

COUNTY OF PITTSYLVANIA, VIRGINIA

PERSONNEL POLICIES

A. INTRODUCTION

Policies for the County of Pittsylvania with respect to personnel administration are contained in the following section. These policies are expressed as personnel rules and regulations. The rules, regulations, and other administrative provisions for personnel administration (hereinafter called "rules") are established for the information and guidance of all concerned.

The County Administrator has authority to take appropriate action in dealing with cases of violation of the established rules. Unless otherwise established, the County Administrator is designated as Personnel Officer and is responsible for personnel administration for the County. He shall make public complete sets of all rules and changes thereto and shall maintain a complete set of current rules for the use of all employees under his supervision.

The County Administrator is responsible for administering the pay plan for all positions, for working out arrangements which insures equitable administration of the plan for both the employee and the County, and to resolve issues which are not specifically covered herein by using the principles expressed herein as guides.

These regulations do not limit the power and authority of any department/agency head to make departmental rules governing the conduct and performance of employees, provided that such rules shall not conflict with these regulations. Departmental rules shall be approved by the County Administrator, whenever they relate to matters of personnel policy, and shall be published and a copy furnished each employee to whom they apply. Such rules, when approved, published and distributed as herein provided, shall have the force and effect of rules of that department/agency, and disciplinary action may be based upon breach of any such rules.

Definitions

Where used within the Personnel Rules, the following words and terms shall have the meaning indicated below:

Allocation. The assignment of an individual position to an appropriate class of positions on the basis of the kind, difficulty, required skill, and responsibility of the work performed.

Appointing Authority. The officer or body having authority under the laws of the County to make appointments to positions. Unless otherwise specified, the appointing authority shall be construed to mean the County Administrator.

Class, or Class of Positions. A group of positions sufficiently alike in duties and responsibilities to justify the same class title and range of pay.

Class Description. A written description of a class of positions containing a title, statement of typical duties, responsibilities, and minimum or desirable qualifications for applicants or incumbents to insure satisfactory performance.

Classification. The entire process of assigning and reassigning individuals to positions, positions to classes, and classes to pay ranges, to the end that employees will be employed and compensated on the basis of merit, fitness, and actual duties performed so that there may exist equal pay for equal work.

Compensatory Time. Time worked by regular full-time employees that was not planned or scheduled requiring irregular overtime. Subject to the provision of the Fair Labor Standards Act.

County/Board. As these terms appear in these rules they shall be interpreted to mean the County of Pittsylvania or its Board of Supervisors.

Demotion. The change of an employee from a position in one class to a position in another class having lower pay grade and requiring the performance of less responsible duties.

Grade or Pay Range. The numerical designation of a fixed salary range assigned to a position, class, or group of classes.

He. Throughout these rules masculine pronouns such as he, his or him shall be construed so as to include both sexes.

Merit Increase. Advancement of pay of an employee to a higher step in the pay grade based upon display of merit in performance of duties and not requiring a change in basic duties.

Personnel Officer. The officer or employee charged with administering the daily operations of, and other duties related to personnel administration for the County. The County Administrator is designated as Personnel Officer.

Position Description. A detailed written description of the specific duties assigned to and performed by a particular employee to serve as the basis for classification.

Probationary Period. A test working period established as six months during which an employee is required to demonstrate by actual performance his fitness for the duties to which he is appointed and his general fitness and suitability as a public employee.

Retirement. Shall mean the VSRS retirement designation as changed from time to time. (Currently age 50 with 10 Years of Service)

Time Sheets. All employees are required to file a time sheet with the Payroll Clerk. Exempt employees must sign and submit the time sheet with sick leave and vacation leave time recorded. Elected Constitutional Officers are exempt from filing time sheets.

B. EMPLOYMENT INFORMATION

Qualifications for Employment

A standard procedure for receiving applications for vacant positions is established for the County of Pittsylvania. All applicants for vacant positions must provide complete information as required on the pre-employment application form. The department/agency head or County Administrator shall select applicants for interview after a review of all applications for the vacancy being considered. A standard application form shall be provided for all classes of positions; however, supplementary forms may be required for certain positions. Additional data may be required for some positions in order to determine if specifically required qualifications are met.

Applicants for employment and existing employees may be required to have a physical examination, at any time as a condition of employment, if it is determined the physical condition of the applicant may preclude the person from fulfilling the position responsibilities. This provision is subject to any limitations or requirements of the Americans with Disabilities Act.

Where other standards or requirements for a particular position are established, all applicants for that position shall be required to meet those standards as a condition to employment. Any standards developed must have the approval of the Board of Supervisors before being adopted and shall then be entered on the applicable position or class description. Any substitution for or deviation from established standards shall be warranted by the particular circumstances of the individual situation being considered. Use of such procedures shall intend to contribute to the efficiency of County operations and shall be guided by the principle of equity for both the County and any employee or applicant involved. Substitutions or deviations shall be case specific, permanent alteration of these rules must be approved and adopted by the Board of Supervisors. The Board of Supervisors may establish and must approve any tests or examinations which are developed and which are warranted to determine whether or not an applicant or employee meets established standards.

The County Administrator shall encourage qualified employees to apply for higher classifications, and seek new applicants for any vacancies that may occur. Department/agency heads shall examine applications and applicants for employment and recommend applicants for appointment to vacancies existing within their departments. Appointment shall be made on the basis of ability, training, and experience without regard to age, race, color, religion, sex, and national origin, handicapping condition or political preference. The County Administrator shall appoint all employees under his jurisdiction.

The Classification Plan has been established and shall be maintained within the office of the County Administrator. The plan itself or the classification of a particular class of positions may be amended only with the approval of the Board of Supervisors.

Probationary Period

A probationary period of six months is established for all employees. The probationary period begins when an employee is classified or reclassified and the probationary period cannot be waived. The probationary period is designed to give both the employee and the County a trial period in which to determine that the correct employment decision was made. During this probationary period, the employee may decide that the particular job is not what he desires. If this is the decision, the employee may resign without harm to his employment record. Likewise, during the probation, the County Administrator may decide that the employee is not suited for the particular position and may terminate employment for that reason and no adverse remarks will be recorded on his employment record. His supervisor at the close of the probationary period will conduct a performance evaluation review of the employee. An employee whose job performance is not completely satisfactory but does not warrant termination or whose probationary period involves other unique circumstances may have his probationary period extended for up to an additional six (6) months.

The County Administrator may elect to cause a written performance evaluation review to be made within the first thirty- (30) days of employment of the new employee in order to determine whether said employee shows ability to perform required duties. A written performance evaluation review may be conducted by the employee's supervisor upon completion of ninety- (90) days of employment. Such review shall also assess the employee's exhibited ability to perform required duties. If determined appropriate, termination may occur at either time.

Coverage

The Classification Plan shall cover all positions under the administrative supervision of the County Administrator unless otherwise excluded by the Board of Supervisors.

The County Administrator shall make all assignments of positions to classes, subject to review and approval of the Board of Supervisors. The Board of Supervisors assigns classes to salary ranges. Positions, which are sufficiently alike in duties and/or responsibilities, will be accorded the same pay range. The assignment of an individual position to an appropriate class of positions is on the basis of the kind, difficulty, required skill, and responsibility of the work performed.

Department/agency heads and supervisors are responsible for bringing to the attention of the County Administrator any material change in the nature of duties, responsibilities, working conditions, or other factors affecting the classification of any position. Following receipt of such information, the County Administrator shall restudy the position and determine if the classification should be changed.

The County Administrator shall be responsible for the allocation of new positions to the existing classes or to new classes of positions in the County service.

C. COMPENSATION OF EMPLOYEES

For each class of positions, a salary range is assigned which consists of a minimum and maximum salary step. Each salary range consists of a selected number of pay steps. In arriving at

salary ranges, consideration is given to prevailing rates for comparable work in other public employment and relevant private business, the current cost of living, responsibilities of the position, working conditions, and the County 's financial condition and policy. As a condition of employment with Pittsylvania County, the employee must complete an application and participate in Direct Deposit.

Annual Increase: It shall be the intent of this plan, as periodically determined by the Board of Supervisors, that each employee be raised one pay step annually, subject to a satisfactory written performance evaluation, until the employee reaches the maximum rate for the classification in which he is employed or until placed in another classification.

Longevity Increase: In instances where an employee has reached the maximum rate for the classification, he shall be eligible for a salary increase beyond those indicated on the Annual Salary Schedule, but proportionately equal to those then existing between steps of that classification. Such an increase shall be in addition to any changes that may be caused by cost-of-living or other service-wide adjustments of salaries. Eligibility for such an increase shall be determined by receipt of two consecutive annual satisfactory performance evaluations, positive recommendation by supervision or department/agency head, and approval by the County Administrator. No more than three such increases shall be allowed during incumbency in the same position. An employee whose salary is above the maximum pay for his classification because of events related to position reclassification to a lower pay grade or pay plan adoption shall not be eligible for this type salary increase until subsequent classification grade increases or general cost-of-living increases bring the employee's salary within the approved salary range.

Initial Compensation: Generally, a new employee shall be paid the minimum rate of pay for his class. The minimum rate for each class is based upon the assumption that a new employee meets the minimum qualifications stated in the class specifications. Exceptions may be granted upon approval of the County Administrator in the following cases:

. When a new employee exceeds the minimum qualifications and will not accept appointment at the minimum rate of the class, he may be appointed at the second step or, in unusual cases, at a higher step. However, it is the general policy of this plan that a new employee shall not be appointed at a step higher than the third step.

. When it is absolutely necessary to appoint a new employee whose qualifications are less than the minimum, he shall enter service at one or two steps below the minimum rate of the class, such appointment is to be for a specific period of time, to become permanent only when the employee meets the minimum qualifications. When this occurs, the employee shall be designated as "trainee", in addition to the position title.

Promotion: When an employee is promoted to a position in a higher class, his salary is increased to the minimum rate for the higher class. In the case of overlapping ranges, the promoted employee is increased to the step in the new grade at least one but not more than two full steps

above his present salary. When an employee is promoted, the date of promotion is the new annual evaluation date.

Demotion: The pay of an employee demoted to a position of lower grade may be reduced to a step immediately below his present salary, unless such salary step is above the maximum for that class to which he is demoted. In this case, the maximum step is the appropriate step. The foregoing constitutes the minimum reduction that may occur and, at the discretion of the County Administrator, this reduction may be greater.

Reclassification: When an employee's position is reclassified to a higher pay grade, his salary is adjusted to the step within the new grade that equals his salary before reclassification. Reclassification does not change the date of the annual evaluation

When an employee's position is reclassified to a lower pay grade and his present salary is above the maximum for the lower grade, the employee shall be permitted to continue at his present rate of pay during the period of incumbency (except in the event of general service-wide reductions), but is not entitled to a salary increase unless recommended by the County Administrator and approved by the Board of Supervisors in the instance of a general cost-of-living increase for the whole pay plan.

Transfer: The pay of an employee transferred to another position of the same pay grade shall remain unchanged.

Reinstatement: A reinstated employee (an employee who has returned to work after being prohibited or removed from his normal functions) is paid at a salary rate within the approved salary range for the position in which he is reinstated. Reinstated employees not absent for longer than one year are eligible to return at the step equal to that at which they were previously paid. Employees on personal leaves of absence are returned to employment at the step equal to that at which they were previously paid.

Rates of Pay: Rates of pay established are gross and total compensation for full-time service in the various classifications. The hours of work for full-time service are based on an employment week of 40 hours, regardless of the actual number of hours worked. When employment is on a part-time basis, the rate paid is proportionate to the percentage of time for which employed. The equivalents of annual rates of compensation shall be based on an 8-hour day and 40-hour week. The workweek shall begin at midnight on Saturday night

Merit Increases: Employees that receive a grade above fair are eligible for a one step merit increase. Employee's receiving a fair or unsatisfactory ratings are not eligible for a merit increase.

Overtime Compensation: Time sheets are required to be completed by all employees except for elected officials. Employees shall not work overtime nor shall they be entitled to receive additional compensation for overtime work unless, such work has been previously authorized by the County Administrator or his designee. The County Administrator shall schedule and approve all overtime for the County employees. Overtime will be paid at the rate of 1.5 times the hourly rate for regular overtime and at 2 times the hourly rate for holidays. No overtime shall be approved

except for extreme emergency conditions for citizens' health and welfare. Overtime will be paid in accordance with cut off dates for payroll. Overtime accrued after the cut off date for payroll processing will be paid in the next pay period. Part-time employees shall be entitled to overtime pay on the basis of regular hourly rate multiplied by a factor of one and one-half (1½) for all hours worked in excess of forty (40) hours per work week.

Compensatory Time. On occasion, when circumstances require irregular and unscheduled overtime work for regular full-time employees, overtime pay, in the form of compensatory leave credits, shall be allowed subject to the provisions of the Fair Labor Standards Act (FLSA). The County Administrator shall establish the policy to be followed for each department and/or office and the designation of those positions in the County service exempt from the FLSA overtime provisions. The County Administrator and Assistant County Administrator are exempt from overtime provisions. Generally, an employee requesting to use accumulated compensatory leave shall be allowed to do so within a reasonable period of time after making the request - with the understanding that such leave will not be granted at that time if it is judged to be unduly disruptive to the operations of his department or agency. Employees are encouraged to schedule taking compensatory leave as soon after earning it as practical. Employees may accumulate up to 40 hours of compensatory time. Vacation, sick and other approved leave shall not be considered hours worked for this purpose.

Payroll Deductions: The payroll clerk is authorized to make established deductions from an employee's gross pay to cover Federal and State income taxes, contributions for retirement systems, employee group hospitalization and surgical insurance premiums and any items required by law. Deductions for other than the above shall be made only with the approval of the County Administrator.

On termination of employment, the payroll clerk shall deduct and withhold from the final paycheck of any employee any amount owed the County in payment for unearned leave, group insurance, unreturned equipment, or any other indebtedness to the County. The final paycheck shall not be issued until the extent of any indebtedness to the County has been determined and cleared.

Pay Plan Review: The County Administrator is responsible for administering the pay plan for all positions, for working out arrangements that insures equitable administration of the plan, and to resolve issues, which are not expressly covered herein by using the principles, expressed herein as guides. On an annual basis, and coinciding with the budget process, the pay plan shall be reviewed by the County Administrator for the purpose of determining the effect thereon of the cost of living. Based upon the County Administrator's findings and the general financial condition of the County, increases, reductions, or other changes will be recommended in the salary structures of the pay plan to the Board of Supervisors. Adoption of the annual budget shall constitute approval of any changes to the plan.

Terminal Leave and Pay : An eligible employee, having completed the required probationary period, shall be paid in one lump sum for the balance of unused annual and compensatory leave credits when he is separated from County service by resignation, retirement, dismissal, or lay-off.

D. PERFORMANCE EVALUATION

Employee performance evaluation is designed to encourage improvement and development of employees within the County service. A common understanding that employees and supervisors are all working together for a common purpose can bring about a more efficient working organization. Further, effective periodic ratings tend to improve supervisory practices by bringing supervisors and employees into closer contact and producing mutual understanding.

Employee Performance evaluations will be conducted in accordance with the separately promulgated Employee Performance Evaluation Manual.

E. GENERAL CONDITIONS

Equal Employment Opportunity: The County will provide equal employment opportunity without regard to race, color, sex, age, disability, religion, national origin, marital status, ancestry, political belief or activity or status as a veteran.

The policy applies to all areas of employment including recruitment, hiring, training and development, promotion, transfer, termination, layoff, compensation benefits, social and recreational programs and all conditions and privileges of employment in accordance with applicable federal state and local laws.

It is the policy of the County to comply with all relevant and applicable provisions of the Americans with Disabilities Act (ADA). The County will not discriminate against any qualified employee or job applicant with respect to any terms, privileges or conditions of employment because of a person's physical or mental disability. The County will also make reasonable accommodations whenever necessary for all employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the duties and assignments connected with the job and provided that any accommodations made do not require significant difficulty or expense.

All employees found to be engaging in discriminatory practices will be subject to disciplinary procedures up to and including discharge.

Work Hours: The official hours of work within the County service may vary from function to function and shall be determined and promulgated by the County Administrator. Regularly scheduled office hours begin at 8:00 am and conclude at 5:00 pm, Monday through Friday, with 1 hour scheduled for lunch: for a total of 40 hours of scheduled work per week. The length and time allowed for meals shall reflect the requirements of each department or function within the County's service. The workweek shall begin at midnight on Saturday night.

The nature of the services provided by the County require that certain positions and classes of positions be subject to call back work, at times other than normal working hours, during the occurrence of emergency or unusual situations.

Types of Employment: For purposes of determining eligibility for leave, the following types of employment are established:

Permanent Full-Time Employee: Such employees are defined as personnel who regularly work 8 or 12 hours per day, 40 hours per week for not less than 52 weeks per year; vacation, sick leave, and holidays shall count as time worked for this purpose.

Permanent Part-Time: are employees that work less than 8 hours per day, 40 hours per week on a permanent basis year round.

Temporary Full or Part-Time Employees: Such employees are those employed to work less than 8 hours per day, 40 hours per week or are employed to work less than the normal number of weeks per year.

The County Administrator makes designation of types of employment when an employee is hired. Designation guidance is provided by the Board of Supervisor's intent at the time it approves the establishment of a position.

Personnel Records: The County Administrator shall cause to have an official set of confidential personnel records maintained on each employee, including: application for employment; references; scores of applicable tests; ratings; merit evaluations; letters of recommendation; reprimands and inquiry; disciplinary action; and other such material that reflects the record of employment of the employee. Each supervisor, department/agency head, or other such County official who has responsibility for supervising an employee(s) shall diligently document actions and reactions that may impact on the administration of this Personnel Plan. Such recordation will tend to aid the employee and County in assuring effective implementation of the Plan.

A present or former employee may inspect his personnel file during the normal office hours of the Human Resources Office and in a manner consistent with the procedures established by the office, and subject to provisions of the Virginia Freedom of Information Act as adopted by the Virginia General Assembly.

Expense Reimbursement : An employee must have his supervisor's written authorization (requisition/purchase order, etc.) prior to incurring an expense on behalf of the County. To be reimbursed for all authorized expenses, the employee must submit an expense report/voucher accompanied by receipts and have it approved by supervision. The County will reimburse employees for the use of their personal vehicle while employed for travel done beyond the non-reimbursable travel to and from one's work site when such use is approved by the employee's supervisor. The reimbursement will be at the current IRS approved cents/mile rate established by the Board of Supervisors. Pool cars shall be used whenever possible.

Expense report/voucher or requests for reimbursement must be submitted in accord with the currently approved travel policy.

Prohibitions: The following shall be prohibited of employees of the County not exempt from the provisions of these rules, by these rules, or the resolution under which they are promulgated:

- No person seeking employment with or promotion in the County service shall either directly or indirectly give any money, or thing, or service of value to any person for or in connection with his appointment, proposed appointment, promotion, or proposed promotion.
- No employee shall seek or attempt to use any political endorsement in connection with any appointment to or preferment or advantage in connection with a position in the County service, except as permitted and provided by State Law.
- No employee shall distribute or seek to distribute written materials during working hours whose intent is to inflame hatred between people due to differences in age, race, color, religion, sex, national origin, handicapping condition or political preference.
- Violation of the above prohibitions may be grounds for rejection of application or dismissal.

Sexual Harassment: All employees are expected to behave in a professional and businesslike manner with other employees. No employee may either expressly or by implication, condition the grant of any benefit of employment upon the sexual conduct of any other employee, or otherwise make sexual favors or conduct of a sexual nature a condition of an individual's employment. No employee may withhold any benefit of employment or threaten any other employee with reprisals because that employee has failed to grant a sexual favor. No employee may, by act, gesture or work make unwelcome sexual advances, requests for sexual favor or other verbal or physical approach which has the purpose or effect of unreasonably interfering with any other individual's work performance or of creating an intimidating, hostile, or offensive work environment. Any employee who is subjected to, observes or becomes aware of any violation of this policy must immediately call such violation to the attention of management. Violation of this policy will subject the offender to discipline up to and including discharge.

Drug Free Workplace Policy: The County has a strong commitment to its employees to provide a safe and secure workplace and to establish programs promoting high standards of employee health. It is our intent to provide a drug-free work environment. Employees are expected to perform their jobs in a professional manner, free from the effects of drugs, alcohol, or other substances, which may hinder job performances and/or judgment.

Additionally, employees are prohibited from participating in the unlawful manufacture, distribution, dispensation, or possession, as well as use of a controlled substance in the workplace. Employees who are found to have engaged in such conduct can expect immediate and serious disciplinary action, including the termination of employment. The County's complete Drug Free Workplace policy is made part of these rules by reference.

The County has adopted a policy with respect to alcohol and drug testing; it is separately promulgated, and is made part of these personnel policies by reference.

Employment of Relatives: Employment of relatives of the Board of Supervisors or any other officer or employee of the County shall be guided by the provisions of the State and Local Government Conflict of Interests Act, Section 2.1-639.1 et seq. of the Code of Virginia.

Outside Employment: An employee may engage in gainful outside employment with prior approval of the County Administrator, provided that such outside employment does not impair the performance of his duties for the County and does not create a conflict in interests or loyalties.

Gifts and Gratuities: An employee shall not accept gifts, gratuities, or loans from organizations, business concerns or individuals with whom he has official relationships in business of the County government. These limitations are not intended to prohibit the acceptance of articles of negligible value, which are distributed generally, or to prohibit employees from accepting social courtesies, which promote good public relations, or to prohibit employees from obtaining loans from regular lending institutions. It is particularly important that inspectors, contracting officers, and enforcement officers guard against relationships, which might be construed as evidence of favoritism, coercion, unfair advantage or collusion.

Inclement Weather: Shorter workdays due to inclement weather will be treated as a regular workday.

An announcement of a delayed opening or the closing of County Administrative offices shall apply to all agencies and departments occupying the Courthouse, the Moses Building and the Human Service Center. However, agencies and departments, which do not operate directly under the Board of Supervisors, have the authority to establish their own procedures should they choose not to follow the County's procedure. This policy shall not apply to Pittsylvania County Schools and the Court systems.

Equipment or Uniforms: Certain positions may require the wearing of a uniform and/or badge and the issuance of other equipment and/or tools. This equipment is provided to all employees at no cost and is a condition of employment. Upon termination or movement into another position, this equipment shall be returned to the employee's immediate supervisor or appropriate person as designated by the department. Payment for such equipment may be withheld from the employee's final paycheck if settlement is not resolved prior to date of final paycheck.

Dress Code: All employees are expected to dress and groom themselves in accordance with accepted social and business standards, particularly if their jobs involve dealing with citizens or other individuals having business with the County. A neat, tasteful appearance contributes to the positive impression an employee makes on our citizens. Each employee is expected to be suitably attired and groomed during working hours or when representing the County. Each department/agency head is responsible for establishing a reasonable dress code appropriate for each job under his supervision. If, in the judgment of his immediate supervisor, an employee is inappropriately attired he may be asked to leave his workplace and to not return until properly attired. An employee will not be paid for the time you are off the job for this purpose. The department/agency head has the authority to set a dress code, however, the County Administrator has

the sole authority to determine an appropriate dress code; any employee who violates this standard will be subject to appropriate disciplinary action.

Conflict of Interest: Officers and employees of the County who have a personal interest in any transaction before the County or its agencies shall annually file written disclosure statements pursuant to the requirements of the State and Local Government Conflict of Interests Act, Section 2.1-369.1 et seq. and the Pittsylvania County Code Chapter 43 1975 as amended.

F. FRINGE BENEFITS

Vacation : Each permanent full-time employee, employed on or subsequent to the date of these rules' adoption (month, day, year), shall accrue vacation at the following rates:

<u>Years of Service Completed</u>	<u>Accrual Rate</u>
1 through 5 years	4 hours of paid vacation per completed pay period, with an annual accumulation of 12 days (not to be taken until employee has worked at least six (6) months and successfully completed the initial probationary period).
6 through 10 years	5 hours of paid vacation per completed pay period, with an annual accumulation of 15 days.
11 through 15 years	6 hours of paid vacation per completed pay period, with an annual accumulation of 18 days.
16 through 20 years	7 hours of paid vacation per completed pay period, with an annual accumulation of 21 days.
21 through 25 years	8 hours of paid vacation per completed pay period, with an annual accumulation of 24 days.
Over 25 years	9 hours of paid vacation per completed pay period, with an annual accumulation of 27 days.

Vacation can to be taken within six months after accrual. An employee may carry a specified amount of vacation earned in one year over into succeeding years. However, no more than the below noted levels of accumulated vacation shall be allowed to be carried over from one year into the next. On the last day of the year any accumulated vacation in excess of the below noted limits shall be forfeited. For this purpose a year is defined as the period of time from July 1st through June 30th.

Years of Service Completed	Maximum Carry Over Hours	Upon Termination Maximum Hours Paid
1 through 5 years	192	192
6 through 10 years	240	192
11 through 15 years	288	192
16 through 20 years	336	192
21 through 25 years	384	192
Over 25 years	432	192

Permanent part-time employees who work a minimum of twenty (20) hours per week accrue vacation proportionate to the amount of time worked. Temporary full- or part-time employees do not accrue vacation, sick leave, or holidays.

When a holiday falls within a period of vacation, such holiday shall not be counted in computing vacation. Scheduled vacation shall be subject to the approval of the employee's supervisor and the County Administrator; vacation shall be taken in one-hour increments. Wishes of employees will be given consideration in the establishment of vacation schedules. In instances of concurrent requests for overlapping vacation dates, preference will be given to the request of the longer-term employee.

Personal Leave: All permanent full-time employees are entitled to one day of leave with pay per year that may be taken, with supervisory approval, at the employee's discretion. Personal leave shall be taken in an 8-hour increment. Personal leave days become available at the commencement of a County fiscal year and must be taken prior to its termination - they may not be accumulated and are not eligible for compensation at an employee's termination.

Sick Leave : All permanent full-time employees are on account of sickness or accident, entitled to accrue sick leave with pay at the rate of one (1) day (8 hours) of paid sick leave at the completion of each calendar month of employment.

Each employee shall be allowed to accumulate and carry over from one year to the next an unlimited number of unused days of sick leave. Permanent part-time employees who work a minimum of twenty (20) hours per week accrue sick leave proportionate to the amount of time worked. Temporary full- or part-time employees do not accrue sick leave.

Purpose of Sick Leave - Paid sick leave is not a privilege that an employee may use at his discretion but may be allowed only for the following reasons:

- Personal illness or physical incapacity resulting from causes beyond the employee's control.

- Illness or incapacity of dependents/spouse not to exceed three (3) days at one time.
- Illness of an employee over 3 days may require a doctor's written authorization.
- Other legitimate causes which, in the discretion of the County Administrator, may be classified as sick leave.

Regulations Regarding Sick Leave - To receive paid sick leave an employee must notify his immediate supervisor and/or supervisor on duty at least one hour before the time set for beginning his duties, or as the County Administrator or departmental regulations may have otherwise specified. If absent over Three (3) days, the employee may be required to file a physician's certificate stating therein the reasons for his absence.

Sick leave is not allowed for disabilities self-imposed through bad habits, or other like contributing actions, or if disability is feigned.

Employees are encouraged to schedule routine medical appointments at times other than normal working hours.

Sick leave is charged against employees as used in one-hour increments. Obvious and flagrant misuse of sick leave may constitute grounds for dismissal.

Termination, Dismissal, or Retirement - Upon termination no compensation shall be paid except as defined in the Board of Supervisors' amendment dated July 6, 1981.

Workers' Compensation Leave: An employee incapacitated by injury or illness as defined by the Workers' Compensation Act is entitled to the benefits provided by that Act. Workers' Compensation leave shall be provided in such instances without charge against the employee's leave balance. No other leave may be taken during the period of time that the employee is being compensated on Workers' Compensation leave. In the event of delay in receiving workman's compensation benefits, upon application by the employee, the County Administrator may authorize payment of available sick leave benefits until initiation of Workers' Compensation benefits.

During the first seven calendar days of necessary absence, leave with full pay will be allowed. Following this period, for not longer than eighty-five additional calendar days of necessary absence, the employee shall be allowed leave with partial pay at the difference between compensation allowed under the Workers' Compensation Act and the full salary otherwise payable. (If the absence continues for more than three (3) weeks, adjustment for the first seven calendar days' compensation under the Workers' Compensation Act will be made in the salary paid for the same period.)

Further, in extended periods of necessary absence caused by injury or illness as defined by the Workers' Compensation Act, the County Administrator may approve additional leave with partial pay at the difference between compensation allowed under the Workers' Compensation Act and the full salary otherwise payable provided:

- a. It is requested by the employee's department head or supervisor;
- b. The total period of absence on such leave does not exceed sixty- (60) working days.
- c. The County Administrator in each instance bases his decision upon a careful study of the cause of the injury or illness and of the necessary period of absence, giving consideration to any contributory negligence on the part of the employee.

Such leave is without charge against the employee's leave balance.

When absence resulting from illness or injury as defined by the Workers' Compensation Act continues beyond the limits outlined above, earned sick, annual, or compensatory leave may be used. Payment for such leave is made only for the difference between compensation paid under the Workers' Compensation Act and full salary otherwise payable so that total payments will not exceed the normal salary for the period. Charges against balances of the earned leave shall be in the same proportion to full days as the earned leave payments are to full pay.

Special Leave: Special leave is granted with pay for absence from duty in order that the employee may serve required jury duty; attend court as a witness under subpoena, or in the event of death in the immediate family. Immediate family means father, mother, son, daughter, spouse, brother, sister, father-in-law, mother-in-law, grandmother, grandfather, of employee or spouse, or any relative who is domiciled in the employee's household. In the event of death in the immediate family, special leave with pay shall be limited to three (3) days. All special leave requests must be approved by the County Administrator.

An employee compensated for civil duties, as by jury or witness fees, shall be paid only the difference between such compensation and his regular salary for the period of absence, unless the absence is charged to earned annual leave or compensatory leave. If an employee is granted special leave they must sign over any check received from the service to the County.

Military Leave: Grants of all military leave shall be in addition to leave otherwise allowable.

An employee who is absent for annual active duty for training as a member of the reserve components of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, Public Health Service, or United States Coast and Geodetic Survey is allowed leave with pay for the period required to fulfill his military obligation, up to 15 days in accordance with section 44-93, Code of Virginia, as amended. Any extraordinary absences for military purposes such as special schools, training, or volunteer service shall be allowed only with the approval of the County Administrator. An employee voluntarily entering extended active duty in the Armed Forces of the United States shall be deemed to have resigned from his position and shall not have automatic rights to reinstatement in his position upon return from active duty. Provided, however, if an employee

who voluntarily leaves employment for active duty (a) serves not more than four (4) years, (b) has a certificate attesting that military duty was satisfactorily completed, and (c) applies for re-employment in County service no later than three calendar months following separation from active military duty, said employee shall be reemployed in any available position for which he meets the qualifications and shall serve the required probationary period. He shall be given credit for previous satisfactory County service in determining compensation and annual leave.

Leave Without Pay: Leaves of absence without pay may be granted for purposes not elsewhere addressed by these rules. Leave of absence without pay is not allowed until all balances of applicable leave with pay have been used. Leave of absence without pay shall not be granted for more than two (2) calendar months without approval of the County Administrator.

Leave of absence without pay may be granted by the County Administrator for:

Educational leave in excess of such leave allowable with pay.

Courses of study.

Military leave in excess of previously established limits.

Temporary reduction in workload or requirements.

Purposes of annual and sick leave not otherwise covered.

Any employee returning from leave of absence without pay during or at the end of the period for which the leave was granted is entitled to reinstatement; if he fails to return at the end of the period for which the leave was granted, he shall be treated as having resigned from the service. An employee shall not earn any other accrued benefits while on leave of absence without pay.

Maternity Leave: In accordance with federal law, female employees who are disabled as a result of pregnancy or the complications of pregnancy will be treated the same as employed who are disabled from other causes. A pregnant employee will be permitted to work so long as she is physically able to do so and her physician so certifies. After giving birth, an employee will be expected to return to work as soon as her physician certifies that she is able to do so. Unless the employee has informed the County that she does not intend to return to work, the job will be held open to the same extent that jobs are held open for employees on sick or medical leave.

The County recognizes that in some instances the employee may wish to take time off before or after she is actually disabled as a result of pregnancy or its complications. Requests for such time off will be considered on the same basis as requests for Family and Medical Leave or for leaves of absence without pay which ever may be appropriate. The employee may elect to take accrued vacation, sick leave, and authorized leave of absence without pay in combination during pregnancy.

Holidays : The following holidays are authorized to be observed each year:

First day of January (New Year's Day)
Friday preceding the third Monday in January (Lee- Jackson Day)
Third Monday in January (Martin Luther King Day)
Third Monday in February (President's Day)
Last Monday in May (Memorial Day)
Fourth day of July (Independence Day)
First Monday in September (Labor Day)
Second Monday in October (Columbus Day)
Eleventh day of November (Veterans' Day)
Fourth Thursday and Friday in November (Thanksgiving)
Twenty-fifth day of December (Christmas Day)

Whenever any of such days shall fall on Saturday, the Friday preceding such day or whenever any of such days shall fall on Sunday, the Monday next following such day, and any day so appointed by the Board of Supervisors, the Governor of Virginia, or the President of the United States shall be a holiday as to the transaction of all business.

If the nature of the services of a department requires that it be in full operation on certain of the days listed above as holidays, Overtime, or compensatory time shall be credited for hours worked.

Education: Each employee, upon selection for employment, shall be deemed to meet the minimum educational requirements of the subject position. However, it shall be the intent of the County to encourage employees to pursue additional education and training whenever possible in order that employees may prepare themselves for advancement and promotion. From time to time the County may appropriate funds to cover up to one hundred (100%) percent of the cost of such Course registration and required books or materials. The County does not pay for mileage, or per diem unless the County requires the Training.

A department/agency head, subject to the approval of the County Administrator may authorize an employee to pursue educational/training courses either during or after work hours. Such action shall be taken only when it is determined additional education/training will benefit the County sufficient to justify the investment.

Unemployment Insurance Coverage: Employees laid off, dismissed, or otherwise terminated by action of the County for reasons other than misconduct or improper acts shall be entitled to apply for and may receive unemployment compensation under the rules and regulations of the Virginia Employment Commission. Any notice of any dismissed or terminated employee having applied for unemployment compensation shall be forwarded promptly to the County Administrator or his designated agent by the department/agency head or supervisor, along with pertinent data and/or recorded action that may have been taken.

Retirement: When an employee, subject to the provisions of a retirement plan in effect, has become physically or mentally incapable of performing the duties of his position satisfactorily, or has reached an age at which retirement is mandatory, subject to the provisions of any applicable law, it shall be the duty of the County Administrator to recommend his retirement.

Retirement Plan: Employees and officers of the County who are regularly employed full time on a salary basis and whose tenure is not restricted as to temporary or provisional appointment shall participate in the Virginia Supplemental Retirement System under the conditions set forth in Title 51.1, Chapter 1 Article 5, Code of Virginia, as such Code has been or may be amended from time to time. The County's contribution to the cost of this coverage shall cover the entire contribution.

Health Insurance Coverage: Currently, the County provides a group medical plan and the Virginia Supplemental Retirement System Group Life Insurance optional coverage for its full time employees and elected officials, no permanent part-time, part-time, or temporary employees shall be eligible for health coverage or retirement. For existing policies and for any future insurance policies, whatever the type of coverage, coverage and eligibility requirements for employees shall be reviewed annually by the County Administrator and recommendations for changes made to the Board of Supervisors. Copies of the policies shall be made available for public inspection in the office of the County Administrator. The extent to which the cost of coverage will be shared between the County and the employee shall be determined annually.

G. DISCIPLINE & SEPARATION

Cause for Disciplinary Action: Listed below are some of the reasons, which might be cause for disciplinary action, but disciplinary action is not limited to the offenses listed.

- . Being convicted of a felony or of a misdemeanor involving moral turpitude.
- . Insubordination.
- . Too much lost time.
- . Being absent without leave.
- . Failure to maintain required working hours.
- . Excessive and improper use of sick leave.
- . Inefficiency.
- . Abuse of County property.
- . Willfully giving false statements to supervisors, officials, the public, or boards and commissions.
- . Violation of administrative regulations or departmental rules.
- . Drinking of alcoholic beverages or using hallucinogenic drugs or abusing other drugs while on duty or off duty to the extent that work performance is impaired or safety is jeopardized.
- . Any disgraceful conduct which reflects unfavorably on the County as an employer.
- . Discovery of a false statement in an employment application which had not been detected previously.
- . Willful and repeated failure to honor court judgments, resulting in garnishment of wages.
- . Incarceration.

Disciplinary Actions: A department/agency head, subject to the approval of the County Administrator and appeal rights of the employee stated herein, shall have the following alternative for disciplinary action:

Oral Reprimand: It is the responsibility of the immediate supervisor to recognize and handle disciplinary cases. Employees who break a rule are not problem employees unless they are habitual offenders. A conference is not only inevitable, it is desirable. It is the first (and often the only) step in the disciplinary procedure. This discussion, in which the supervisor tries to reach an understanding of the causes for the offense and to impress upon the employee the need for corrective action, is called an oral reprimand. It can eliminate misunderstandings immediately and set the desired standards of conduct and performance. No formal, written record is kept of oral reprimands.

Written Reprimand: Should oral reprimands fail to achieve improved behavior; it is likely a written record is needed. This is called a written reprimand. It discusses the nature of the employee's offense, the efforts made previously to correct the problem, and often it warns the employee of future actions that may be taken if the matter is not corrected. A copy of the written reprimand is sent to the employee, and on to the County Administrator for the employee's personnel file. After a period of twelve months the reprimand may be destroyed if the employee's performance and conduct have been satisfactory during that time. The employee may write a letter that responds to the reprimand and which will be attached to the reprimand sent to the County Administrator.

Demotions: Demotion of an employee may occur when it is determined that his work has not been satisfactory, and dismissal does not appear warranted, and he should be retained and assigned less difficult work.

Suspensions: Suspension of an employee may occur when temporary separation from employment is required for disciplinary purposes where the case is not sufficiently grave to merit dismissal. An employee may be suspended by his department/agency head, subject to the approval of the County Administrator without pay for a period not to exceed thirty-(30) working days within one (1) calendar year.

With the approval of the Board of Supervisors, an employee may be suspended by the County Administrator for a longer period, pending the investigation or trial of any charges that may be lodged against him. The fact that a person is acquitted of the charge does not necessarily mean the suspension or other disciplinary action will be revoked.

Dismissals: An employee may be discharged or separated from employment by his department/agency head, subject to the review and approval of the County Administrator, for delinquency, misconduct, insubordination, ineffi-

ciency, inability to perform work satisfactorily, or other just cause. The department/agency head shall give the employee written notice of his dismissal, including the reasons therefore and shall send a copy of the notice to the County Administrator.

Disciplinary and Appeal Procedure: The following procedures shall be followed:

Investigation: Upon receiving a report of a violation of the law or a violation of a departmental or disciplinary regulation as set forth above from an official or an employee of the County or from any citizen, the department/agency head or County Administrator will investigate. Such investigation will include a meeting with the employee or employees that are subject of the report.

The investigation will be made for the purpose of ascertaining the true facts relative to the circumstances surrounding the alleged offense. In the investigation of a written complaint against an employee, a copy of the complaint and report of investigation will be forwarded to the County Administrator. The report may include a written statement from the employee against whom the complaint was filed.

Complaint: An employee who has been suspended, demoted, or dismissed who shall consider himself aggrieved may initiate, within thirty-(30) days of the disciplinary action, the steps of the grievance procedure set forth elsewhere in these rules and thereafter be subject to the provision of those rules.

Suspension and Minor Disciplinary Measures: The County Administrator may suspend without pay for a period not exceeding thirty-(30) days, or reprimand, or apply other less drastic disciplinary measure to any employee under his control for any violation of these rules or for insubordination or willful neglect of duty. Any suspension that would have the effect of making the total amount of pay lost, by reason of suspension during any twelve-month period, greater than the pay for thirty days, shall be considered a removal. When a suspension is effected pending completion of investigation or court action for alleged violation of rules or statutes, the limitation of thirty-(30) days may be waived by the County Administrator; also, if the employee is found not guilty of such alleged violation, he may, upon request of the County Administrator and approval of the Board of Supervisors, be paid for the period of suspension as if it had not occurred.

Lay-Offs: When, due to reduced appropriation, lack of work or funds, a reduction in work force is necessary, lay-offs may be ordered by the Board of Supervisors given the following considerations:

The order of the lay-offs shall be inverse to the relative value of the employees to the County as determined by the County Administrator.

No permanent employee shall be laid off from any position while any temporary employee's employment is continued in the same class.

Each employee laid off shall be given a written notice. Whenever practicable, this notice should be given at least three (3) days prior to the effective date and should include the reasons for the lay-off, the effective date, and any other information deemed necessary by the County Administrator.

Resignation: An employee may leave the service voluntarily, by resignation in writing to the County Administrator, two (2) weeks prior to the effective date of resignation. If the County Administrator finds that reported resignation was not voluntary, he shall treat the separation as a dismissal under these rules; a resignation submitted on an updated, predated, or otherwise not bona fide form shall be regarded as not voluntary. An employee who has submitted his resignation may, with the approval of the County Administrator be continued in his position as though the resignation had not been filed, on his written request for authorization to withdraw the resignation, filed before the effective date thereof.

Death: In the event an employee of the County dies while in the classified service, his separation from service shall be treated as a voluntary resignation and any compensation due him shall become payable to his estate. Such compensation may include any unpaid earnings and accrued annual leave.

Exit Interview: Upon notification of an employee's separation or pending separation from County service, the employee's supervisor shall complete the Exit Interview form. To the extent practical the supervisor shall conduct a face-to-face interview with the employee in order to gain insight on the reasons for separation. After completion of the form, the supervisor shall forward the form to the Personnel Office for final disposition.

H. GRIEVANCE PROCEDURE

Access To Procedure:

- A. All County employees who have successfully completed their probationary period and hold positions classified as permanent full-time or permanent part-time shall have access to the grievance procedure.
- B. The following categories of employees do not have access to the grievance procedure:
 1. Temporary, limited term and seasonal employees
 2. Appointees of elected groups or individuals;
 3. Agency heads or chief executive officers of government operations;
 4. Officials and employees who by law serve at the will or pleasure of appointing authority;
 5. Employees whose terms of employment are limited by law;
 6. Deputies and executive assistants to the County Administrator.

- C. Notwithstanding the exceptions set forth in Section B above, the Board of Supervisors, in its sole discretion, may voluntarily include employees in any of the excepted categories within the coverage of this grievance procedure.
- D. The County Administrator or his/her designee shall determine the officers and employees excluded from the grievance procedure, and shall be responsible for maintaining and up-to-date list of the affected positions.
- E. Resignations: An employee who has voluntarily resigned may not have access to the grievance procedure after the effective date of the resignation. However, any grievance initiated by an employee prior to separation from service may, at the employee's option, continue to be processed through the grievance procedure.
- F. Grievance Initiated After Removal: An employee who has been removed shall not have access to the grievance procedure, except to grieve a termination resulting from formal discipline, unsatisfactory job performance, or an involuntarily resignation; or a disciplinary action, which occurred less than 20 calendar days before the removal. Such grievance must be filed within 20 calendar days of the dismissal date.

Definition Of Grievance

Grievable Issues: A grievance shall be a complaint or dispute by an employee relating to his or her employment, including but not necessarily limited to:

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

Nongrievable Issues : Management reserves the exclusive right to manage the affairs and operations of local government. Accordingly, the following complaints are non-grievable:

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

Except where such action affects an employee who has reinstated within the previous six months as the 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.

7. The relief of employees from duties in emergencies.
8. In any grievance brought under the exception to provision 6 of this subsection, the action shall be upheld upon a showing by management 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
9. The measurement and assessment of work activity through a performance evaluation, except where the employee can show that the evaluation was arbitrary or capricious.

Management Review

Most employee concerns or complaints can be resolved through communication between the employee and the supervisor. Accordingly, employees are encouraged to take their complaints informally to their supervisors as soon as possible. Employees may also pursue grievable issues through the grievance procedure. Personal face-to-face meetings are required at all management review steps.

First Step:

1. The employee shall identify the grievance verbally to their immediate supervisor in an informal discussion format face-to-face meeting within 20 calendar days after the event or action, which is the basis for the grievance. The immediate supervisor shall

- be the person who is responsible for evaluating performance and/or assigning the employee duties and overseeing the employee's performance. If the grievance deals with a charge of discrimination against the immediate supervisor, the employee shall be permitted to initiate the grievance directly with the County Administrator.
2. The immediate supervisor shall give a verbal response to the employee within five (5) workdays following the meeting.
 3. If resolution is not reached at this point, the employee shall submit the grievance in writing on County Grievance Form A to the immediate supervisor within five (5) workdays of the verbal response. The nature of the grievance and the specific relief requested should be clearly stated. If the grievance deals with a disciplinary action (including dismissal, demotion or suspension), the employee has the option of submitting Form A to the immediate supervisor or, if the immediate supervisor did not take the disciplinary action, to the individual who took the discipline.
 4. The immediate supervisor shall give the employee a written response on Form A within five (5) workdays of receipt of Form A.
 5. An employee may appeal a non-grievable response to the County Administrator within five (5) work days of its receipt by checking the appropriate box on Form A.
 6. The only persons who may be present in the first step meetings are the grievant, the immediate supervisor, and appropriate witnesses, if any, for each side. Witnesses shall be present only while actually providing testimony.

Second Step

1. If the employee does not accept the response from the immediate supervisor (and the issue of grievability has not been raised) the employee should check on Form A the desire to advance the grievance to the County Administrator. The employee must submit the Form A to the County Administrator within five (5) workdays following receipt of the immediate supervisor's response.
2. The County Administrator shall meet with the employee within five (5) workdays after receiving the Form A. The persons present at this meeting are the employee, the County Administrator, and at the employee's option, a representative of his or her choice. If the employee is represented by legal counsel, management likewise has the option of being represented by counsel. Appropriate witnesses may be called; after testifying each witness is to be excused.
3. The County Administrator shall give the employee a written response on Form A within five (5) workdays following the meeting.

4. If the employee wishes to advance the grievance to a panel hearing, the employee must indicate this on Form A and return it to the County Administrator within five (5) work days of receipt of the County Administrator's reply.

Qualification For Panel Hearing

1. Decisions regarding grievability and access to the procedure shall be made by the County Administrator, or his/her designee, at any time prior to the panel hearing, at the request of the management or grievant, within ten calendar days of the request. No city, town, or county attorney, or attorney for the Commonwealth, shall be authorized to decide the question of grievability. A copy of the ruling shall be sent to the grievant. Decisions of the County Administrator, or his/her designee, may be appealed to the Pittsylvania County Circuit Court for a hearing on the issued of whether the grievance qualifies for a panel hearing. Proceedings for review of the decision of the County Administrator, or his/her designee, shall be instituted by the grievant by filing a notice of appeal with the County Administrator within ten calendar days from the date of receipt of the decision and giving a copy thereof to all other parties. Within ten calendar days thereafter, the County Administrator or his/her designee shall transmit to the Clerk of the Pittsylvania County Circuit Court: a copy of the decision of the County Administrator, a copy of the notice of appeal, and the exhibits. A list of the evidence furnished to the Court shall also be furnished to the grievant. The failure of the County Administrator or his/her designee to transmit the record shall not prejudice the rights of the grievant. The Court, on motion of the grievant, may issue of writ of certiorari requiring the County Administrator to transmit the record on or before a certain date.
2. Within thirty 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 County Administrator or his/her designee and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The Court may affirm the decision of the County Administrator of his/her designee, or may reverse or modify the decision. The decision of the Court shall be rendered no later than the fifteenth day from the date of the conclusion of the hearing. The decision of the Court is final and is not appealable.

Panel Hearing

The final step of the grievance procedure for a qualifying grievance shall be a hearing before an impartial panel. The following procedure shall apply:

Selection Of Panel Members

1. A panel shall consist of three members.
 - a. Each party shall select a panel member within five (5) workdays after receiving the decision that the grievance qualifies for a panel hearing.

- b. Third panel member - The third panel member shall be selected by the other two panel members. If agreement cannot be reached on the selection of the third panel member, the County Administrator shall within the next five (5) work days request the chief judge of the Pittsylvania County Circuit Court to select the third panel member.
 - c. In all cases, the third panel member shall be the chairperson of the panel.
2. The full panel selection should be completed by the tenth (10) workday following receipt of qualification. However, this time may be extended in instances where agreement on a third panel member has not been reached.
 3. To insure an impartial panel, such panel shall not be composed of any of the following:
 - a. Persons having direct involvement with the grievance being heard by the panel, or with the complaint or dispute giving rise to the grievance.
 - b. Managers who are in a direct line of supervision of grievant including all members of the County Board of Supervisors.
 - c. Attorneys having direct involvement with the subject matter of the grievance, or a partner, associate, employee or co-worker of such attorneys.
 - d. Relatives of a participant in the grievance process or of the spouse of a participant (e.g. spouse, parent, child, descendants of a child, sibling, niece, nephew, first cousin, aunt, uncle, grandparent).
 - e. Persons residing in the same household as the grievant or of the particular management-step supervisor or County Administrator.

Communication With Panel Members

1. The parties shall not discuss the substance of the grievance or the problem-giving rise to the grievance with any panel member prior to the hearing. Any matters requiring the attention of the panel must be communicated in writing to the panel with copies to all parties.
2. A panel member is not to conduct an investigation into the substance of the grievance or review materials not made available to all panel members and parties.

Prior To The Hearing

1. The full panel will set the date, time and place for the hearing, which should be held within ten (10) work days following the selection of the full panel. The panel chair-

person shall immediately notify the parties of the hearing date. The panel shall conduct the hearing in Pittsylvania County unless the panel unanimously decides that another location is more appropriate.

2. The County Administrator shall provide each panel member with copies of the grievance record, the Pittsylvania County Grievance Procedure prior to the hearing, and provide the grievant with a list of the documents furnished to the panel, and the grievant and his attorney, at least ten 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. Other information may only be submitted at the hearing in the presence of the parties.
3. No later than seven (7) work days prior to the scheduled panel hearing, the parties shall exchange all documents, exhibits and lists of witnesses to be used or introduced at the hearing.

Hearing Procedure

1. At the panel hearing, the parties may be represented by legal counsel, or other representative of their choice. Such representative may examine, cross-examine, question or present evidence on behalf of the party before the panel.
2. Presentation of Evidence
 - a. At the option of each party, opening statements may be made at the beginning of the hearing and the panel may ask for such statements in order to clarify the issue(s) involved in the grievance.
 - b. The County and thereafter the grievant, or their representatives, shall the present their claims, proofs, and witnesses who shall submit to questions or other examination. The panel may, at its discretion, vary this procedure but shall afford full and equal opportunity to all parties for presentation of any material or relevant evidence and shall afford the parties the right of cross-examination.
 - c. After the parties have had the opportunity to present their evidence, the panel chairperson shall specifically inquire of the parties whether they have any further proof to offer or witnesses to be heard. Upon receiving negative replies, the parties shall be given the opportunity to make closing statements summarizing their positions, following which the hearing should be closed.
3. Evidence is to be taken in the presence of the panel and both parties, except by mutual consent of the parties.
4. Witnesses other than the parties may remain in the hearing only while giving their testimony.

5. Members of the panel may question anyone giving testimony in order to clarify points being made.
6. Panel hearings are not meant to be conducted as formal court proceedings and panels shall not be bound by the technical rules of evidence. Panels, however, should consider all material and relevant evidence produced at the hearing.
7. Exhibits offered by the parties may be received in evidence by the panel and, when so received, shall be marked and made a part of the record.
8. The parties shall produce such evidence, as the panel may deem necessary to an understanding and determination of the dispute. The panel shall be the judge of the relevancy and materiality of evidence offered as well of the weight, which it shall be given.

Panel Authority

1. The panel has the discretion to determine the propriety of attendance at the hearing of persons having a direct interest in the hearing and at the request of either party. The hearing shall be private.
2. By majority vote the panel must decide procedural questions and rule on objections raised during the course of the hearing. When necessary, the panel may direct grievance procedure questions to a designee of the County Administrator who has had no prior involvement with the particular grievance or with the event or events giving rise to the grievance.
3. There is no subpoena power to compel the attendance of witnesses. The panel may, however, on the request of either party, or in its own discretion, request the voluntary appearance of witnesses or the submission of documents.

After The Hearing

1. Panel Decision
 - a. The panel shall render its written decision within ten (10) workdays of the conclusion of the hearing. The reasons for the panel's decision must be set forth.
 - b. Panels are to decide cases on the merits, not on compliance matters occurring prior to or during the hearings. Compliance issues should be referred to a designee of the County Administrator who has had no prior involvement with the particular grievance or with the event or events giving rise to the grievance.
 - c. The panel, in rendering its decision, shall be guided but not necessarily bound by the relief specified by the grievant on Form A. However, any relief granted must be consistent with written policy.

- d. A panel by majority vote may uphold or reverse the action of the County Administrator or, in the appropriate circumstances, may choose a modified remedy.
 - e. A panel's responsibility is to ensure the proper application of personnel policies and procedures. A panel does not have the authority to formulate or change policies or procedures or to consider matters, which have not been qualified for the panel hearing. The panel may, however, consider mitigating circumstances and modify management's action consistent with written policy.
 - f. When a panel directs reinstatement, the panel has the authority to award full, partial, or no back pay for the period of separation. An award of back pay shall be offset by interim earnings the employee received during the period of separation.
 - g. Panels may not order damages or attorney's fees.
 - h. The panel chairperson shall distribute copies of the written decision to the employee and the County Administrator within ten (10) workdays of the conclusion of the hearing.
 - i. The majority decision of the panel shall be final and binding and shall be consistent with the provisions of law and written policy.
2. Implementation of the Panel Decision.
- a. The County Administrator is responsible for assuring that panel decisions are implemented.
 - b. Either party may petition the Pittsylvania County Circuit Court for an order requiring the implementation of the decision of the panel.
3. Challenges to Panel Decision.
- a. If a written request to reconsider the panel decision is submitted by either party within five (5) workdays of receipt of the decision, the panel by majority vote may elect to review its decision and/or reopen the hearing for good cause shown.
 - b. Any challenge to a panel decision on the grounds that it is inconsistent with written policy must be submitted by either party within five (5) work days to the County Administrator, or his/her designee, unless such person has a direct personal involvement with the particular grievance or with the event or events giving rise to the grievance, in which case the challenge shall be submitted to and the decision made by the Commonwealth's Attorney for Pittsylvania County. This person is authorized to direct reconsideration by the panel where appropriate.

General Provisions

Procedural Compliance

1. After the initial filing of a written grievance, failure of either party without just cause to comply with all substantial procedural requirements of the grievance procedure, including the panel hearing, will result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the noncompliance within five (5) 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 County Administrator or his/her designee.
2. The County Administrator or his/her designee at their option, may require a clear written explanation of the basis for just cause extensions or exceptions. The County Administrator or his/her designee shall determine compliance issues. Compliance determinations so made shall be subject to judicial review by filing a petition with the Pittsylvania County Circuit Court within thirty days of the compliance determination.

Work Days

Workdays refer to the normal work schedule (excluding authorized leave time) of the person required to take some action.

Extension Of Time Periods

The time periods contained in this policy are substantial procedural requirements. However, such time periods may be extended by agreement of the parties. The panel may, with just cause, extend the time periods applicable to the panel.

Compensation And Reimbursement

1. Persons serving as panel members, excepting the third panel member when appointed by the judge of the circuit court, are not compensated or reimbursed for any expenses associated with the hearing.
2. Employees who serve as witnesses or panel members during normal work hours shall receive leave for the time served in accordance with applicable personnel policy and are to be reimbursed for the reasonable costs of travel and meals in accordance with travel regulations.
3. Employees who are grieving termination are not compensated except in cases where a panel decision results in reinstatement with back pay. Reimbursement for travel expenses in this instance is limited to those expenses, which would have been incurred in travel from the work location in which the grievance arose to the location of the hearing.

4. The County shall bear the per diem expenses of the third panel member if appointed by the judge of the circuit court.
5. The grievant is responsible for the cost of legal counsel or other representation in the preparation or presentation of the grievant's case in all or in any part of the proceedings.

Recorders

The use of recorders, including court reporters, shall not be permitted in the management steps. They may be used at the panel hearing at the discretion of either party.

Hearing Disabled Employees

A hearing disabled employee shall be allowed to have an interpreter during all steps in the grievance procedure.

Forms

Grievance forms may be obtained from the County Administrator.

Revised and adopted by the Pittsylvania County Board of Supervisors on February 2, 2004 to be effective February 1, 2004.