



County of Frederick

Paula A. Nofsinger
Director of Human Resources

(540) 665-5668
Fax: (540) 665-5669
pnofsing@co.frederick.va.us

TO: Human Resources Committee and Board of Supervisors
FROM: Paula Nofsinger, HR Director *Paula Nofsinger*
DATE: September 26, 2012
SUBJECT: HR Committee Agenda

The HR Committee will meet in the First Floor Conference Room at 107 North Kent Street on Friday, October 5, 2012, at 8:00a.m. The agenda for the meeting is as follows:

1. Review and approval of draft HR policies.



County of Frederick

Paula A. Nofsinger
Director of Human Resources

(540) 665-5668
Fax: (540) 665-5669
pnofsing@co.frederick.va.us

TO: Human Resources Committee and Board of Supervisors
FROM: Paula Nofsinger, HR Director *Paula Nofsinger*
DATE: September 28, 2012
SUBJECT: Summary of Policy Changes

Attached you will find initially seven (7) policies that end up as five (5) policies as a result of merging three (3) individual policies into one (1). These policies have been reviewed, updated, and matured to meet the needs of our current organization and employee population. Also you will notice one policy that is not being recommended for any wording changes unless the Committee elects to do so.

Even though some policies are essential and may be more complicated to simplify and comprehend, the Committee's objective in reviewing the recommended changes is to determine the level of understanding of the policy from an employee's perspective. The ultimate goal is to recommend to the Board a set of policies that are fundamental, compliant, and comprehensible to the extent possible.

Should you prefer a summary of changes, the following is a list made to each policy by section. In all cases throughout the policy manual, the word "Personnel" has been changed to "Human Resources." Additionally, with this set of policies, and the merging that is being recommended, you will see a new numbering pattern.

XV. Ethics

Recommend adding an all encompassing policy regarding ethics that address different aspects and combines some policies together.

1. Ethics
 - a. Drafted initial paragraph of policy.
2. Political Activity
 - a. Inserted original policy titled XV. Political Activity and edited some components.
 - b. Drafted second sentence in first paragraph to expand upon protections contained within policy.
 - c. Attempted to clarify second paragraph regarding the rules of political activity while on duty.
 - d. Eliminated paragraph that prohibits employees from holding elected offices.
 - e. Attempted to simplify last paragraph.
3. Conflict of Interest
 - a. Inserted original policy XVI. Conflict of Interest.

- b. Deleted section on Gifts and Favors in order to separate it as its own section within the Ethics policy.
- 4. Outside Employment
 - a. Inserted original policy XIX. Outside Employment.
- 5. Nepotism
 - a. Inserted three paragraphs from the original policy V. Recruitment, Selection, and Employment that, more appropriately, should be included in the Ethics policy.
 - b. Deleted first sentence to align with current practices.
 - c. Included "father-in-law" and "mother-in-law" for completeness.
- 6. Timekeeping
 - a. Drafted statement about accurate timekeeping.
- 7. Acceptance of Gifts and Gratuities
 - a. Matured language from original paragraph.

XVI. Inclement Weather

- 1. Changed title and added definition of inclement weather and unsafe conditions.
- 2. Leave Types and Timekeeping
 - a. Created sections of the two types of leave and timekeeping to better clarify policy.
 - b. Eliminated third paragraph under section 16.2 Administrative leave to align with current practice. Essential personnel are required to report and are compensated appropriately.

XVII. Applicability of Manual

- 1. Included the word "policy" to accompany the word "provision."

XVIII. Driver Authorization

- 1. There are no recommended wording changes to this policy.

XIX. Employment Classifications

- 1. Recommend expanding this policy to define our two categories of employees; full time and part time.
- 2. Full Time Employment
 - a. Full time positions are authorized by the Board of Supervisors and provide fringe benefits.
- 3. Part Time Employment
 - a. Part Time positions are not authorized by the Board of Supervisors and do not provide fringe benefits.
 - b. Included how personal leave is paid out upon separation.
 - c. Deleted list of benefits that are not eligible under part time employment.

Thank you for your support and please contact me directly with any questions.

Original Policies

XV. POLITICAL ACTIVITY

15.1 Intent

The restrictions of this section are designed to protect every employee's right to vote and to keep this right free from interference, solicitation or dictation by any fellow employee, supervisor or officer.

A County employee may belong to a political party or organization. No employee shall orally, by letter, or otherwise solicit or be in any manner concerned, directly or indirectly, in the solicitation of any assessment, subscription, or contribution to any political organization or party.

Every employee is encouraged to exercise his franchise by casting his ballot in every appropriate election. He should not, however, become a candidate by endorsement or announcement that he will run for political election. Political elections shall include all elections for which any of the candidates are to be nominated or elected as representing a political organization. Moreover, except during working hours or when officially representing the County of Frederick, any County employee is free to express his opinion as to candidates or issues other than in a public endorsement, and to receive candidates for office.

No employee shall use the prestige, influence, or authority of his position on behalf of any political organization or party or for the purpose of interfering with or affecting the result of an election or nomination for office. For purposes of this Code, a "political organization" shall be defined as "any group, formal or informal, which endorses candidates for elective office at any level of government, i.e., national, state or local."

XVI. CONFLICT OF INTEREST

No employee shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public interest or would tend to impair his independence of judgement or action in the performance of his official duties. Personal as distinguished from financial interest includes an interest arising from blood or marriage relationships or close business or political association.

Specific conflicts of interest are enumerated below for the guidance of employees:

Incompatible Employment

No employee shall engage in or accept private employment or render services for private interest when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgement or action in the performance of his official duties.

Disclosure of Confidential Information

No employee shall, without proper authorization, disclose confidential information concerning the property, government, or affairs of the County which would provide information to advance the financial or other special interest of himself/herself or others.

Gifts and Favors

No employee shall accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the County; nor shall any such official or employee (1) accept any gift, favor or thing of value that may tend to influence him in the discharge of his duties, or (2) grant in the discharge of his duties any improper favor, service or thing of value.

Representing Private Interests Before County Agencies or Courts

No employee whose salary is paid in whole or in part by the County shall appear in behalf of private interests before any agency of the County. He/she shall not represent private interests in any action or proceeding against the interest of the County in any litigation to which the County is a party.

Other Conflicts of Interest

No employee shall violate the provisions of Section 22-3100 of the Code of Virginia (1950), as amended (The Virginia Conflict of Interest Act).

XVII. INCLEMENT WEATHER POLICY

In an effort to clarify leave for inclement weather, the following policy is set forth.

If the weather is unduly bad upon arising in the morning, an employee will be permitted (after appropriate contact with their department), late arrival to work, or a full day's absence (liberal leave), with the stipulation that the time must be made up within sixty (60) days. Make-up time will be scheduled and approved by the Department Head. Should the time not be made up within sixty (60) days, the employee will be charged annual leave for the amount of time in arrears.

Should the weather become inclement during office hours, an employee may leave early with the approval of the Department Head (liberal leave) with the understanding that the time will be made up within sixty (60) days. Should the time not be made up within sixty (60) days, the employee will be charged annual leave for the amount of time in arrears.

If early dismissal is authorized by the County Administrator (administrative leave), employees will not be required to make up the time.

If it should snow overnight the County Administrator, after appropriate consultation, will decide whether or not to close the County offices. Should the decision be made to close the offices, (administrative leave) the notification process will commence, i.e., radio station and cable television announcement. Employees will not be required to make up the time.

If the County offices are generally closed: employees who were required to report to work during administrative leave, will be credited all hours worked. Credited hours must be used within sixty (60) days or the time will be forfeited.

An employee who is on scheduled paid leave, i.e., annual leave, sick leave, etc., during an administrative closure, may charge administrative leave in place of the scheduled paid leave. However, an employee on a regular scheduled day off i.e., rotating schedule, will not receive credit for the administrative leave.

Administrative leave (Adm) and Liberal Leave (LL) must be accounted for on the timesheet. It shall be the department director's responsibility to oversee his employee's make-up time of liberal leave hours owed, and to reflect accurate balances in the liberal leave column.

Please note: When Liberal Leave make-up hours are applied to the regular working day(s) and should such make-up hours cause "overtime" the excess hours are not eligible for overtime payment.

XVIII. APPLICABILITY OF MANUAL

When an employee has doubt as to the applicability of a provision of this Manual to a particular situation, he/she should apply to the Director of Personnel for his advice on the matter and be guided by that advice when given. The employee shall have the opportunity to present his interpretation of the facts at issue and of the applicable provision(s) of the Manual before such advisory decision is made. This Manual shall be operative in all instances covered by its provisions except when superseded by an applicable statutory or charter provision and statutory or charter action is mandatory, or when the application of a statutory or charter provision is discretionary but determined to be more appropriate or desirable.

XIX. OUTSIDE EMPLOYMENT

No employee shall engage in any other employment or in any private business or in the conduct of a profession during the hours he/she is employed to work for the County or outside such hours to an extent that is likely to effect his efficiency as an employee of the County or that is likely to be in violation of the Virginia Conflict of Interest Act. No employee shall engage in any outside activity, either with or without remuneration, which would bring discredit or otherwise cast unfavorable light on the County or any Department of the County. Employees may take occasional part-time jobs elsewhere if in the opinion of the Department Head there is no conflict with working hours or conflict with interest of the County.

XXIV. DRIVER AUTHORIZATION POLICY

Purpose:

To establish standards which determine if a driver can operate a County vehicle.

Goal:

To make activities as safe as possible for participants and reduce the County's liability exposure relative to the operation of County vehicles.

Policy:

All employees and volunteers who will need to drive a County vehicle must have a driving record check conducted by the Virginia Department of Motor Vehicles upon hire and/or prior to operating a County vehicle.

The following guidelines will be applied to determine if an individual may operate a County vehicle. Individuals must possess a valid driver's license for the vehicle classification for which they are assigned. Individuals may not drive a County vehicle if the following has occurred.

1. Driver's license suspended or revoked in the previous three years.
2. Convicted of:
 - a) Operating under the influence of drugs or alcohol
 - b) Failure to stop after an accident (hit and run)
 - c) Homicide or manslaughter with a motor vehicle
 - d) Operating a vehicle with a suspended license
 - e) Participating in a speed contest or drag race
 - f) Fleeing or eluding a police officer
 - g) Reckless driving or driving to endanger
 - h) Theft or use of a motor vehicle in the commission of felony
 - i) Assault with a motor vehicle
 - j) Violation of state regulations on implied consent
3. More than two convictions for motor vehicle moving violations (other than those listed in #2) during the previous 36 months.
4. Involvement in two or more avoidable (at fault) accidents during the previous 36 months.
5. Any combination of three incidents in #3 and #4.

All drivers are required to report any traffic and/or motor vehicle charge, wreck, citation, arrest, etc., to their supervisor or department head within 24 hours following the incident.

XXV. PART-TIME EMPLOYMENT

Part-time employees who work year-round and work a minimum of 30 (thirty) hours per week to carry out their job responsibilities will be entitled to the following personal leave time:

The number of hours in an employee's personal leave day will be determined by the number of hours worked on an average day as designated by his position:

i.e. work 30 hours divided by 5 (workdays) = SIX personal leave hours earned for the month.

Personal leave time may not be used until it is earned.

Use of personal leave time shall be reflected on the timesheet as "PL", such time will be paid at the straight time rate.

Personal leave hours shall accrue annually. Personal leave hours must be used within the calendar year they are accrued and will not be transferred to the subsequent year. Personal leave hours will be used only upon approval of the supervisor.

NOTE: Part-time employees are not eligible for:

**C.O.L.A (cost of living increases)
Merit evaluations/increases
Pre-termination hearings
Grievance procedure
Coverage under health/dental insurance
VRS retirement contributions**

Recommended Policies

XV. Ethics

It is the policy of Frederick County to adhere to the highest standard of ethics and to educate its employees in those principles. It is also the policy of Frederick County to ensure that all of its employees follow the Ethics Policy and to subject those employees who disregard it to strict disciplinary action.

15.1 Political Activity

The restrictions of this section are designed to protect every employee's right to vote and to keep this right free from interference, solicitation or dictation by any fellow employee, supervisor or officer. Additionally, this policy does not affect the right of an employee to hold political membership, serve as a political party officer, support a political party, express political opinions, and/or attend political meetings.

~~A County employee may belong to a political party or organization. No employee shall orally, by letter, or otherwise solicit or be in any manner concerned, directly or indirectly, in the solicitation of any assessment, subscription, or contribution to any political organization or party.~~

Employees may participate in political activities provided that they do not engage in any type of political activity while on-duty and/or in County uniform, provided that while engaging in political activity they do not use County resources or equipment, or engage in political activity on the premises of their employment with the County.

~~Every employee is encouraged to exercise his franchise by casting his ballot in every appropriate election. He should not, however, become a candidate by endorsement or announcement that he will run for political election. Political elections shall include all elections for which any of the candidates are to be nominated or elected as representing a political organization. Moreover, except during working hours or when officially representing the County of Frederick, any County employee is free to express his opinion as to candidates or issues other than in a public endorsement, and to receive candidates for office.~~

~~No employee shall use the prestige, influence, or authority of his position on behalf of any political organization or party or for the purpose of interfering with or affecting the result of an election or nomination for office. For purposes of this Code, a "political organization" shall be defined as "any group, formal or informal, which endorses candidates for elective office at any level of government, i.e., national, state or local."~~

15.2 Conflict of Interest

No employee shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public interest or would tend to impair his independence of judgment or action in the performance of his official duties. Personal as distinguished from financial interest includes an interest arising from blood or marriage relationships or close business or political association.

Specific conflicts of interest are enumerated below for the guidance of employees:

Incompatible Employment

No employee shall engage in or accept private employment or render services for private interest when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties.

Disclosure of Confidential Information

No employee shall, without proper authorization, disclose confidential information concerning the property, government, or affairs of the County which would provide information to advance the financial or other special interest of himself/herself or others.

~~Gifts and Favors~~

~~No employee shall accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the County; nor shall any such official or employee (1) accept any gift, favor or thing of value that may tend to influence him in the discharge of his duties, or (2) grant in the discharge of his duties any improper favor, service or thing of value.~~

Representing Private Interests Before County Agencies or Courts

No employee whose salary is paid in whole or in part by the County shall appear in behalf of private interests before any agency of the County. He/she shall not represent private interests in any action or proceeding against the interest of the County in any litigation to which the County is a party.

Other Conflicts of Interest

No employee shall violate the provisions of Section 2.2-3100 et. seq. of the Code of Virginia ~~(1950)~~, as amended (The Virginia Conflict of Interest Act).

15.3 Outside Employment

No employee shall engage in any other employment or in any private business or in the conduct of a profession during the hours he/she is employed to work for the County or outside such hours to an extent that is likely to effect his efficiency as an employee of the County or that is likely to be in violation of the Virginia Conflict of Interest Act. No employee shall engage in any outside activity, either with or without remuneration, which would bring discredit or otherwise cast unfavorable light on the County or any Department of the County. Employees may take occasional part-time jobs elsewhere if in the opinion of the Department Head there is no conflict with working hours or conflict with interest of the County.

15.4 Nepotism

~~In no event shall a person of first or second degree relationship to an existing employee, covered by this plan, be employed by the same County Department.~~

No administrator or any other person in a supervisory position shall have under his ~~or her~~ direct supervision any employee whose relationship is of the first or second degree, either by blood or marriage. In the event of a promotion which brings about the conditions thus described, the employee of lower rank shall be transferred to another position for which he or she is qualified when a vacancy occurs.

Relationships of the first or second degree shall mean father, mother, brother, sister, spouse, son, daughter, son-in-law or daughter-in-law, sister-in-law or brother-in-law, father-in-law, mother-in-law, aunts, uncles, nieces, nephews, and first cousins.

15.5 Timekeeping

Frederick County employees shall record all time worked accurately and honestly. Frederick County employees shall not knowingly falsify any charges whatsoever for any reason whatsoever.

15.6 Acceptance of Gifts and Gratuities

An employee shall not accept or solicit gifts, gratuities, money or loans from organizations, business concerns, or individuals with whom the employee, on behalf of the county, has an official relationship. These limitations do not apply to the acceptance of items of negligible value when such acceptance promotes legitimate county goals and is received during the performance of official county business. It is particularly important, however,

that inspectors and employees who have administrative or operating authority to approve or disapprove or otherwise affect a procurement transaction guard against relationships which might create the impression of or be construed as evidence of favoritism, coercion, unfair advantage, or collusion.

XVII. INCLEMENT WEATHER/UNSAFE CONDITIONS POLICY

In an effort to clarify leave for inclement weather, the following policy is set forth.
Inclement weather/unsafe conditions shall mean, with respect to a particular County worksite, weather, environmental or other public health/safety conditions are present that render travel to/from and/or attendance at that County worksite not reasonably safe.

16.1 Liberal Leave

If there ~~weather is unduly bad upon arising~~ inclement weather and/or unsafe conditions in the morning, an employee will be permitted, ~~(after appropriate contact with their department), late arrival to work, or a full day's absence (liberal leave),~~ with the stipulation that the time must be made up within sixty (60) days. Make-up time will be scheduled and approved by the Department Head. Should the time not be made up within sixty (60) days, the employee will be charged annual leave for the amount of time in arrears.

Should the weather become inclement during office hours, an employee may leave early with the approval of the Department Head ~~(liberal leave)~~ with the understanding that the time will be made up within sixty (60) days. Should the time not be made up within sixty (60) days, the employee will be charged annual leave for the amount of time in arrears.

16.2 Administrative Leave

~~If early dismissal is authorized by the County Administrator (administrative leave), employees will not be required to make up the time.~~

~~If it should snow overnight~~ inclement weather and/or unsafe conditions develop prior to the start of the County workday, the County Administrator, ~~after appropriate consultation,~~ will decide whether or not to close the County offices. Should the decision be made to close the offices, ~~(administrative leave)~~ the notification process will commence, i.e., radio station and cable television announcement. Employees will not be required to make up the time.

~~If the County offices are generally closed: employees who were required to report to work during administrative leave, will be credited all hours worked. Credited hours must be used within sixty (60) days or the time will be forfeited.~~

~~An employee, who is on scheduled paid leave, i.e., annual leave, sick leave, etc., during leave during an administrative closure, may charge administrative leave in place of the scheduled paid leave. However, an employee on a regular scheduled day off i.e., rotating schedule, will not receive credit for the administrative leave.~~

16.3 Timekeeping

~~Administrative leave (Adm) and Liberal Leave (LL) must be accounted for on the timesheet. It shall be the department Department director's Director's responsibility to oversee his employee's make-up time of liberal leave hours owed, and to reflect accurate balances in the liberal leave column.~~

~~Please note:—~~ When Liberal Leave make-up hours are applied to the regular working day(s) and should such make-up hours cause "overtime", the excess hours are not eligible for overtime payment.

XVIII. APPLICABILITY OF MANUAL

When an employee has doubt as to the applicability of a policy or provision of this Manual to a particular situation, he/~~she~~ should apply to the Director of ~~Personnel~~ Human Resources for his advice on the matter and be guided by that advice when given. The employee shall have the opportunity to present his interpretation of the facts at issue and of the applicable policy or provision(s) of the Manual before such advisory decision is made. This Manual shall be operative in all instances covered by its provisions except when superseded by an applicable statutory or charter provision and statutory or charter action is mandatory, or when the application of a statutory or charter provision is discretionary but determined to be more appropriate or desirable.

DRIVER AUTHORIZATION POLICY

18.1 Purpose:

To establish standards which determine if a driver can operate a County vehicle.

18.2 Goal:

To make activities as safe as possible for participants and reduce the County's liability exposure relative to the operation of County vehicles.

18.3 Policy:

All employees and volunteers who will need to drive a County vehicle must have a driving record check conducted by the Virginia Department of Motor Vehicles upon hire and/or prior to operating a County vehicle.

The following guidelines will be applied to determine if an individual may operate a County vehicle. Individuals must possess a valid driver's license for the vehicle classification for which they are assigned. Individuals may not drive a County vehicle if the following has occurred.

1. Driver's license suspended or revoked in the previous three years.
2. Convicted of:
 - a) Operating under the influence of drugs or alcohol
 - b) Failure to stop after an accident (hit and run)
 - c) Homicide or manslaughter with a motor vehicle
 - d) Operating a vehicle with a suspended license
 - e) Participating in a speed contest or drag race
 - f) Fleeing or eluding a police officer
 - g) Reckless driving or driving to endanger
 - h) Theft or use of a motor vehicle in the commission of felony
 - i) Assault with a motor vehicle
 - j) Violation of state regulations on implied consent
3. More than two convictions for motor vehicle moving violations (other than those listed in #2) during the previous 36 months.
4. Involvement in two or more avoidable (at fault) accidents during the previous 36 months.
5. Any combination of three incidents in #3 and #4.

All drivers are required to report any traffic and/or motor vehicle charge, wreck, citation, arrest, etc., to their supervisor or department head within 24 hours following the incident.

~~XXV.XIX~~ PART-TIME EMPLOYMENT EMPLOYMENT CLASSIFICATIONS

19.1 Full Time Employment

A full time employee is defined as any person who, in consideration of wages or salary, performs a service for the benefit and under the control of the county and whose position is authorized as full-time by the Board of Supervisors. Full time positions that are authorized by the Board of Supervisors provide health and welfare benefits.

19.2 Part Time Employment

A part time employee is defined as any person who is not in a position authorized as a full time position by the Board of Supervisors. Part time positions do not provide health and welfare benefits.

However, Part-time employees who work year-round and work a minimum of 30 (thirty) hours per week to carry out their job responsibilities will be entitled to the following personal leave time:

The number of hours in an employee's personal leave day will be determined by the number of hours worked on an average day as designated by his position:

- i.e. work 30 hours divided by 5 (workdays) = ~~SIX~~six personal leave hours earned for the month.
- Personal leave time may not be used until it is earned.
- Use of personal leave time shall be reflected on the timesheet as "PL", such time will be paid at the straight time rate.

Personal leave hours shall accrue annually. Personal leave hours must be used within the calendar year they are accrued and will not be transferred to the subsequent year. Personal leave hours will be used only upon approval of the supervisor. Upon separation of employment, any unused personal leave hours will be paid out at the employee's hourly rate at the time of separation.

~~NOTE: Part-time employees are not eligible for:~~

- ~~C.O.L.A (cost of living increases)~~
- ~~Merit evaluations/increases~~
- ~~Pre-termination hearings~~
- ~~Grievance procedure~~
- ~~Coverage under health/dental insurance~~
- ~~VRS retirement contributions~~