require relevant documents including identification, certificates of educational experience and others. Applicants must meet identified minimum qualifications for employment as included in approved job descriptions.
7. As determined by the Executive Director in consultation with Department Directors, the selection process may include, and is not limited to, one or more of the following examinations: oral interviews, evaluation of experience and training, reference checks, written examinations, assessment centers, performance tests, criminal history checks, drug/alcohol tests, or physical examinations.
8. Applicants for positions that require using a CVPDC organization-owned vehicle to perform official duties may also be subject to an examination of the applicant's driver's license and driving record and ongoing driving record monitoring after hire.
9. Results of any and all examinations shall be kept strictly confidential unless such information is required to be disclosed by law.
10. Applications will be reviewed by the CVPDC's Human Resource staff and sorted. Applications will be screened based upon the information contained in the application as it relates to the job description of the position advertised. Qualified applicants will continue through the review process.
11. Department Directors will conduct appropriate employment interviews with the advice and counsel of the Executive Director. Department Directors will develop a final list based upon the applicant's education and experience, suitability for the job, ability to work within the existing structure, and ability to mesh with the philosophical elements of the Commission. Department Directors shall recommend their candidate of choice to the Executive Director for a final hiring decision. Once a successful candidate is identified and accepts the position, interviewed applicants will be notified of the decision. Other applicants will be notified if requested.

D. PROBATIONARY PERIOD

The CVPDC uses a probationary period of at least 180 days, for employees holding full and part-time positions. This probationary period is an important part of the initial employment process and shall be used to assess the new employee's ability to fulfill the duties of the position. At the end of the probationary period, a performance evaluation will be conducted to determine the employee's suitability for continued employment with the organization, however the employee may be released at any time during the probationary period with or without cause. The CVPDC's Executive Director may extend an employee's probationary period.

E. ORIENTATION

The CVPDC provides new hire orientation programs as appropriate to familiarize employees with their duties, responsibilities and working environment. The Human Resources staff conducts a

general orientation on personnel and payroll procedures. Department Supervisors will determine the need for more detailed job-related orientation programs and shall provide them as needed.

F. PROFESSIONAL DEVELOPMENT

The CVPDC supports personal and professional development and provides training opportunities for employees to improve performance and advance within the Commission. Employees are encouraged to cross-train and continuously develop their skills. Depending upon approved budgets, funding is usually available for job-related training and development activities such as conferences, training classes and certification programs.

G. PERFORMANCE EVALUATION

1. All full and part-time employees' performance shall be formally evaluated on an annual basis to review their prior fiscal year performance and establish goals and objectives for their future year performance on a date set forth by the CVPDC Executive Director. The primary purposes of performance evaluation is to provide management and employees an opportunity to discuss goals and objectives, provide a fair and accurate method of rating performance for raises, promotions, improvement of performance and dismissals.
2. Employees' performance shall be evaluated by their immediate supervisors. Supervisors shall thoughtfully and objectively judge the employee in light of each performance characteristic, making written comments where appropriate.
3. Prior to meeting with an employee, the supervisor shall share the evaluation with the appropriate Department Director to ensure agreement. The supervisor shall meet face to face with the employee and discuss the evaluation in detail. The Supervisor and employee shall each sign the form to indicate that the meeting has been held and the information was shared. The employee may add comments. The employee and supervisor each keep a copy and the original shall be forwarded to the Department Director.
4. Upon completion, the performance evaluation, signed by the employee, appraiser, and Department Head shall be delivered to the Commission's Human Resource staff for filing.

H. SCHEDULING OF WORK

1. The administrative work week, for pay purposes, shall be considered the seven consecutive calendar days Sunday through Saturday, unless otherwise specified by the employee's department.
2. The typical work schedule follows the official CVPDC business hours of Mondays through Fridays: 8:30 AM to 5:00 PM. Individual operations, departments and offices may establish alternative work hours as needed to effectively serve the public. Schedules for these offices and departments must be approved by the Executive Director and will kept on file.
3. Scheduled work hours typically include a ½ hour meal period and therefore assumes a basic 8-hour workday and a 40-hour workweek for all employees. Meal periods shall be arranged among employees that offices and operations will be open and staffed during the full work day, wherever possible. Alternate work schedules may be approved by the Executive Director when needed to effectively serve the public.

4. Formal and informal breaks of short duration may be provided depending upon the department and the nature of the work, at the department's discretion. Nursing mothers are entitled to reasonable breaks each time the employee has the need to express milk for her child during the first year of the child's life.
5. In the event an employee finds he is unable to report for work for any reason, the employee or designee, must call the immediate supervisor or other appropriate person, to provide notice that he will not report to work. This notice must normally be given as soon as possible and no later than 30 minutes before the start of the regular work shift. Due to the nature of their work, some work groups may require more notice and employees must adhere to an alternate time period as set by the Supervisor.

I. SEPARATION FROM EMPLOYMENT

Employees leave the CVPDC's service through one of the following means: layoff, resignation, retirement, dismissal or death.

1. **Layoff:** In the event the CVPDC must reduce staffing levels, layoffs may occur consistent with the needs of the organization. The Executive Director shall develop the layoff program to ensure the program conforms to all legal requirements.
2. **Resignation:** An employee may leave the CVPDC's service voluntarily by stating the reason(s) in writing to the Executive Director and, if applicable, the Departmental Director. Voluntary resignations require a 10 working days' notice, although earlier notice is encouraged. Depending on the circumstances, employees who have given notice may be allowed or asked to leave prior to the expiration of their notice periods. The right to access the CVPDC's Grievance Procedure will be waived upon the effective date of resignation.
3. **Dismissal:** An employee may be dismissed for cause from employment with the CVPDC based on serious misconduct, gross negligence and other appropriate disciplinary reasons.
4. **Retirement:** An employee may leave the CVPDC's service by applying for and receiving retirement benefits from the Virginia Retirement System. Employees are encouraged to provide at least one month's notice of intent to retire.
5. **Exit Interview**
All full-time employees must participate in an exit interview with the Human Resources staff upon leaving the CVPDC service (whether voluntary or otherwise). This interview will inform the employee of relevant information concerning the separation, including retirement and insurance benefit options, reemployment opportunities, etc.
6. **Eligibility for Re-Hire**
An employee is not eligible for rehire when the employee is dismissed for cause or resigns in lieu of formal dismissal action being taken. In addition, when a final order of a grievance panel or court of competent jurisdiction finds for the CVPDC, the employee will not be eligible for rehire.
7. **Returning CVPDC Equipment upon Separation**
Each department head shall maintain an up-to-date inventory of all CVPDC owned property in the possession of employees and ensure that all property has been returned prior to the

employee's last day of work. Human Resources staff will confirm return of property prior to the release of the employee's final paycheck.

J. SAFETY

1. The CVPDC strives to provide a work environment as free as possible from safety hazards and all employees are expected to comply with all safety and health requirements.
2. Employees must report all observed safety and health violations and any accidents resulting in injuries to employees or customers to their Department Head. An injured employee must follow the prescribed procedure to report injuries to the worker's compensation administrator.
3. No employee shall be disciplined, dismissed or discriminated against in any manner because the employee has raised issues of safety, has testified at a proceeding, or has otherwise exercised any right afforded a public employee.

K. INCLEMENT WEATHER

1. Commission offices and work-sites are normally open for business unless an emergency situation exists that necessitates closings for public or employee safety reasons. When offices and work-sites are open, employees must coordinate with their supervisors in deciding whether or not they are able to safely report to work. Employees who receive approval to not report to work during emergency situations, when the offices are open, must take appropriate leave or make other work arrangements, as approved by the Executive Director.
2. Employees assigned to landfill operations must coordinate any absences due to weather with their supervisor prior to the start of their regular shift.
3. In extreme conditions, Commission offices and work-sites may be closed or on a delayed opening. In the event that offices or work-sites are closed, employees will be notified using the local media sources as soon as possible after a decision is made and no charge to leave will be incurred for the time missed.

L. EMPLOYMENT OF RELATIVES

1. No employee in a supervisory position shall directly supervise an employee who is a member of the supervisor's immediate family, as defined in Chapter Two.
2. In the event a job change occurs which brings about the condition described above, the employee whose position is in a lower pay grade shall be transferred to another position for which he is qualified.

M. RECORDKEEPING

1. File and Record Maintenance
The Commission complies with the Virginia Public Records Act, §42.1-76 of the Code of Virginia. The Executive Director shall designate an employee as the organization's records manager. The Executive Director will ensure that public records are protected throughout their life cycle.
2. Definition of a Public Record
 - a. A public record is "information that documents a transaction or activity by or with any public officer, agency or employee of state government or its political subdivisions.

Regardless of physical form or characteristic, the recorded information is a public record if it is produced, collected, received or retained in pursuance of law or in connection with the transaction of public business.”

- b. All Commission employees are required to manage the public records which they create by responsibly controlling content, duplication, and distribution of the records, and by ensuring their authenticity, maintenance, storage, safekeeping and readiness for eventual final disposition in accordance with applicable federal, state and local laws and regulations

3. Records Retention and Disposition Schedules

- a. Records shall be maintained in accordance with the Records Retention and Disposition Schedules as approved by the Library of Virginia. Management, at their discretion, may choose to keep records longer than the required retention period.
- b. Records relating to Solid Waste Operations will be disposed of in accordance to DEQ Solid Waste Management Regulations.

N. FREEDOM OF INFORMATION ACT (FOIA)

Citizens have a right to information regarding government operations and employees have a fundamental responsibility to respond to requests for information. Beyond legal requirements, Commission employees are expected to be ready and willing to help citizens understand what we do and how we do it as we serve the community. This helps build trust with those we serve. Employees are responsible for sharing information about CVPDC operations with interested individuals. Information will only be withheld for valid, legally allowable or required reasons that are stipulated in the FOIA or other statutes. Citizens and others requesting information or copies of public records are not normally charged for the time and materials that it takes to respond to routine requests for information. FOIA applies to public records, typically documents, but also to emails, databases, texts, etc.

O. PERSONNEL RECORDS

The CVPDC shall maintain personnel records for each employee and past employees in accordance with records retention laws and regulations. All appointments, separations, attendance and overtime records, and other personnel transactions must be documented in writing as prescribed by the Human Resources staff and/or Executive Director.

- 1. Public Release
 - a. The following information relative to employees and former employees is available for public inspection at reasonable times and in accordance with such procedures as the CVPDC may prescribe: position, job classification, official salary or rate of pay and amount of allowance/reimbursement received for expenses incurred while on CVPDC business. An employee may provide a signed release to allow public access to additional information pertaining to the specific employee. Forms from the inquirer are also acceptable (e.g. banks and mortgage companies), as long as signed by the employee.
 - b. Personnel files are not open to public inspection and shall be considered confidential and their use shall be restricted to individuals authorized to access the information. Examination records and performance rating reports are accessible only to the Human Resource staff, the appropriate Department Head, the files manager and the employee involved. Other personnel information may be available for official purposes at the

discretion of the CVPDC Executive Director. Questions regarding confidentiality of records should be directed to the Human Resource staff.

2. Employee Inspection

An employee may, upon written or oral request, review any and all contents of the employee's personnel files during normal working hours providing adequate notice of the request is made to the records manager or other staff responsible for maintaining files. No employee shall have the right to inspect the files of any other employee unless authorized. During an employee inspection, no information may be removed, added or altered from the files; the files manager, or other designee responsible for maintaining files, shall be present.

3. Requests to Change Contents of Personnel Files

- a. If an employee feels information contained in the employee's files is incorrect or irrelevant to employment, the employee may request in writing that the information be deleted from the files. If the CVPDC's Human Resources staff and, if appropriate, Department Director agree, then the records manager, or other designee responsible for maintaining files, shall remove the information.
- b. The Human Resource staff shall remove any information within an employee's file that has a specific date for removal attached to it.

4. Maintaining Current Information

- a. Employees must ensure current data is maintained in their files. Employees must contact the CVPDC's Human Resources staff whenever there is a change in information such as name, address, marital status/dependents, telephone number, beneficiary designations and names of persons to be notified in case of emergency.
- b. The Executive Director may request a periodic review of some or all files to ensure relevant and accurate information is present, and to comply with all applicable laws and departmental procedures. An employee will be notified if any information is revised or deleted during this review process.

**CHAPTER FOUR
PAY AND CLASSIFICATION**

A. THE POSITION CLASSIFICATION PLAN

The Human Resources staff in the CVPDC Office is responsible for maintaining the official Position Classification Plan. The official plan shall contain all approved positions including job descriptions, titles, pay grade and FLSA category. A copy of the official Position Classification Plan shall be available for inspection by the public during CVPDC business hours.

B. CLASSIFICATION

Human Resources staff, in conjunction with the Department Head, shall complete a job description including the essential functions, kind of work, difficulty, level of responsibility and minimum qualifications of each position and recommend assignment to a pay grade in the Position Classification Plan. The job is assigned to the Position Classification Plan upon approval of the CVPDC.

C. MAINTENANCE OF CLASSIFICATION PLAN

1. Each time a vacancy occurs or when substantive changes in the duties and responsibilities of a job occur, written job descriptions shall be updated and submitted to the CVPDC's Human Resources staff for a review of the classification of the job.
2. Each time a department or division is reorganized, job descriptions within the department or division shall be submitted to the Executive Director for review.
3. The Executive Director may request employees submit updated job descriptions on a periodic basis, or any time there is reason to believe that there has been a change in the duties and responsibilities of one or more positions.
4. Each time a new position is established by the Commission, the approved job description shall be incorporated into the existing Position Classification Plan. Likewise, an abolished position shall be deleted from the Position Classification Plan.
5. The Position Classification Plan is normally reviewed annually. The Executive Director shall confer with the Department Directors during these reviews and forward any proposed revisions to the Commission for action.

D. INITIAL PAY RATES

1. Full- and Part-Time Employment: A new employee shall normally have their base pay set at the pay grade minimum. However, based on qualifications and prior experience, pay may be set up to 10% above of the minimum of the grade. Starting salaries in excess of 10% above the pay grade minimum requires written justification and approval by the Executive Director.
2. Temporary employees' pay will be set at a mutually agreed upon rate.

E. SALARY ADJUSTMENTS

1. Employee salary adjustments are normally administered on a uniform basis across the organization and are subject to approved funding.

2. Based on available funding, full- time, part-time and on-going temporary employees, who have completed their probationary period, may receive performance based annual increases. Salary adjustments, when awarded, are normally effective on July 1.
3. Comprehensive classification and compensation studies may be conducted from time to time as authorized by the CVPDC which may affect salary ranges either upward or downward depending upon market conditions and employee classifications.

F. PROMOTIONS

When an employee is promoted, or position reclassified, to a position in a higher grade, the employee's salary shall be increased at least 10% or to the minimum of the new grade, whichever is higher. Promotional salaries in excess of this guideline requires written justification and approval of the Executive Director. A promoted employee may be subject to strict performance expectations for a ninety (90) day period following the promotion, with the understanding that he may be returned to the prior position during this period with or without cause.

G. DEMOTIONS

When an employee is demoted for cause to a position in a lower pay grade, the employee's pay shall be set at a rate determined by the Executive Director, which is within the approved range for the lower grade position.

H. REASSIGNMENT TO A POSITION IN A LOWER GRADE

When an employee's position is reclassified to a lower grade through no fault of the employee, there shall be no change in pay except in case of general Commission-wide reductions. However, the employee is not eligible for salary increases until such time as the employee's pay is comparable to others in the pay grade.

I. REASSIGNMENT TO A POSITION IN THE SAME GRADE

CVPDC employees may be reassigned from one position to another in the same pay grade, with no change in pay, at the discretion of the Executive Director as may be required to meet the needs of the CVPDC and its contracts.

J. OVERTIME

1. All positions are categorized as exempt or non-exempt based on regulations of the Fair Labor Standards Act and the guidance provided by the Department of Labor. Employees working in non-exempt positions are entitled to overtime compensation for all hours worked over 40 in a work week. Normally, an employee working over 40 hours per week will be awarded compensatory time of one- and one-half hour for each hour worked over 40. It is recommended that such compensatory time for non-exempt people be taken as time off within the following ninety-day period. Compensatory time must be accrued and tracked in the manner provided by the Commission's Finance Department. Direct overtime payments of one- and one-half the base pay rate must be approved in advance by the Executive Director.
2. Employees working in exempt positions are not entitled to overtime compensation, including compensatory time. Exempt employees may be awarded discretionary time off when they have consistently worked over 40 hours in consecutive work weeks, as approved by the Department Director.

K. REVIEW AND AMENDMENT OF PAY PLAN

Prior to the annual submission of each department's budget, the Commission's Human Resources staff shall review the pay plan and submit its findings together with recommended amendments to each Department Director.

L. PAY DAY

All CVPDC employees are paid on the last business day (falling between Monday and Friday) of each month. The Finance Department will directly deposit payroll earnings into account(s) at specified bank(s), credit union(s), etc. Employees will be enrolled in direct deposit upon hire.

**CHAPTER FIVE
BENEFITS**

The Commission provides retirement, medical insurance and additional benefits to eligible employees. Additional information about employee benefits can be obtained from the Commission's Human Resource staff. The Commission may change and amend these benefit programs from time to time as they deem appropriate.

Full time employees receive an array of benefits that, when combined with salary or wages, create a total compensation package that supports attracting and retaining qualified and high performing employees. Part time and temporary employees do not receive any benefits, except those mandated by Federal, State or local law such as Workers' Compensation and Unemployment benefits.

A. VIRGINIA RETIREMENT SYSTEM

1. All full-time employees are required to participate in the Virginia Retirement System (VRS). The cost of the coverage is shared by the Commission and the employee in accordance with regulations determined by VRS. The Commission's contribution is determined bi-annually by the VRS Board and the employees' contribution is set by State Code at a minimum of 5% of annual pay.
2. Designation of VRS Plan membership is established by VRS regulations:
 - a. Plan 1 members have a VRS membership date before July 1, 2010 and were vested as of January 1, 2013.
 - b. Plan 2 members have a VRS membership date that is on or after July 1, 2010, or their membership date is before July 1, 2010, and they were not vested as of January 1, 2013.
 - c. Hybrid Plan members are those whose VRS membership date is on or after January 1, 2014 or July 1, 2014, in the case of those choosing to opt in.
3. If an employee leaves the Commission's service before retirement, he may elect to continue membership in the VRS or receive a refund of the employee's share of accumulated contributions plus interest.
4. Retirement benefits are based on three factors: years of service, the average of the highest consecutive 60 month of compensation (36 months for Plan 1), and the applicable plan multiplier. Eligibility for unreduced retirement benefits is based on Plan enrollment and varies for Plan 1, Plan 2 and the Hybrid Plan.
5. VRS disability retirement benefits (non-work related or work related) are available to qualified Plan 1 and Plan 2 employees. These benefits are based on a formula including length of service and average final compensation, and are influenced by the amount of applicable Social Security and Workers' Compensation benefits.
6. The VRS Hybrid Plan provides an employer paid short-term and long-term disability insurance program if covered employees can't work due to a non-work related or work-related illness, injury or other qualifying condition
7. More information about all VRS Plans can be found at <https://www.varetire.org/>.

B. GROUP LIFE INSURANCE

1. Full time regular employees under 70 years of age when employed are also required to participate in a State Group Life Insurance Plan which is administered by the VRS. These costs are set bi-annually by the VRS and paid in its entirety by the Commission. This life insurance provides benefits for accidental dismemberment, natural death and accidental death.
2. Upon natural death, the employee's designated beneficiary would receive approximately twice the annual salary of the employee rounded up to the next highest \$1,000. Upon accidental death the beneficiary would receive double the normal death benefit. Upon loss of one limb or sight in one eye payment is equal to 1/2 the natural death benefit, while the maximum payment for the loss of two or more limbs or sight of both eyes is equal to the natural death benefit. There are exceptions to these amounts and benefits after retirement.

C. GROUP HEALTH INSURANCE

1. All Commission full-time employees, as defined in current Health Insurance Contract, are eligible to participate in the Commission's Comprehensive Major Medical Group Plan. Specific coverage information is distributed annually to all eligible employees and to all eligible new employees at the time of employment.
2. Part-time employees are not eligible to participate in the health insurance program.
3. Participation is not mandatory, and eligible full-time employees who choose to participate may choose from the available plan tiers. The Commission and participating employees share in the total cost of the coverage as approved in each annual budget. The amount of employee and Commission contributions is subject to change based on the cost of coverage and available funding.
4. Eligibility and Participation.
 - a. Employees are eligible for participation on the first of the month if hired on the first. Otherwise, they are eligible on the first of the month following the date of hire.
 - b. When an employee terminates employment the usual premium will be deducted from the final pay check, providing coverage through the end of the month that the employee ends employment.
 - c. Retired employees, i.e., those receiving VRS retirement benefits, who were hired before April 16, 2009 are eligible for a contribution to their health insurance as described below and may continue to be covered by the Commission's group health insurance until they reach age 65 or are otherwise eligible for Medicare. The Commission will continue to pay the same monthly portion established by the Commission towards premiums being paid for active employees, if they apply at the time of retirement and
 - i. were hired prior to July 1, 2006 and retire with at least ten (10) consecutive years of Commission service or;
 - ii. were hired on or after July 1, 2006 and retire with at least twenty (20) consecutive years of Commission service.
 - d. If at age 65, or eligibility for Medicare, a retired employee who is eligible for this benefit desires to remain on the Group Health Care Plan, he shall be required to fund 100% of the costs

of the insurance premium. Retirees and/or a covered spouse who wish to remain on the Plan are required to apply for Medicare Part A and B upon reaching age 65, or when otherwise eligible for Medicare. Retirees who elect to leave the Plan are strongly encouraged to also apply for Medicare A, B and D upon reaching age 65.

- e. Employees who retire after July 1, 2006, regardless of age, who are eligible for retiree health insurance coverage and who elect to return to work with another organization where they are eligible for health insurance benefits will forfeit their eligibility to remain on the Commission's Group Health Insurance Plan.
 - f. Employees who are hired after April 16, 2009 are not eligible to receive a contribution to their health insurance upon retirement.
 - g. Dependents or spouses must be covered by the plan for at least twelve (12) months prior to retirement or disability to be eligible for coverage following the employee's retirement or disability. Those not already covered by the plan may not be added after the retirement or permanent disability date starts.
 - h. Covered dependent children of surviving spouse may continue coverage according to age limitations specified in the group contract. After that time they may elect COBRA. A spouse or dependent shall be required to fund 100% of the cost of the insurance premium.
 - i. In extenuating circumstances, the Executive Director may authorize individual eligibility for coverage under the Commission's health insurance program in lieu of the above rules, if such eligibility is in the best interest of the Commission. The Executive Director shall report to the Commission any such exceptions granted.
 - j. An employee who is on properly approved Family Medical Leave Act Leave Without Pay for an entire month may continue coverage in by paying the monthly employee portion of the cost of the insurance premium. Employees on Leave Without Pay for an entire month may continue coverage by paying the total monthly cost (employee and Commission portions).
 - k. If husband and wife are employed by the Commission and either elects family coverage, the Commission will pay each person's share of the Health and Life Insurance Family Policy as for a single employee.
5. Under the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) employees, spouses, and dependent children who qualify may elect to continue group health coverage for up to 18, 29 or 36 months upon termination of employment, depending on the reason for eligibility. There shall be no dependent coverage once the employee dies except applicable under COBRA.

D. OTHER VOLUNTARY BENEFITS

The Commission may elect, from time-to-time to allow payroll deductions for other voluntary benefits, with the cost of such benefit paid entirely by the employee. Consult the Commission's Human Resources staff for any additional, voluntary insurance benefits available.

E. VOLUNTARY DEFERRED COMPENSATION PLAN

This optional benefit, a 457-plan provided by the International City Management Association Retirement Corporation (ICMA-RC), is a tax-deferred retirement program (Federal and State taxes, but not Social Security taxes). This plan is wholly funded through employee payroll deductions. The Commission does not contribute to the employee's cost of maintaining the plan.

F. FLEXIBLE SPENDING PLAN

The Commission offers an optional Flexible Spending Plan, which allows employees to set aside a portion of their pay to be held in an account for reimbursement of qualified expenses. Health Care Reimbursement and Dependent Care Reimbursement programs are available for employee participation. Contributions to the plans are tax-deferred (Federal, State and Social Security taxes); and the Commission does not contribute to the employee's cost of maintaining the plan. The CVPDC reserves the right to implement other benefits programs that may impact Flexible Spending Plan eligibility.

G. EMPLOYEE ASSISTANCE PROGRAM.

1. The Commission provides an employee assistance program (EAP) to all employees. EAP is a service designed to help employees and their families resolve personal concerns which may interfere with work or home life. EAP works with the employee to achieve optimum wellness and best work performance. Employees are encouraged to voluntarily seek information, referral, and related services on a confidential basis by contacting the EAP.
2. Confidentiality: All records and information about referral, assessment, and treatment will be maintained by the EAP and treated as confidential. No information concerning a client's personal problems will become a part of the employee's personnel record. If the Commission refers an employee to the EAP because of performance-related issues, the only information the EAP will disclose to the referring person is whether the employee has followed through on the EAP referral. Unless required by law, no information, oral or written, will be disclosed without the express written permission of the employee.
3. Employee Discipline and Job Security: Employees participating in the EAP will not be given preferential treatment, nor will they be subject to any special regulations by the organization. EAP participation will not immunize an employee against discipline, including discharge, by reason of an infraction of work rules or the rules of conduct. All employees will be evaluated strictly on job performance criteria, irrespective of their participation in the EAP. An employee's job security or career advancement will not be jeopardized as a result of participation in the EAP. Employees who self-refer for EAP services must use accrued leave to participate during work hours.
4. Supervisory Referral: The immediate supervisor or manager may refer an employee to the EAP only as part of a performance improvement plan. Employees referred by the Commission will be afforded work time to receive EAP recommended services. In the case of a job-performance-related referral, the supervisor will:
 - a. Document, as part of a performance improvement plan, that the employee is being referred to the EAP
 - b. Notify the EAP that a referral has been made
 - c. Provide relevant documentation of the performance problem to the EAP

H. WORK RELATED REIMBURSEMENTS

1. Travel: Employees of the Commission who are authorized to travel on official business shall be entitled to reimbursement of actual expenses upon submission of receipts covering meals, transportation, and lodging, and any other appropriate expenditure. If an employee uses a private vehicle for official business travel, mileage shall be reimbursed according the current

Internal Revenues Service (IRS) allowable mileage reimbursement rate. Requests for reimbursement shall be on forms approved by the Commission's Executive Director.

2. Cell Phone: At the discretion of the CVPDC's Executive Director, an employee may be offered a cell phone reimbursement of \$30 per month for a voice line and \$30 per month for a data line to use a personal cell phone for official Commission business.

I. LEGALLY REQUIRED BENEFITS

The Commission participates in the Federal Government's Social Security program, including Medicare withholding. The Commission also participates in Workers' Compensation and Unemployment Compensation programs, which offer numerous benefits to qualified employees as required by law.

**CHAPTER SIX
PAID TIME OFF AND OTHER ABSENCES**

Paid time off, also referred to as leave, is an important employee benefit and provides time away from work for rest, relaxation, holiday observation and personal pursuits. It may also protect employee pay during times of illness or incapacity as well as military and community service.

A. HOLIDAYS

1. The Commission observes the following holidays (Except for Landfill personnel working ten (10) hour shifts):
The first day of January (New Year's Day);
The third Monday in January (Martin Luther King Day);
The third Monday in February (President's Day);
The last Monday in May (Memorial Day);
The fourth day of July (Independence Day);
The first Monday in September (Labor Day);
The second Monday in October (Columbus Day);
The eleventh of November (Veteran's Day);
The fourth Thursday in November (Thanksgiving Day) and the Friday after Thanksgiving Day;
The twenty-fourth and twenty-fifth of December (Christmas Eve and Day).

If any holiday listed above falls on a Saturday the holiday will be observed on the prior Friday: if the any holiday listed above falls on a Sunday, the holiday will be observed the following Monday.

2. An annual holiday schedule will be issued in January of each year by the Commission's Human Resources staff listing the days observed as the holidays.
3. The Landfill will be closed and Landfill personnel working ten (10) hour shifts shall observe the following holidays - New Year's Day, Independence Day, Thanksgiving Day, and Christmas Day.
4. The Landfill will remain open on Martin Luther King Day, President's Day, Memorial Day, Labor Day, Columbus Day and Veteran's Day and employees working ten (10) hour shifts will be granted a ten (10) hour holiday to be used another day. Employees are encouraged to use the holiday time off as soon as possible following the holiday, dependent upon supervisor approval.
5. Employees assigned to work at locations other than CVPDC facilities and work-sites may be subject to alternate holiday schedules. When other holidays are observed in those locations resulting in location closure, administrative leave with pay will be awarded to cover the CVPDC employee's absence.

B. PAID TIME OFF

1. Regular attendance at work is a critical component of effective service delivery. Employees are expected to maintain regular, predictable attendance and to report to work on time except for time off approved according to the following provisions.

2. Paid time off may be taken in increments as small as ¼ hour and is subject to supervisor approval. Paid time off from duty fall into the following types:
 - a. Annual Leave
 - b. Sick Leave
 - c. Workers' Compensation approved absences
 - d. Administrative Leave with Pay
 - e. Bereavement Leave
 - f. Court Service Leave
 - g. Military Leave
 - h. Community Volunteer Leave
 - i. Family & Medical Leave
 - j. Leave Without Pay

3. All accrued leave is credited to employees at the end of each month. To earn accrued leave an employee must work or be on paid leave for at least 1/2 of the month. An employee who is in a non-pay status for more than 1/2 of the month, shall not earn leave for that month. An employee may only use leave that has been earned and may not borrow against future, anticipated earnings of leave.

C. ANNUAL LEAVE

1. Annual leave is paid time off from work for vacation, recreation or other personal pursuits. This approved time off may include occasional absences and longer vacation. Full-time Employees whose positions are on the Pay & Classification Plan accrue Annual Leave based the length of continuous Commission service according as follows:

Year(s) of Service	Hours Accrued Monthly	Hours Accrued Annually
1 st Year of Service	8 hours	96 hours
2 nd Year of Service	8 ¾ hours	105 hours
3 rd Year of Service	9 ¼ hours	111 hours
4 th Year of Service	10 hours	120 hours
5 th Year of Service	10 ¾ hours	129 hours
6 th Year of Service	11 ¼ hours	135 hours
7 th – 10 th Year of Service	12 hours	144 hours
10 th -15 th Year of Service	14 hours	168 hours
15 th and every year thereafter	16 hours	192 hours

2. The maximum number of hours per month of annual leave that an employee may earn is 16 hours or 192 hours annually. No more than 240 hours of Annual Leave may carry over from one calendar year to the next. Annual leave balances over 240 hours shall be written off at the end of the pay cycle that includes December 31st.

3. The Annual leave accrual rate is based on continuous service with the Commission, regardless of departmental assignment, as long as the departments are covered by the Pay & Classification Plan. An employee who has left the Commission’s Service and is subsequently re-employed will not earn leave based on previous service.

4. Scheduling Annual Leave - Annual leave must be approved by the Department Head or designated supervisor. Annual leave shall normally be requested in advance and may be

approved at the discretion of the Department Head. A response to the request(s) will be provided within two (2) working days, subject to availability of the supervisor.

5. Separation Payments - Upon separation an employee (or the employee's estate in the case of death) will be paid for unused Annual leave not to exceed 240 hours. Ten (10) working days' advance notice of voluntary resignation is required in order for an employee to receive a payout for unused Annual leave upon separation.

D. SICK LEAVE

1. Sick leave may be used to cover an employee's absences due to the employee's incapacity because of illness or injury, exposure to contagious disease such that the employee's presence on duty would jeopardize the health of fellow workers or the public, employee medical and dental appointments, or the medical and dental appointments, illness or injury requiring the employee's presence of the employee's parent, spouse, minor child/stepchild or person for whom the employee has been named legal guardian. An employee may only use Sick Leave that has been accrued and may not borrow against future, anticipated accrual.
 - a. Earning Sick Leave for VRS Plan 1 & Plan 2 employees - Sick Leave accrues at the rate of eight (8) hours for each completed calendar month of service, and may accumulate from year to year, not to exceed 1,200 hours or 150 days.
 - b. Earning Sick Leave for VRS Hybrid Plan employees – Sick Leave is earned at the rate of eight (8) hours for each completed calendar month of service. VRS Hybrid Plan members may carry over no more than 112 hours or 14 days from one calendar year to the next.
2. Scheduling Sick Leave - When an employee finds that he is unable to come to work because of illness or the illness of an eligible family member, the employee or a representative, must call the immediate supervisor, or department designee, to provide notice that the employee will not report to work. This notice must be provided as soon as possible, and at the least 30 minutes before the start of the work shift. Failure to provide sufficient notification may result in disciplinary action.
3. An employee, at the employee's expense, may be required to submit written medical certification from a licensed medical provider indicating the extent of an illness and expected period of absence, whether it is for the employee or a family member. Return to work documentation may be required verifying the employee's ability to return to duty, including any conditions or restrictions related to performing the job duties. Extended sick leaves may also be covered by the Family and Medical Leave Act of 1993, discussed below.
4. Separation Payments - Upon separation, an employee (or the employee's estate in the case of death) will be paid for unused Sick leave at the rate of \$20 per eight (8) hours up to \$3,000 (150 days). Ten (10) working days' advance notice of voluntary resignation is required in order for an employee to receive a payout for unused Sick leave upon separation.

E. SICK LEAVE BANK

1. New enrollment in the Sick Leave Bank is closed as of July 1, 2019. A member of the Sick Leave Bank as of July 1, 2019 is eligible to draw a maximum of 360 hours (45 days) of paid leave per year after he has been out of work for 30 working days provided that he provides a

doctor's certification to justify the absence (including the doctor's estimate of a return to work date).

2. A member may not draw leave time from the Sick Leave Bank until he has depleted all other available forms of paid leave (Sick Leave, Annual Leave, Compensatory Time, etc.). Absences in excess of Sick Leave Bank eligibility and accrued leave will be charged to Leave Without Pay, as approved by the Executive Director.
3. Hours drawn from the Bank for any one period of eligibility must be consecutive. If the member suffers a relapse or recurrence within 30 calendar days due to the original illness or injury, the member need not meet another 30 workday eligibility period. Otherwise, members must return to work and meet the 30 work-day eligibility requirement before becoming eligible to utilize the Bank leave benefits again. Members that utilize hours from the Bank do not have to replace these hours. Upon termination of employment or withdrawal of membership, a participant will not be permitted to withdraw contributed hours.

F. WORKERS' COMPENSATION

1. Workers' Compensation benefits are available, according to the 1975 Virginia Workers' Compensation Act, as amended, to qualified employees who are injured on the job. To receive wage benefits, an employee must be unable to attend work for a period of seven consecutive calendar days or longer. Wage benefits are based on two-thirds the average weekly wage of the injured employee, and are distributed over a set period of time determined by law. Medical benefits cover costs beginning with initial treatment; no time requirement is necessary.
2. Full-Time employees' absences compensable under the Workers' Compensation Act shall be awarded sufficient supplemental compensation as necessary to achieve a full salary for a period not to exceed one calendar year. Part-time employees do not qualify for supplemental pay.
3. If an employee is injured by accident or disabled by occupational disease, he must notify the supervisor in writing immediately, explaining exactly how the injury occurred or what occupational disease is claimed. The Commission is not responsible for the payment of compensation or the cost of medical treatment until proper notice is made. If the Commission is not notified within thirty days of the accident, or sixty days from the date the employee was told he has an occupational disease, the employee may be required to forfeit the claim. The employee shall keep their own records of when the proper notice was made and the name of the supervisor to who notice was given.
4. All accidents must be reported whether or not a doctor treats the employee. Employee questions concerning Workers' Compensation should be directed to the Commission's Human Resources staff.
5. Any employee who is injured while on the job will select a physician from the prescribed Worker's Compensation Panel of Physicians. Failure to select a physician from the approved list may result in a denial of a claim and the employee may be required to pay for treatment. In cases of emergency, treatment at the nearest emergency room is permissible. However, following emergency treatment, attending physicians should be selected from the approved panel which can be found in each work location or the Human Resources office.

G. ADMINISTRATIVE LEAVE WITH PAY

Administrative leave with pay is paid time off for an absence from work during established hours and on regular working days that is specifically authorized by the Executive Director for reasons such as time off for previously working on a holiday and other similar reasons.

H. BEREAVEMENT LEAVE

Bereavement leave is paid time off granted to employees upon the death of a member of the employee’s immediate family for the purpose of attending services, handling the affairs of the deceased or similar needs. Up to twenty-four (24) work hours per occurrence will normally be granted. Additional time off needed must be charged to other appropriate leave.

I. COURT SERVICE LEAVE

1. An employee who is required to appear in court for any reason pertaining to the performance of official duties is considered to be working during such time.
2. An employee who is required to perform jury duty or is subpoenaed to appear in court outside regular duties, except for the reasons outlined below, shall be granted sufficient paid time off to perform such duties and such time will qualify as court service leave. The employee must provide a copy of the summons, subpoena or jury duty notice as soon as it is received to their supervisor.
3. Upon returning to work after any absence for jury duty, the employee must provide the supervisor with a certificate from the clerk of court that verifies the service.
4. Absences Due to Other Court Appearances:
Employees must charge absences due to court appearances that are outside of the areas outlined above, or due to an employee’s personal business involving court appearances, to appropriate paid leave i.e., annual leave compensatory time. Some examples of situations which do not qualify as paid court service leave are:
 - a. child support cases;
 - b. divorce proceedings;
 - c. personal automobile accidents which occur off the job;
 - d. civil court summons for non-job related civil action;
 - e. employee charged with violating the law unrelated to their job.
5. Department Directors, in conjunction with the CVPDC Human Resources staff, will determine the applicability of court service leave.

J. MILITARY LEAVE

1. All Commission employees who are regular or reserve members of the United States armed services shall be entitled to leaves of absence from their respective duties, without loss of seniority, accrued leave, or efficiency rating, on all days during which they are engaged in federally funded military duty. There shall be no loss of pay during such leaves of absence (active military tour, initial and reserve training, etc.), except that paid leaves of absence shall not exceed fifteen eight hour workdays per federal fiscal year.
2. In case of call to active military service because of war or national emergency such leave, with no pay loss for regular workdays, will be provided for up to 365 days. “No pay loss” is based on the employee’s base salary, exclusive of housing and other military benefits. “No pay loss” is illustrated as follows: If the employee’s Commission monthly pay is \$2,000, and military

monthly pay is \$1,500, then no loss would be \$1,500 paid by military and \$500 paid by the Commission to remain at \$2,000 total monthly pay. The employee must provide military documentation to verify the military base pay. Imputed income will be handled on a case-by-case basis. When relieved from duty with a general or honorable discharge, the employee shall be restored to equivalent positions held by them when ordered to duty in accordance with guidelines established in the Uniformed Services Employment and Reemployment Rights Act (USERRA).

K. COMMUNITY SERVICE VOLUNTEER LEAVE

1. The Commission encourages employees to participate in voluntary and community service affairs of a charitable or civic nature for the betterment of themselves and the community. Employees are granted 16 hours of time off with pay each calendar year for volunteer service within the community. Unused leave does not carry forward from one calendar year to the next and no payment will be made for unused community service leave upon separation.
2. Community service organizations are defined as organizations that are community based or are providing services to the citizens within the community. The types of services provided may include the following:
 - a. Assistance to physically or mentally challenged persons,
 - b. Relief to victims of disasters,
 - c. Health services, emergency relief, shelter, transportation and preparation or delivery of meals,
 - d. Community services which assist residents including child and youth development, senior services and housing improvements and repair,
Examples of such organizations include American Red Cross, Big Brothers Big Sisters, Habitat for Humanity, Meals on Wheels, and the Salvation Army,
 - e. Schools for which this leave may be granted include preschool, elementary, middle or high school (public or private). Acceptable types of volunteer service within schools may include the following:
 - i. Assisting with reading or literacy programs,
 - ii. Tutoring,
 - iii. Serving as chaperone for class trips,
 - iv. Assisting teachers with class activities.
3. Employees must receive approval from their supervisor prior to using community service leave. Supervisors may require written verification of hours served from an official of the community service organization or school.

L. FAMILY MEDICAL LEAVE

1. In accordance with the provisions of the Family and Medical Leave Act (FMLA), as amended, eligible employees are entitled to take up to 12 weeks of unpaid, job protected leave during any 12 month period for specified family and medical reasons. Employees and supervisors shall engage in interactive discussions about the need for FMLA, to coordinate absences, and related matters. In some cases, other employment laws such as the American with Disabilities Act and the Virginia Local Disability Program may work with the FMLA to impact the duration of job protected leave available to an employee. Employees with a qualifying FML are encouraged to discuss the need for leave with the CVPDC HR staff.
2. Qualifying FMLA Events:

- a. The birth of the employee's child or the placement of a child with the employee for adoption or foster care;
 - b. To care for an immediate family member (spouse, child or parent) with a serious health condition;
 - c. To take medical leave when the employee is unable to work because of a serious health condition;
 - d. Because of any qualifying exigency as defined below and in applicable Federal regulations arising out of the fact that the employee's spouse, son, daughter or parent is a covered military member on active duty in the National Guard or Reserves in support of a contingency operation;
 - e. To care for a military family member injured in the line of duty.
3. **Serious Health Condition:** An illness, injury, impairment or physical or mental condition that involved either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents an employee from performing the functions of the employee's job or prevents an employee's qualified family member from participating in school or other daily activities.
4. **Qualifying exigencies:**
- a. Short-notice deployment;
 - b. Military events and related activities;
 - c. Childcare and school activities;
 - d. Financial and legal arrangements;
 - e. Counseling;
 - f. Rest and recuperation;
 - g. Post-deployment activities within 90 days of termination of active duty; and
 - h. Additional activities agreed to by the CVPDC and the employee.
5. **Employee Eligibility:** An employee is eligible for FMLA leave when:
- a. The employee has worked for at least 12 months for the CVPDC. The twelve months need not have been consecutive so long as no break in service exceeds seven years. (If the employee was on the payroll for part of a week, CVPDC will count the entire week.)
 - b. The employee has worked at least 1,250 hours over the previous 12 months before the leave would begin, not including paid or unpaid leave.
 - c. When both spouses are employed by the CVPDC, they are jointly entitled to a combined total of 12 work weeks of family leave for the following events:
 - i. The birth or placement with the employee of a child for adoption or foster care
 - ii. To care for a parent who has a serious health condition.
 - d. In some cases, an employee who does not meet the eligibility criteria for FMLA may be entitled to paid time off as an accommodation for a qualifying disability.
5. **Calculation of Leave:** Eligible employees can use up to 12 weeks of the leave described above during a 12 month period. CVPDC uses a calendar year of January 1 – December 31 as the FML year.
6. **Use of Paid Time Off:** Paid time off must be used concurrently with FMLA. If an employee has accrued paid time off of less than 12 weeks, the employee must use appropriate paid leave first and take the remainder of the twelve weeks as Family Medical Leave without Pay.

7. Maintenance of Benefits: Employees on unpaid FMLA leave will continue to receive, if eligible, health, dental, vision, and life insurance benefits up to the maximum 12 workweeks allowed. These benefits will continue on the same basis as an active employee during the 12 week period.
 - a. While on unpaid FMLA the employee must make arrangements to pay applicable member shares of health costs. Those on unpaid leave must also make arrangements to continue other deductions, such as optional life insurance premiums and deferred compensation.
 - b. If the employee informs CVPDC that he does not intend to return to work at the end of the leave period, the employee's rights to any health care benefits will continue to the extent provided for by the then current health care plan provided by CVPDC.
 - c. If the employee chooses not to return to work for reasons other than a continued serious health condition, CVPDC may require the employee to reimburse the amount CVPDC contributed towards the employee health coverage during the leave period.
 - d. Paid time off will not accrue during the leave period if the employee is in an unpaid status for ½ the month or more.
8. Job Restoration: An employee who uses family or medical leave under this policy will be restored to the same job or a job with equivalent status, pay, benefits and other employment terms in accordance with the situation at the start of FMLA. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of the employee's leave. However, use of FMLA will not alter employment decisions, such as disciplinary action or reassignment, made prior to the start of the leave.
9. Intermittent Leave and Reduced Work Schedules: In certain cases, intermittent use of the 12 weeks of family or medical leave or a reduced work schedule may be allowed by CVPDC. The employee may request intermittent leave or reduced work schedule for their own serious health condition or to care for a seriously ill family member, where the need for leave is foreseeable and based on planned medical treatment. Employees are responsible for meeting with their supervisor and scheduling treatments so they do not unduly disrupt the CVPDC's operations. In some cases the CVPDC may temporarily transfer an employee who is using intermittent leave or a reduced work schedule to a different job with equivalent pay and benefits if another position would better accommodate the intermittent or reduced work schedule.
10. Procedures for Requesting Leave: Employees requesting leave under this policy must provide 30 days advance notice to their supervisor if the need for FMLA leave is foreseeable, such as in the case of the expected birth, adoption or foster care placement of a child, or planned medical treatment for a serious health condition of the employee or a family member. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the CVPDC's operations. If the need for FMLA leave is not foreseeable, employees must notify the CVPDC of the need for leave as soon as possible, ordinarily within one or two business days. An employee's failure to give timely notice could delay eligibility for FMLA leave and/or mean approval of leave would not be granted.
11. Regardless of whether an employee requests FMLA leave, the CVPDC normally designates leave as FMLA leave as soon as it becomes apparent that the employee is out of work for a reason that meets the requirements of the law. Typically, an absence will be designated FMLA leave when the employee has been or is anticipated to be absent for 5 or more work days, or their equivalent, due to a qualifying situation.

12. Upon receiving an employee's request for leave (or upon learning of a need for leave that appears to meet the requirements of the law), the CVPDC will provide the employee a Notice of Eligibility and Rights and Responsibilities. Thereafter, the employee must submit an appropriate medical certification form within 15 calendar days.
13. Departments will maintain appropriate information including the dates that each employee has taken FMLA leave; the number of hours of FMLA leave taken by each employee if leave is granted in increments smaller than a day; and records of any disputes between the employer and any employee over the designation of leave as FMLA leave. Copies of the written notice and certification, and designation, along with all medical information, will be sent to Human Resources
14. Employee Responsibilities:
 - a. While on FMLA leave, employees are required to keep their supervisor informed regarding their status and their intent to return to work. A recertification of the medical necessity for FMLA may be requested every thirty days or when circumstances change significantly.
 - b. Employees may be required to provide a Fitness for Duty certification from their medical professional prior to their return to work. Notice of this requirement will be given to employees with the Designation Notice.
 - c. Employees have the same responsibilities under Military Caregiver leave as they do under other FMLA leave. They are required to keep their supervisor informed regarding their status and their intent to return to work and they are required to give at least two business days' notice if their anticipated date of return to work changes.

M. LEAVE WITHOUT PAY

1. Leave without pay (LWOP) is an approved leave status that may be granted to an employee when he or she has exhausted all appropriate paid leave to cover an approved absence. The granting of LWOP shall be at the Executive Director's discretion, except in the case of Family Medical Leave and Military Leave as described elsewhere in this policy.
2. Leave without pay may also be used to document a disciplinary suspension from duty and pay.
3. An employee in a LWOP status for 30 days or more does not earn VRS service credit. The individual may purchase the lost service from VRS if military commitments, educational leave or personal illness necessitated the leave without pay.

N. UNAUTHORIZED ABSENCE

1. Any absence from the job during a scheduled work period when the employee has not received prior approval for the absence from their supervisor or Department Director will be considered an unauthorized absence. Employees will not be paid for unauthorized absences. In addition, the employee is subject to disciplinary action up to and including dismissal.
2. An employee in an unauthorized absence status who fails to contact their supervisor for three consecutive workdays shall be deemed to have abandoned their position and to have voluntarily resigned.

**CHAPTER SEVEN
EMPLOYEE EXPECTATIONS**

Service to the Commission’s customers relies on employees and management working in an effective partnership. Individual responsibility is critical to maintaining a positive working relationship. The following information complies with Federal and State laws and regulations and outlines the expectations for workplace behavior and the procedures for addressing problems that might arise.

A. CVPDC EMPLOYEE CODE OF CONDUCT

1. Fair and Equal Treatment

- a. No employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.
- b. No employee shall use or permit the use of CVPDC-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such employee in the conduct of official business.

2. **Conflict of Interest** - As provided in Title 2.2 of the Code of Virginia (The Virginia Conflict of Interests Act), no employee shall engage in any private financial or other interest which might impact the performance of official duties, including employment for private interests when such employment or service is incompatible with the proper discharge of official duties or would impair their independent judgment or action in the performance of official duties.

3. **Disclosure of Confidential Information** - No employee shall, without proper authorization, disclose confidential information concerning the property, operations, or affairs of the CVPDC.

4. **Gifts and Favors** - No employee shall accept any gift or favor, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation, intended to, or which may, influence the discharge of official duties. These limitations are not intended to prohibit the acceptance of articles of negligible value which are generally distributed, to prohibit employees from accepting social courtesies which promote good public relations, or to prohibit employees from obtaining loans from regular lending institutions

5. **Political Activity** - Employees may participate in political activities while they are off duty, out of uniform and not on the premises of their employment with the CVPDC.

For the purpose of this policy, the term “political activities” includes, but is not limited to: “voting; registering to vote; soliciting votes or endorsements on behalf of a political candidate or political campaign; expressing opinions, privately or publicly, on political subjects and candidates; displaying a political picture, sign, sticker, badge or button; participating in the activities of or contributing financially to, a political party, candidate or campaign or an organization that supports a political candidate or campaign; attending or participating in a political convention, caucus, rally or other political gathering; initiating, circulating or signing a political petition; engaging in fund-raising activities for any political party, candidate or campaign; acting as a recorder, watcher, challenger or similar officer at the polls on behalf of a political party, candidate or campaign; or becoming a political candidate.” (VA State Code Title 15.2-1512.2)

Every employee is encouraged to vote in every appropriate election. Moreover, except during working hours or when officially representing the CVPDC, any Commission employee is free to express their opinion as to candidates or issues and to meet with candidates for office.

B. ELECTRONIC COMMUNICATIONS AND SOCIAL MEDIA POLICY

1. CVPDC electronic systems and network resources requires those entrusted with its use are accountable for that privilege. Use of the Commission's electronic systems is restricted to direct support of an employee's assigned duties and work responsibilities. Employees must utilize electronic and network resources ethically, legally and efficiently with total integrity. Employees do not have a personal privacy right in using CVPDC's electronic systems. The CVPDC reserves the right to restrict or remove access or availability of electronic tools for any employee that violates appropriate use and/or security policies and practices. Employees in violation may be subject to disciplinary action, up to and including dismissal.
2. CVPDC respects and honors the First Amendment rights of employees to speak out as citizens on matters of public concern and to post personal comments on the Internet. However, CVPDC employees have important responsibilities and obligations to the public which impose some limits that do not apply to persons in the private sector. Employees must be mindful of those responsibilities, even when engaging in personal activities such as blogging and posting on web sites and social media. Employees whose public statements or Internet postings interfere with the CVPDC's ability to provide effective and efficient services to the public may be subject to disciplinary action for such comments or postings.

C. SECONDARY EMPLOYMENT

While secondary employment is not encouraged, the CVPDC recognizes that employees may desire to seek additional employment. However, employment in addition to a CVPDC position is subject to the following stipulations for all employees:

1. Employees must notify their supervisor in writing and receive written approval prior to accepting outside employment. Once approved by the employee's supervisor, such approval shall be forwarded to the Human Resource staff for inclusion in the employee's personnel file. Employees who already have and retain another job at the time they are hired by CVPDC and begin work must notify their supervisor of their outside employment immediately upon hire.
2. At no time shall such secondary employment hinder the employee's performance and ability to fulfill all the responsibilities and requirements of their CVPDC position.
3. Department Supervisors and Department Directors are expected to devote all their time and energy to the execution of their duties and are strongly encouraged not to seek outside employment. Individuals in these positions must also abide by any legal requirements concerning outside employment, including conflict of interest.
4. Outside employment shall not be accepted as an excuse for poor performance, absenteeism, tardiness, leaving work early, refusing to travel or work overtime (or different hours), or any other reason deemed appropriate by the Department Director.
5. If outside employment interferes with an employee's work requirements it shall be discontinued; failure to do so may result in disciplinary action.

6. At no time shall an employee's outside employment be cause for a conflict of interest as defined in Sections 2.2-3100, Code of Virginia, 1950, as amended (The State and Local Government Conflict of Interests Act). If a conflict of interest exists, the secondary employment must be terminated immediately.
7. Employees are prohibited from conducting any business relating to their outside employment during paid CVPDC working time.

D. SMOKING POLICY

All areas of CVPDC buildings, work-sites, equipment and vehicles shall be maintained as smoke- and tobacco-free areas unless specifically designated otherwise. Employees are prohibited from smoking and the use of tobacco, e-cigarette products, personal vaporizers or electronic nicotine delivery systems in these areas. While employees may use regular breaks to smoke in designated areas, they are not entitled to additional breaks for such purposes. For questions concerning the CVPDC's smoking policy, employees are encouraged to discuss the matter with the supervisor. Violations of this policy may result in disciplinary action.

E. DRESS CODE

1. Employees must dress appropriately for their work assignment. A casual mode of dress, as approved by the Department Head, is normally acceptable for those employees in operational jobs such as landfill personnel and employees who do not interact with the public. Depending upon the position, employees may be required to wear uniforms. Departures from conventional dress or personal grooming standards are not permitted, regardless of the nature of the work assignment.
2. Office employees and those who regularly interact with the public shall dress in a manner that is typical in professional business settings. Wearing inappropriate or excessively casual attire, as determined by the employee's supervisor is not allowed. Should an employee report for work inappropriately dressed or groomed, the supervisor shall instruct the employee to return home to change to acceptable attire. The employee will not be compensated during such time away from work, and repeated violations of this policy may result in disciplinary action. The use of scented grooming products may be prohibited to accommodate medical conditions of nearby co-workers, as needed.

F. HARASSMENT

The CVPDC supports a working environment free of discrimination including workplace and sexual harassment and to provide an effective means of eliminating such discrimination and harassment from the workplace. The CVPDC will not tolerate any form of harassment or bullying of its employees or any person having interaction with the CVPDC including applicants, vendors, contractor and volunteers. Allegations of harassment or bullying shall be thoroughly investigated and disciplinary or corrective action taken as warranted. Reprisals or retaliation against employees who file complaints of harassment are prohibited; however, the CVPDC shall not condone unfounded or vindictive accusation of others. The CVPDC shall make efforts to protect the legitimate interests of all parties concerned in a dispute involving allegations of harassment.

1. Harassment is verbal and/or physical conduct based on sex, race, religion, disability, national origin, age or any other class protected against discrimination by state and/or federal laws, when such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

2. Sexual harassment is any unwelcome sexual advance, request for sexual favors and/or other verbal or physical conduct of a sexual nature when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - b. Submission to or rejection of such conduct upon an individual is used as a basis for employment decisions affecting such individual;
 - c. Such conduct has a purpose or effect of substantially interfering with an individual's work performance or creating an intimidating hostile or offensive working environment.
3. Employees who feel they have been subjected to harassment or bullying are expected to report the behavior to a supervisor, Department Director, the Executive Director or Human Resources staff. Likewise, any employee witnessing harassing behavior is responsible for reporting such behavior to a supervisor, Department Director, the Executive Director or Human Resources staff.
 - a. Individuals who experience harassment or bullying must make it clear to the offending person that such behavior is offensive to them. Should such behavior continue or reoccur, the offended employee should bring the matter to the appropriate supervisor's attention or to the attention of other appropriate officials.
 - b. Reports of harassment or bullying may be directed to the Human Resources staff, the CVPDC Executive Director, Department Directors or the employee may contact an Employee Assistance Program counselor for consultation and advice. Every precaution will be taken to ensure confidentiality at this informal, information gathering stage. The employee must report the incident to their immediate supervisor, appropriate Department Director, or other CVPDC official.
 - c. Supervisors, Department Directors, or other CVPDC official shall take immediate action when they become aware of any act of harassment. An employee who believes that he or she has been subjected to harassment must promptly report such incidents. Supervisors have an obligation as well to act upon any knowledge of harassment in the workplace and to take prompt, corrective action when necessary to maintain a place of employment that is free of harassing, abusive or disruptive conduct. In addressing harassment complaints, the rights of all parties will be protected.

G. COUNSELING AND DISCIPLINARY ACTION

1. All employees of the Commission are expected to maintain acceptable standards of behavior and conduct. Some examples of acceptable conduct are, but not limited to, dependable and timely attendance, efficient use of paid working time, and satisfactory work performance.
2. When these standards are not maintained, or unacceptable conduct occurs, counseling and/or disciplinary action may be taken by the Commission to correct the situation and discourage further occurrences.
3. Although this chapter establishes counseling and disciplinary guidelines, when counseling and/or disciplinary action is warranted, the type and severity of the disciplinary action will be decided on a case-by-case basis with due consideration given to the seriousness of the offense and circumstances under which it occurred.

4. The responsibility for maintaining discipline among Commission employees rests with immediate supervisors, Department Heads and the Executive Director. These individuals shall be responsible for enforcing the policies and promptly applying the counseling and/or disciplinary actions listed in this chapter in an equitable and consistent manner.
5. Required Documentation
 - a. Written documentation is required for all types of counseling and/or disciplinary action.
 - b. If verbal counseling occurs, the employee's immediate supervisor shall keep a written record as to the date and time of the counseling.
 - c. Written documentation of any disciplinary action taken, other than verbal counseling, must be completed by the employee's supervisor, who will acquire the necessary signatures. The employee's signature indicates he has read and understands the disciplinary action being taken and reasons for the action; signing the form does not indicate agreement with the action. The original copy will be placed in the employee's personnel file in Human Resources office, with copies forwarded to the employee and the Department Head.
 - d. Disciplinary action that affects the pay of an employee (disciplinary probation, demotion in position and salary, suspension from duty without pay and dismissal) shall be approved by the Department Head and the CVPDC Executive Director before becoming effective. In these more serious cases, employees will be informed of the intended disciplinary action in advance and the employee will have an opportunity to respond as to why the action should not be taken.

H. TYPES OF COUNSELING AND/OR DISCIPLINARY ACTION.

Counseling and/or disciplinary action shall consist of any corrective measure(s) which is appropriate for an offense, including the following:

1. Verbal Counseling
 2. Letter of Counseling
 3. Formal Reprimand
 4. Disciplinary Probation
 5. Demotion in Position and Salary
 6. Suspension from Duty Without Pay
 7. Dismissal
- a. Verbal Counseling. The employee's immediate supervisor shall meet with and advise the employee of the nature of a problem and discuss the action necessary to remedy the situation; this shall be considered an informative session.
 - b. Letter of Counseling. The employee's immediate supervisor shall meet with and advise the employee of the nature of a problem and discuss the action necessary to remedy the situation. Consequences of failure to address the problem will be discussed.
 - c. Formal Reprimand. The employee's supervisor and Department Head shall meet with and advise the employee of the nature of a problem and discuss the action necessary to remedy

the situation. Serious consequences of failure to address the problem should also be discussed. An employee who receives two (2) formal reprimands within a period of one (1) calendar year may be subject to further disciplinary action, including any of the following: disciplinary probation, demotion in position and salary, suspension from duty without pay and dismissal.

- d. **Disciplinary Probation.** An employee may be placed on disciplinary probation for a period not to exceed six (6) months. If during this period the employee does not perform work requirements in a satisfactory manner (as determined by the Department Head), the employee will be subject to further disciplinary action, including any of the following: demotion in position and salary, suspension from duty without pay and dismissal. If an employee is placed on disciplinary probation more than once during a calendar year he will be subject to dismissal.
- e. **Demotion in Position and Salary.** An employee may be demoted to a lower position and receive a reduction in pay. If an employee is demoted, he shall also be considered to be on disciplinary probation. An employee cannot be demoted in position and salary more than once.
- f. **Suspension from Duty Without Pay.** In most circumstances, an employee may be placed on suspension from duty without pay for a period not to exceed twenty (20) working days. If an employee is placed on suspension from duty without pay more than once during a calendar year he will be subject to dismissal.

If criminal charges are filed against an employee, the employee may be placed on suspension from duty without pay for a longer period of time pending completion of an investigation, court action, or any other such matter deemed serious enough by the employee's Department Head, and the CVPDC Executive Director. If the employee is acquitted of the violation(s) he will be reinstated with back pay.

- g. **Dismissal.** If other avenues of disciplinary action have been exhausted, or the infraction is of an extremely serious nature, the CVPDC's Executive Director may dismiss an employee from the Commission's Service 1

I. CAUSES FOR COUNSELING AND/OR DISCIPLINARY ACTION.

Examples of causes for disciplinary action include, and are not limited to, the following offenses:

1. Disobeying or failing to satisfactorily follow the directions/orders of an immediate supervisor, Department Head or the Executive Director;
2. Absence from work without permission; improper use of Sick leave;
3. Habitual absenteeism and/or tardiness;
4. Unauthorized use of working time and breaks; sleeping on the job;
5. Harassing, intimidating, or being rude to a fellow employee or member of the public;
6. Excessive garnishments and/or liens;
7. Working under the influence of alcohol or illegal drugs; use of these substances in the workplace;

8. Conviction of a criminal offense, which interferes with the ability to perform assigned duties;
9. Smoking in unauthorized areas;
10. Unauthorized possession or use of a weapon;
11. Disclosing of information which has been deemed confidential by the CVPDC's Executive Director
12. Violation of the Code of Conduct including provisions of the State and Local Government Conflict of Interest Act, Sections 2.2-3100 et.seq., Code of Virginia, 1950, as amended;
13. Unauthorized use, carelessness or theft of Commission or Services Authority money or property;
14. Jeopardizing the health, safety or welfare of a fellow employee or member of the public;
15. Falsifying or misrepresenting documents or records.
16. Violations of provisions of this handbook.

J. DRUG AND ALCOHOL POLICY

1. The CVPDC's supports a drug-free, healthful, and safe workplace. To promote this goal, CVPDC employees must report to work free from alcohol and/or drugs that might impair their mental or physical ability to satisfactorily perform their assigned duties and to provide for worker and co-worker safety. While on the CVPDC, Workforce or Service Authority's premises and while conducting official business activities off premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. Appropriate use of alcoholic beverages at social event where alcohol is normally served shall be acceptable.
2. No employee shall be disciplined for the appropriate use of over-the-counter or prescribed medication in the treatment of illness or injury. However, if the employee knows or should know that use of an over-the-counter or prescribed medication does or could impair the employee's ability to operate a CVPDC, Workforce or Services Authority vehicle or equipment, interfere in any way with the ability to perform the essential functions of the job safely and effectively or endanger any other individuals in the workplace, the employee must share this information with their immediate supervisor and shall be prepared to provide a copy of the prescription or an indication of the medication upon request. Violation of this section of the policy may result in disciplinary action, up to and including possible termination.
3. Violations of the policy outlined herein may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation program. Such violations may also have other legal consequences. Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify the CVPDC of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of the conviction.
4. Available Information and Assistance
 - a. Information on the dangers and effects of substance abuse in the workplace, resources available to employees, and consequences for violations of this policy is available in the Human Resources Office.
 - b. Employees with questions or concerns about substance addiction, dependency or abuse are encouraged to use the resources of the Employee Assistance Program. Contact information for the Employee Assistance Program is available from the Human Resources staff. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action are encouraged to seek assistance and participate

in this confidential rehabilitation or a treatment program through the CVPDC's health insurance benefit coverage. Employees with questions on this policy or issues related to drug or alcohol use in the workplace may also raise their concerns with the department supervisor or Human Resource staff without fear of reprisal and in strict confidence.

K. DRUG AND ALCOHOL TESTING

The drug and alcohol tests conducted by the CVPDC include pre-employment testing, reasonable suspicion testing and random testing. All information from an employee's or applicant's drug and alcohol test will be maintained by the Human Resources staff or by the testing facility on a confidential basis and only those with a need to know are to be informed of test results, such as the Executive Director and Department Head. Information will be released only upon written authorization of the applicant or employee involved, to CVPDC personnel on a need to know basis, or as otherwise permitted by law.

The CVPDC will only be informed of positive results for the tested-for substances and not for the presence of any prescription drug. The results of a positive drug test shall not be released until the results are confirmed. Upon confirmation, the only information which may be released is whether the test is positive or negative and the amount of drug and/or alcohol found in the employee's or applicant's system. The records of unconfirmed positive test results and negative results shall be destroyed.

1. Pre-Employment Drug and Alcohol Testing

- a) Who May be Tested: Applicants for part-time and full-time positions, including employees seeking transfer or promotion, may be required to undergo drug and alcohol testing following a conditional offer of employment and prior to their final appointment.
- b) Job applicants will be denied employment with the CVPDC if their initial positive test results are confirmed. Applicants shall be informed, in writing, if they are rejected on the basis of a confirmed positive drug or alcohol test result.
- c) A job applicant, who refuses to consent to a drug and/or alcohol test, when requested, will be denied employment with the CVPDC. Any refusal or failure to cooperate fully with the administration of the test, any behavior which makes testing more difficult, or prevents administration or completion of the test or in any manner alters or attempts to alter the test result will be treated as a refusal to consent, regardless of whether a consent form is signed.

2. Reasonable Suspicion Testing

- a) Who May Be Tested: All employees are subject to reasonable suspicion testing in appropriate circumstances.
- b) "Reasonable suspicion" means the presence or occurrence of specific objective facts or events, in light of experience, that the employee is, at the time of suspicion, under the influence of drugs or alcohol. Reasonable suspicion also arises if an impairment affects the employee's ability to perform their job satisfactorily.
- c) Determination of Reasonable Suspicion: Circumstances which constitute a basis for determining reasonable suspicion may include but are not limited to:
 - i. A pattern of abnormal or erratic behavior (i.e. hyperactivity, unexplained mood swings, paranoia, hallucinations),

- ii. Information provided by a reliable and credible source,
 - iii. A work-related accident causing bodily injury or serious property damage,
 - iv. Direct observation of drug or alcohol use at or immediately prior to work,
 - v. Possession of drugs, drug paraphernalia, or alcohol,
 - vi. Presence of a combination of physical symptoms of drug or alcohol use (i.e. glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination, etc.).
- d) The CVPDC shall periodically train supervisory personnel to help them recognize the conduct and behavior that give rise to a reasonable suspicion of drug or alcohol use. The following procedural safeguards ensure that reasonable suspicion does, in fact, exist:
- i. Supervisors must have personal knowledge of objective facts or events that would reasonably lead them to suspect that an employee is under the influence of drugs or alcohol.
 - ii. The determination by a supervisor that reasonable suspicion exists will be supported by at least one additional supervisory-level employee. If another supervisor is unavailable, the observation of one supervisor shall suffice, provided that documentation is submitted verifying the unavailability of an additional supervisory person.
 - iii. The facts or events leading to a determination that reasonable suspicion exists will be documented in writing.
- e) Process for Reasonable Suspicion Testing: Any employee may be required to submit to a urine or breath test for chemical analysis to determine the presence, if any, of drugs or alcohol in the employee's system when the employee's supervisor has a reasonable suspicion that the employee is under the influence of drugs or alcohol. When a determination has been made that reasonable suspicion exists, the employee will be transported to a designated testing site. There, the employee will be provided a consent form for signature and, after signing the form will be required to provide a urine sample, or a breath sample taken by a certified breathalyzer operator for chemical analysis to determine the presence, if any, of drugs or alcohol in the employee's system. If the test is positive, the employee will be treated as described above.

3. **Random Drug and Alcohol Testing**

- a) Who May Be Tested: Those employed at the Region 2000 Services Authority who operate heavy equipment will be required to participate in random testing upon selection or request of management.
- b) Process for Random Testing: Employees selected for random testing will be notified and told to report immediately to a location for the testing. Any employee selected who is not present on the day of testing will roll over to the next testing occasion. A breath analysis test will be done for alcohol and a urine screen will be conducted for the presence of amphetamines, cannabinoids, cocaine, opiates, and PCP. All testing will be independently conducted according to federal and state guidelines and will include the initial screening test, a confirmation test, and a review by a Medical Review Officer, an opportunity for an employee with a positive result to provide a legitimate medical explanation and/or a legitimate prescription, and a documented chain of custody.

- 4. Positive Results: Any employee who tests positive and fails to provide a legitimate medical reason may be referred to a substance abuse professional for assessment and recommendations, required to

complete any recommended rehabilitative treatment successfully, including continuing care, and be subject to ongoing, unannounced, follow-up testing for a period of five years. Positive results may subject the employee to disciplinary action up to and including termination.

5. Refusal to Participate in Random Testing: An employee will be subject to the same consequences of a positive test if he refuses the screening or the test, leaves work once notified he will be tested, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test. An employee who refuses to consent to a drug and/or alcohol test may be subject to disciplinary action, up to and including termination. Prior to termination, the employee will be given the opportunity, by way of a hearing, to explain why he/she has refused to consent.

**CHAPTER EIGHT
GRIEVANCE PROCEDURES**

In compliance with VA. CODE ANN. §§15.2-1506 and 1507, the Commission provides the following procedures for the hearing of grievances of employees of the Commission.

A. COVERAGE OF PERSONNEL

All non-probationary Commission full-time and part-time employees are eligible to file grievances with the following exceptions.

1. Department Directors;
2. Deputy Directors and executive assistants of Department Directors;
3. Employees whose terms of employment are limited by law;
4. Temporary, limited term and seasonal employees;
5. The Commission, at its sole discretion, may voluntarily include employees in any of the above excepted categories within the coverage of this grievance procedure. The Executive Director shall determine the officers and employees excluded from the grievance procedure, and shall be responsible for maintaining an up-to-date list of all affected positions.

B. DEFINITION OF GRIEVANCE

A grievance shall be a complaint or dispute by an employee relating to the employee's employment, including but not necessarily limited to the following:

1. Disciplinary actions, including dismissals, disciplinary demotions and suspensions, provided that dismissals shall be grievable whenever resulting from formal discipline or unsatisfactory job performance; and
2. The application of personnel policies, procedures, rules and regulations, including the application of policies involving matters referred to in Subdivision C below; and
3. Discrimination on the basis of race, color, creed, religion, political affiliation, age, disability, national origin or sex; and
4. Acts of retaliation as a result of the use of or participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, has sought any change in law before the Congress of the United States or the General Assembly, or has reported an incidence of fraud, abuse or gross mismanagement.

C. EXCLUSIVE RIGHT TO MANAGE

The Commission, through the Executive Director, shall retain the exclusive right to manage the affairs and operations of the organization. Accordingly, the following complaints are non-grievable:

1. Establishment and revision of wages or salaries, position classification or general benefits; and
2. Work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the job content; and
3. The contents of ordinances, statutes or established personnel policies, procedures, rules and regulations; and
4. Failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly; and
5. The methods, means and personnel by which work activities are to be carried on; and

6. Except where such action affects an employee who has been reinstated within the previous six (6) months as a result of the final determination of a grievance, termination, layoff, demotion or suspension from duties because of lack of work, reduction in work force, or job abolition; and
7. The hiring, promotion, transfer, assignment and retention of employees; and
8. The relief of employees from duties in emergencies.
9. In any grievance brought under the exception to provision (6) of this subdivision, the action shall be upheld upon a showing by the Executive Director that:
 - (a) there was a valid business reason for the action and
 - (b) the employee was notified of the reason in writing prior to the effective date of the action.

D. GRIEVABILITY

1. Decisions regarding grievability and access to the procedure shall be made by the Commission's Executive Director at any time prior to the panel hearing, at the request of the member organization or grievant, within ten (10) calendar days of the request. A copy of the ruling shall be sent to the grievant.
2. Decisions of the CVPDCs Executive Director may be appealed to the Circuit Court having jurisdiction in the City of Lynchburg for a hearing on the issue of whether the grievance qualifies for a panel hearing. Proceedings for a review of the decision of the Executive Director shall be instituted by the grievant by filing a Notice of Appeal with the Executive Director within ten (10) calendar days from the date of receipt of the decision and giving a copy thereof to all other parties. Within ten (10) calendar days thereafter, the Executive Director shall transmit to the Clerk of the Circuit Court: a copy of the decision of the Department Director, a copy of the Notice of Appeal, and all exhibits. A list of evidence furnished to the Court shall also be furnished to the grievant. The failure of the Department Director to transmit the records shall not prejudice the rights of the grievant. The Court, on motion of the grievant, may issue a writ of certiorari requiring the Department Director to transmit the record on or before a certain date.
3. Within thirty (30) days of receipt of such records by the Clerk, the Court, sitting without a jury, shall hear the appeal on the record transmitted by the Department Director 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 the ends of justice require. The Court may affirm the decision of the Executive Director or may reverse or modify the decision. The decision of the Court shall be rendered no later than the fifteenth (15th) day from the date of the conclusion of the hearing. The decision of the Court is final and is not appealable.

E. TIMELINESS

It is intended that speedy attention to employee grievances be promoted, consistent with the ability of the parties to prepare for a fair consideration of the issues of concern.

F. INITIATION OF GRIEVANCE

The time for submitting an initial complaint shall be not more than thirty (30) calendar days after the event giving rise to the grievance.

1. After the initial filing of the written grievance, failure of either party to comply with all substantial procedural requirements of the grievance procedure, including the panel hearing, without just cause shall result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the non-compliance within five (5) work-

days of receipt of written notification by the other party of the compliance violation. Such written notification by the grievant shall be made to the CVPDC's Executive Director.

2. The CVPDC's Executive Director may require a clear written explanation of the basis for just cause extensions or exceptions. The CVPDC's Executive Director shall determine compliance issues. Compliance determinations made by the Executive Director shall be subject to judicial review by filing petition with the Circuit Court within thirty (30) days of the compliance determination. Once an employee reduces the grievance to writing the specific relief expected must be included.
3. Procedure - An employee filing a grievance will have the right to follow all the steps of the grievance procedure with complete freedom from reprisal. This does not, however, confer the right upon anyone to make slanderous or libelous statements. Steps I and II, the only persons who may normally be present in this first management step meeting are the grievant, the appropriate official at the level at which the grievance is being heard, and the appropriate witnesses for each side. At Steps III and IV, the employee may have a representative of their choice present.

G. STEP I.

An employee who has a grievance will discuss the problem directly with their immediate work supervisor. The grievance need not be reduced to writing at this step. Personal face to face meeting is required at this and all subsequent steps. However, the grievance shall be limited to an incident or series of incidents, the last of which shall have occurred within thirty (30) days of the initiation of this procedure. Witnesses shall be present only while actually providing testimony.

H. STEP II.

If the grievance is not resolved with ten (10) working days after the completion of Step I, the grievant may file a written grievance with their Department Head, with a copy provided to the Executive Director and the CVPDC's Human Resources staff. This statement will be the employee's explanation of what has occurred, and also include the relief sought.

1. The employee's Department Head will then meet with the grievant within two (2) working days of receipt of the written statement. If the Department Head is the immediate supervisor as set forth in Step I, the written Step II will still be submitted to that Department Head.
2. A written reply by the Department Head shall be made to the grievant within three (3) working days following the completion of this step. A copy of the grievant's statement and the Department Head's response shall be given to the CVPDC's Executive Director.

I. STEP III.

If the Department Head response does not resolve the grievance, the grievant may proceed with the grievance by requesting a panel hearing. This request shall be made in writing to the CVPDC's Executive Director and state the reason for a panel hearing. The request must be received by the Department Head within seven (7) working days of the grievant's receipt of the response from Step II. At this step, the grievant may have present a representative of their choice. If the grievant is represented by legal counsel, the Commission likewise has the option of being represented by counsel.

J. STEP IV PANEL HEARING

Qualifying grievances shall advance to this final step as described below:

1. Grievances shall be determined at this step by hearing before an impartial panel, consisting of one member appointed by the grievant; one member appointed by the CVPDC Executive Director and a third member selected by the first two selected panel members. In the event that an agreement cannot be reached as to the final panel member, the Chief Judge of the Twenty-Fourth (24th) Judicial Circuit shall select the third panel member. The panel shall not be composed of any persons having direct involvement with the grievance being heard by the panel or with the complaint or dispute giving rise to the grievance. Managers who are in a direct line of supervision of the grievant, person residing in the same household as the grievant and the following relatives of a participant in the grievance process or a participant's spouse are prohibited from serving as panel members: spouse, parents, child, descendant of a child, sibling, niece, nephew and first cousin. No attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee or co-employee of the attorney shall serve as a panel member.
2. The Commission shall not be required to have an administrative hearing officer in any case, but may do so at its option. When the Commission elects to use an Administrative Hearing Officer as the third panel member in an employee termination or retaliation case, the Administrative Hearing Officer shall be appointed by the Executive Secretary of the Supreme Court. The appointment shall be made from the list of Administrative Hearing Officers maintained by the Executive Secretary pursuant to VA. CODE ANN. §2.2-4024 and shall be made from the appropriate geographical region on a rotating basis. If the Commission elects to use an Administrative Hearing Officer, it shall bear the expense of such Officer's services.
3. In all cases, there shall be a chairperson of the panel, and when panels are composed of three (3) persons (one each selected by the respective parties and the third from an impartial source); the third member shall be the chair person.
4. Both the grievant and the respondent may call upon appropriate witnesses and be represented by legal counsel or other representative at the panel hearing. Such representatives may examine, cross-examine, question and present evidence on behalf of the grievant or respondent before the panel.
5. The decision of the panel shall be final and binding and shall be consistent with provisions of law and written policy.
6. The question of whether the relief granted by a panel is consistent with written policy shall be determined by the CVPDC's Executive Director unless such person has a direct personal involvement with the event or events giving rise to the grievance, in which case the decision shall be made by the Attorney for the Commonwealth of the jurisdiction in which the grievance is pending.

K. RULES FOR PANEL HEARING

The following rules shall apply to the conduct of panel hearings as a part of this grievance procedure:

1. Panels do not have authority to formulate policies or procedures or to alter existing policies or procedures;
2. Panels have the discretion to determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing, and, at the request of either party, the hearing shall be private;
3. The CVPDC Executive Director shall provide the panel with copies of the grievance record prior to the hearing, and provide the grievant with a list of the documents furnished to the panel and the grievant and their attorney, at least ten (10) days prior to the scheduled panel

hearing, shall be allowed access to and copies of all relevant files intended to be used in the grievance proceeding;

4. The panel shall have the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence;
5. All evidence shall be presented in the presence of the panel and the parties, except by mutual consent of the parties;
6. Documents, exhibits and lists of witnesses shall be exchanged between the parties in advance of the hearing;
7. The majority decision of the panel, acting within the scope of its authority, shall be final subject to existing policies, procedures and law;
8. The panel decision shall be provided within thirty (30) days of the conclusion of the hearing to all parties;
9. Hearings are not intended to be conducted like proceedings in courts, and rules of evidence do not necessarily apply.

L. IMPLEMENTATION OF PANEL DECISION

Either party may petition the Circuit Court of Lynchburg for an order requiring implementation of the panel decision. The review of the Circuit Court shall be limited to the question of whether the panel's decision was consistent with provisions of law and written policy.

1. Any petition to the Circuit Court for implementation or review of the panel decision shall be filed within thirty (30) days from the date of receipt of the panel decision and a copy of the petition shall be served upon the adverse party.
2. Upon receipt of service of a timely petition filed by a grievant, or contemporaneously with filing the petition if filed by the member organization, the Executive Director shall forward the entire grievant's file, including a transcript of the panel decision if available, to the Clerk of the Circuit Court.
3. Thereafter, the Court shall hear and determine the issues raised in the petition in accordance with the procedures hereinabove set forth for determination of qualification for panel decision.