



County of Frederick

Becky A. Merriner
Director of Human Resources

(540) 665-5668
Fax: (540) 665-5669
bmerriner@fcva.us

TO: Human Resources Committee and Board of Supervisors

FROM: Becky A. Merriner, HR Director *BAM*

DATE: May 9, 2017

SUBJECT: HR Committee Agenda (Revised)

The HR Committee will meet in the First Floor Conference Room at 107 North Kent Street on **Friday, May 12, 2017** at 8:00 a.m. The agenda for the meeting is as follows:

1. **HR Policy Revision; VIII. Work Hours, Holidays, Leave, Section 8.3, Paid Time Off** (See draft attached);
2. **HR Policy Revision; XV. Ethics, Section 15.4, Nepotism** (See current policy attached for discussion);
3. **Resolution of Appreciation** (continue discussion).

VIII. WORK HOURS, HOLIDAYS, LEAVE

8.1 Hours of Work

Generally, office hours are from 8:00am to 5:00pm. Individual work schedules are set at the Department Head's discretion based upon business requirements.

8.2 Holidays

The County shall observe all federal and state holidays and other such holidays as may be prescribed by the Board of Supervisors. When a holiday falls on a Saturday, the preceding Friday shall be observed; when the holiday falls on a Sunday, the following Monday shall be observed. All full-time employees of the County shall be entitled to holiday benefits.

Current holidays observed by the County are:

Lee Jackson Day	Labor Day
Martin Luther King's Day	Columbus Day
Presidents Day (Wash/Linc)	Veterans Day
Apple Blossom Festival	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Fourth of July	Christmas Day
New Year's Day	

8.3 Paid Time Off Policy

Frederick County recognizes that employees have diverse needs requiring time off from work and believes that employees should have opportunities to enjoy time away from work to help balance their lives. The County has established this Paid Time Off policy to meet those needs. Employees shall be accountable and responsible for managing their own paid time off hours to allow for adequate reserves to cover illness, disability, appointments, emergencies, or other needs that require time off from work.

Eligibility

Active, regular full-time employees in benefit eligible positions.

Paid time off begins accruing upon hire or transfer into a benefit eligible position.

Accrual of Paid Time Off

Accruals are based upon paid hours up to 2080 hours per year, excluding overtime. For Firefighters/EMTs, accruals are based upon paid hours up to 2756 hours per year, excluding overtime, provided that is the employee's regular work schedule.

Length of service determines the rate at which the employee will accrue Paid Time Off. Employee becomes eligible for the new higher accrual rate on the first day of the next pay period in which the employee's anniversary date occurs.

Paid Time Off shall not accrue during unpaid leave of absences that last longer than one pay period.

Paid Time Off shall accrue as follows:

Years of Service	Accrual Rate per Month	Annual Accrual	Maximum Accrual
0-5	14 Hours	168 Hours	280 Hours
5-10	16 Hours	192 Hours	320 Hours
10-15	18 Hours	216 Hours	360 Hours
15-20	20 Hours	240 Hours	360 Hours
20-25	22 Hours	264 Hours	360 Hours
25+	24 Hours	288 Hours	360 Hours

Firefighters/EMTs on 2756 hours per year schedule, Paid Time Off shall accrue as follows:

Years of Service	Accrual Rate per Month	Annual Accrual	Maximum Accrual
0-5	19 Hours	223 Hours	330 Hours
5-10	21 Hours	254 Hours	380 Hours
10-15	24 Hours	286 Hours	430 Hours
15-20	26.5 Hours	318 Hours	430 Hours
20-25	29 Hours	350 Hours	430 Hours
25+	32 Hours	382 Hours	430 Hours

Scheduling and Usage of Paid Time Off

Paid Time Off may be taken in increments as low as one half hour.

Whenever possible, Paid Time Off must be scheduled in advance. It is subject to supervisory approval, department staffing needs, and established departmental procedures.

Notwithstanding the accrual basis, employees may only take Paid Time Off hours that have actually been accrued.

Unused Paid Time Off balances shall carry over from year to year until the maximum amount of hours is reached.

If the employee has used at least forty (40) hours of paid leave within the previous twelve (12) months, then once the maximum amount has been reached, Paid Time Off will continue to accrue with the excess hours transferring into the employee's Individual Disability Account. If the employee has not used forty (40) hours of paid leave within the previous twelve (12) months, then once the maximum amount has been reached, Paid Time Off will not accrue over the maximum amount allowed.

Transfers to and from Department of Social Services (DSS)

Employees who transfer from the Department of Social Services to another department within Frederick County shall accrue Paid Time Off based on their length of service with Frederick County. The employee's current Annual Leave balance and Family and Personal Leave balance and up to forty (40) hours of their current Sick Leave balance will be converted into Paid Time Off with the remainder of the Sick Leave balance transferring to the employee's Individual Disability Account.

Employees who transfer to the Department of Social Services from any Frederick County department shall be subject to the leave policies of the Department of Social Services.

Payment upon Termination

Upon separation or retirement, an employee's accrued but unused paid time off shall be paid out up to their maximum accrual levels according to their corresponding years of service. The pay out shall be at the employee's rate equivalent to 1/2080 (or 1/2756 for Firefighters/EMTs) of annualized base compensation, subject to taxes and any other legally required withholdings.

Terminating employees may not use Paid Time Off to extend the last day of employment.

8.4 Individual Disability Leave Policy

Individual Disability leave is leave that an employee can reserve to use for longer term sickness or illness.

An employee may use Individual Disability Leave for a medical situation involving the employee or a family member of the employee, when the situation lasts longer than 3 consecutive days of work (24 total work hours).

Eligibility

Active, regular full-time employees in benefit eligible positions.

Eligibility begins upon hire or transfer into a benefit eligible position.

Accrual of Individual Disability Accounts

Accruals are based upon hours that automatically transfer from the employee's Paid Time Off when it has accrued over the maximum amount allowed per the Paid Time Off policy.

There is no maximum accrual for Individual Disability Leave. As long as the employee is at their eligible maximum amount allowed for Paid Time Off, the excess hours will automatically transfer into the employee's Individual Disability Leave account.

Scheduling and Usage of Individual Disability Leave

Individual Disability Leave may be taken in increments as low as one half hour.

Whenever possible, Individual Disability Leave must be scheduled in advance. It is subject to supervisory notification and established departmental procedures.

Twenty-four hours, or the balance of the employee's Paid Time Off if the balance is less than twenty-four hours, must be used before Individual Disability leave can be taken.

Notwithstanding the accrual basis, employees may take only the Individual Disability Leave hours that have actually been accrued.

The use of Individual Disability Leave must be accompanied with a doctor's note verifying the length of time medically necessary to be absent from work.

Payment upon Termination

Employee must have completed 5 years of uninterrupted service to be eligible for the Individual Disability leave pay out.

Upon termination, an employee's accrued but unused Individual Disability Leave will be purchased at the rate of \$3.00 per hour up to 2,000 hours, subject to taxes and any other legally required withholdings.

Terminating employees shall not use Individual Disability Leave to extend their last day of employment.

8.5 Family Medical Leave Act (FMLA)

Frederick County will comply with the Family and Medical Leave Act implementing Regulations as revised effective October 28, 2009. The County posts the mandatory FMLA Notice and upon hire provides all new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Act in the new employee orientation package.

The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

If you have any questions, concerns, or disputes with this policy, you must contact the Human Resources Director in writing.

A. General Provisions

Under this policy, Frederick County will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

B. Eligibility

To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

- 1) The employee must have worked for the County for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
- 2) The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.
- 3) The employee must work in a worksite where 50 or more employees are employed by the County within 75 miles of that office or worksite. The distance is to be calculated by using available transportation by the most direct route.

C. Type of Leave Covered

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- 1) The birth of a child and in order to care for that child.
- 2) The placement of a child for adoption or foster care and to care for the newly placed child.
- 3) To care for a spouse, child or parent with a serious health condition (described below).
- 4) The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year. Employees with questions about what illnesses are covered under this FMLA policy or under the County's sick leave policy are encouraged to consult with the Human Resource Director.

If an employee takes paid leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the County may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

5) Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: 1) short-notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities and 8) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

"Covered active duty" means:

(a) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and

(b) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

6) Military caregiver leave (also known as covered service member leave) to care for an injured or ill service member or veteran. An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 weeks in a single 12-month period to take care of leave to care for that service member. Next of kin is defined as the closest blood relative of the injured or recovering service member. The term "covered service member" means:

(a) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

(b) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

The term "serious injury or illness":

(a) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and (b) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on an active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

D. Amount of Leave

An eligible employee can take up to 12 weeks for the FMLA circumstances (1) through (5) above under this policy during any 12-month period. The County will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the County will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA circumstance (6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the County will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for the County and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the County and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

E. Employee Status and Benefits During Leave

While an employee is on leave, the County will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the County will require the employee to reimburse the County the amount it paid for the employee's health insurance premium during the leave period.

Under current County policy, the employee may pay a portion of the health care premium. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Human Resources Department by the 1st day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The employer will provide 15 days' notification prior to the employee's loss of coverage.

If the employee contributes to a life insurance, disability plan or any other voluntary contribution, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of eligible benefits and pay his or her portion of the premiums. If the employee does not continue these payments, the employer may discontinue coverage during the leave.

F. Employee Status After Leave

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider. This requirement will be included in the employer's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions. The County may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

G. Use of Paid and Unpaid Leave

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid leave prior to being eligible for unpaid leave. Paid leave may be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established paid leave policy.

Disability leave for the birth of the child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. For example, if the employee is eligible for six weeks of worker's compensation leave, the six weeks will be designated as FMLA leave and counted toward the employee's 12-week entitlement. The employee may then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement. An

employee who is taking leave for the adoption or foster care of a child must use all paid leave prior to being eligible for unpaid leave.

An employee who is using military FMLA leave for a qualifying exigency must use all paid leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid leave (as long as the reason for the absence is covered by the County's paid leave policy) prior to being eligible for unpaid leave.

H. Intermittent Leave or a Reduced Work Schedule

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

The County may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the County and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the County before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

I. Certification for the Employee's Serious Health Condition

The County will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition (<http://www.dol.gov>).

The County may directly contact the employee's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The County will not use the employee's direct supervisor for this contact. Before the County makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the County will obtain the employee's permission for clarification of individually identifiable health information.

The County has the right to ask for a second opinion if it has reason to doubt the certification. The County will pay for the employee to get a certification from a second doctor, which the County will select. The County may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the County will require the opinion of a third doctor. The County and the employee will mutually select the third doctor, and the County will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

J. Certification for the Family Member's Serious Health Condition

The County will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Family Member's Serious Health Condition (<http://www.dol.gov>).

The County may directly contact the employee's family member's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The County will not use the employee's direct supervisor for this contact. Before the County makes this direct contact with the health care

provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the County will obtain the employee's family member's permission for clarification of individually identifiable health information.

The County has the right to ask for a second opinion if it has reason to doubt the certification. The County will pay for the employee's family member to get a certification from a second doctor, which the County will select. The County may deny FMLA leave to an employee whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the County will require the opinion of a third doctor. The County and the employee will mutually select the third doctor, and the County will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

K. Certification of Qualifying Exigency for Military Family Leave

The County will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave (<http://www.dol.gov>).

L. Certification for Serious Injury or Illness of Covered Service member for Military Family Leave

The County will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service member (<http://www.dol.gov>).

M. Recertification

The County may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the County may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The County may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

N. Procedure for Requesting FMLA Leave

All employees requesting FMLA leave must provide written notice of the need for the leave to the HR Director. Within five business days after the employee has provided this notice, the HR Director will complete and provide the employee with the DOL Notice of Eligibility and Rights (<http://www.dol.gov>).

When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the County's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

O. Designation of FMLA Leave

Within five business days after the employee has submitted the appropriate certification form, the HR Director will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice (<http://www.dol.gov>).

P. Intent to Return to Work from FMLA Leave

On a basis that does not discriminate against employees on FMLA leave; the County may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

8.6 Workers' Compensation

The County may pay related medical expenses—at no cost to the employee—for an accident or qualifying illness that occurs as a result of work. Workers' compensation coverage is provided for full-time, part-time and temporary employees. In addition the employee may be entitled to compensation to help offset the loss of wages while unable to work. Employees do not share in the cost of workers' compensation; the County pays the entire cost.

Any work-related injury or illness must be immediately reported in to the employee's supervisor. The Report of Accident or Injury and the Panel of Physicians must be completed by the supervisor and employee and forwarded to Risk Management within two days of the accident. These forms are to be completed even if the employee does not receive medical treatment (record only). The County's Workers' Compensation carrier will investigate and review all claims submitted for eligibility and compensability.

State law allows the County to designate physicians that the employees must choose from for an examination verifying the extent of the injury or illness. If an employee chooses to be treated by a physician other than one on the County's panel of physicians, the employee may be responsible for medical expenses related to that treatment.

During the first seven calendar days that an employee is absent from work because of job-related illness or injury, the employee must use accrued paid leave hours to receive full pay. After the first seven days, employees receive a percentage of their salary as set by state law. In order for the employee to receive full salary, the remaining percentage will be covered by use of the employee's paid leave. Should the employee not have enough paid leave to cover the difference between the wage replacement benefit and full salary amount, leave without pay will be used. Additionally, further paid leave benefits will not continue to accrue while the employee is out on workers' compensation. If the employee is absent more than 21 calendar days because of an approved job-related illness or injury, the County will reinstate the leave that was used.

When an employee receives wage replacement benefit payments from the workers' compensation carrier, the County is notified of the employee's payment. This benefit payment amount is then deducted from upcoming paychecks for the employee. These reductions to the paychecks continue until all benefit payments are recovered.

Questions regarding workers' compensation may be directed to Risk Management.

8.7 Funeral Leave

The purpose of this policy is to provide an employee with leave in the event of the death of an "immediate" family member.

Funeral leave shall be defined as leave with pay granted to regular full-time employees only upon the death of a member of the *immediate* family. "Immediate" family member shall be defined as: the employee and spouse's: parent, grandparent, son, daughter, brother, sister, grandchild, stepchildren, stepparent, guardian, , and any persons residing in the same household as the employee.

Paid funeral leave shall be granted by the Department Head if requested by the employee for a period of up to, and not to exceed, three (3) consecutive working days. This leave shall commence upon notification and approval by the Department Head. In the event of multiple deaths in the employee's immediate family, each death shall be treated separately and the funeral leave shall be granted accordingly.

8.8 Court Leave

An employee's absence from work for jury duty or for attending court in a non-official capacity as a witness shall be defined as "court leave".

Any person who is summoned to serve on jury duty or any person, except a defendant in a criminal case, who is summoned or subpoenaed to appear in a court of law when a case is to be heard shall neither be discharged from employment, nor have any adverse personnel action taken against him, nor shall he be required to use paid leave, as a result of his absence from employment due to such jury duty or court appearance, upon giving reasonable notice to his employer of such court appearance or summons.

An employee having been granted court leave shall be compensated at the regular rate of pay during these court appearances. Any compensation for jury duty as well as for witness service may also be retained by the employee.

Employees summoned by a court for the purpose of qualifying for jury duty are entitled to court leave for the actual period of absence, whether or not they are selected to serve. In the event that there is at least three (3) hours left in the workday, the employee is required to return to work. Any employee who fails to return to work shall be subject to the loss of pay for that day.

8.9 Military Leave

Leave in which an employee's absence is required to fulfill military training/active duty obligations for the Armed Forces of the United States, Reserve Forces, National Guard or Naval Militia or any of the branches of the U.S. Armed Forces shall be defined as "military leave."

Employees are entitled to fifteen (15) work days of leave per federal fiscal year October 1 through September 30 from his duties without loss of accumulated leave or regular salary. Once the 15-day entitlement has been exhausted during the federal fiscal year, the employee must then begin to use accumulated leave, and leave without pay (LWOP) if necessary, for continued military leave.

The Department Head must present to the HR Department a copy of the employee's orders prior to the effective date of the utilization of military leave.

8.10 Leave Without Pay (LWOP)

An employee who has exhausted his accrued leave may request to be placed on leave without pay for a specified period when approved by the County Administrator. Employees on approved leave without pay shall be permitted to continue their hospitalization, dental and life insurance coverage under the County's group policy at the employee's expense.

a. Educational Leave

A full time employee may be given a leave of absence for a maximum period of one year to take training in educational institutions which would benefit him in the performance of his County duties. Upon recommendation of the County Administrator, full or partial pay may also be granted for a limited period of educational leave when provided for in the current approved operating budget. Educational leave must be approved by the Board of Supervisors.

b. Unauthorized Absence

An employee must notify his immediate supervisor within two (2) hours of the beginning of scheduled commencement of duties if he is going to be absent. An employee who is absent from duty without approval of his supervisor shall receive no pay for the duration of the absence, and all employees absent without authorization shall be subject to disciplinary action. It is recognized that there may be extenuating circumstances for unauthorized absence and due consideration shall be given to each case.

c. Absences for Less Than a Full Work Day

Exempt employees absent for less than a full work day shall not have their pay reduced on account of such absence, but they may be required to use any leave available for such absence.

d. Absenteeism

All employees of Frederick County have important jobs. Because of this, if an employee is unable to report for duty he must notify the supervisor in charge prior to the beginning of the shift if physically possible. Recurrent absenteeism and tardiness interferes with the functioning of the County, and upon continuance, will result in disciplinary action.

Updated/Approved: 07/27/2016

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 or office, serve as a political party officer, support a political party, express political opinions, and/or attend political meetings.

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

No employee shall use the prestige, influence, or authority of his position for the purpose of interfering with or affecting the result of an election or nomination for office.

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:

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 or others.

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 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, as amended (The Virginia Conflict of Interest Act).

15.3 Outside and/or Incompatible 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 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.

Additionally, 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 or would tend to impair his independence of judgment or action in the performance of his official duties.

15.4 Nepotism

No administrator or any other person in a supervisory position shall have under his 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.

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