



County of Frederick

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TO: Board of Supervisors

FROM: Paula Nofsinger, Director of Human Resources

DATE: February 7, 2013

SUBJECT: Human Resources Committee Report

The HR Committee met in the First Floor Conference Room at 107 North Kent Street on Friday, February 1, 2013, at 8:00a.m. Committee members present were: Supervisor Christopher Collins, Supervisor Bill Ewing, and Dorrie Green. Also present were: County Administrator John R. Riley, Jr., Assistant County Administrator Kris Tierney, County Attorney Rod Williams, Sheriff Robert Williamson, Finance Director Cheryl Shiffler, Planning Director Eric Lawrence, Department of Social Services representative Delsie Butts, employee Paul Meola, employee David Kern, and employee Adam Sisler.

***** Items Requiring Action*****

1. Approval of revised Human Resource policies.

Over the course of calendar year 2012, the HR Committee reviewed and updated HR policies in groups of three to four policies at a time. One of the major focal points of these policies is a revised leave structure known as Paid Time Off (PTO). Twenty-four meetings at five locations were held by the HR Department with four hundred and forty-seven employees attending. This proactive approach to leave accrual allows the employee to better manage his/her leave thereby eliminating the sick leave component and establishing Individual Disability Accounts. The committee decided to wait until several policies were reviewed and then recommend approval to the Board of Supervisors. Attachment 1 is a group of thirteen policies recommended for adoption by the HR Committee.

2. Approval of the Employee of the Month Award.

The Committee recommends approval of Craig Grubb as the Employee of the Month for February 2013.

*****Items Not Requiring Action*****

3. The discussion of creating a new Public Information Officer position.

County Administrator John R. Riley, Jr. introduced the discussion for creating a County level Public Information Officer (PIO) position. Assistant County Administrator Kris Tierney elaborated some specific requirements of the position. The Committee elected to consider this request further and it will be reintroduced at the next Committee meeting for further consideration and discussion.

There being no further business, the meeting was adjourned.

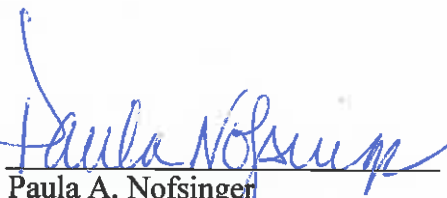
The next HR Committee meeting is scheduled for Friday March 1, 2013 at 8:00am.

Respectfully Submitted,

Human Resources Committee

Christopher Collins, Interim Chairman
Bill Ewing
Dorrie Green

By:


Paula A. Nofsinger
Director of Human Resources

Red Lined Policies

V. RECRUITMENT, SELECTION AND EMPLOYMENT

5.1 Open Competition

All positions covered by these policies shall be open to all persons who possess the requirements for the positions as indicated in the official class specifications. The recruitment objective is to obtain well qualified applicants for all vacancies with selection based on the best qualified person available at the salary offered for the particular position.

~~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, aunts, uncles, nieces, nephews, and first cousins.~~

All requests for reasonable accommodations from potential applicants or as necessary for the retention of an employee will be considered ~~for known physical and/or mental impairments of a qualified individual covered~~ as required by the American Disabilities Act provided that the limitation does not impose an undue hardship upon the County or does not jeopardize the position through direct threat to a bonafide occupational qualification.

5.2 Original Employment

An individual beginning employment with the County for the first time shall, except as described below, usually be placed at the first step of the pay range established for the class in which he/she is employed and that employment date should be defined as his ~~pay entry base date~~ of hire. ~~Occasionally, however, b~~Based on a new employee's prior ~~experience and proficiency~~ experience, proficiency, and other relevant criteria in the same or related capacity, placement may be accelerated ~~up to and including the fourth step of~~ within the assigned range upon approval of the County Administrator within current budget restraints. Appointments may be made below the minimum for a person who lacks the desired qualifications of the position; such persons are considered Trainees until such time as they acquire the minimum qualifications, at which time they are advanced to the normal entrance salary of the position.

~~5.3~~ Anniversary Date

~~When an employee begins work prior to the 15th of the month, the anniversary date shall be established as the 1st day of said month. When employment commences following the 15th of the month, the anniversary date shall be established as the 1st day of the following month.~~

5.4 Reemployment

When an individual is re-employed after a separation of thirty (30) or more calendar days, a new ~~pay entry base date~~ of hire shall be established ~~to determine future anniversary dates that will be the basis for~~ computation of all merit increases and other salary adjustments. A returning employee who is re-employed will, except as described below, usually be placed at the lowest step of the position's approved pay range. ~~Occasionally, however, b~~Based on the returning employee's prior proficiency and experience in the same or related capacity, an acceleration of up to and including the fourth step of the assigned range may be made upon recommendation by the Department Head and approval of the County Administrator. All time earned in previous employment shall not be counted toward the probationary period, annual leave, service awards, or any other longevity based ~~on employment conditions or benefits program or benefit~~. Rather, only that time earned following actual re-employment shall be counted.

5.5 Reinstatement

An individual returning to the employ of the County within thirty (30) ~~or less~~ calendar days of separation, shall return to duty in the same position and class subsequent to the approval of the Department Head and the County Administrator. The appropriate pay step within the approved range of the class for all reinstated employees shall be determined by the County Administrator. ~~Pay-entry base Hire~~ dates for all reinstated employees will remain the same as that associated with prior employment. All time earned previous to reinstatement shall be counted toward the probationary period, annual leave, ~~ete service award, or any other longevity based program or benefit~~. ~~However, actual time missed prior to reinstatement shall be discounted from actual leave accrual to the nearest pay period. Additionally, accrued paid leave will be utilized to cover the actual time missed prior to reinstatement. Should paid leave not be available, leave without pay will be utilized to cover the actual time missed prior to reinstatement.~~

5.6 Temporary ~~Appointments~~ Employment

Persons may be appointed-employed to temporary positions without commitment as to tenure. Temporary employees may be part-time or full time, ~~and are~~ not eligible for benefits, and subject to re-evaluation by Department Head.

5.7 Temporary Appointments

Persons may be appointed to temporary positions without commitment as to tenure. Temporary appointments are for full time, benefit eligible positions and subject to re-evaluation by Department Head. Temporary appointments are also eligible for a salary increase with the approval of the Department Head and County Administrator.

5.78 Reclassification

When such a position cannot accurately be described or compensated by assignment to an existing class or position, the County Administrator shall establish a new class or position, based upon written documentation submitted by the Department Head, with appropriate range and title, subject to approval by the Personnel HR Committee and the Board of Supervisors. A reclassification is the assignment of the employee's regular and continuing duties to a descriptive and commensurate class or position. Reclassification does not adjust the employee's ~~anniversary-hire~~ date.

5.8 Promotion

~~When employees are promoted, based upon written documentation submitted by the department head, their salary shall be increased to the first step of the promotional range or 10% whichever is the greater. Based upon recommendation by the Department Head, employees may be considered for promotion and their salary may be adjusted. The County Administrator shall have the final authority to approve such promotions and any corresponding salary adjustments. Promotions exceeding the first step or 10% increase may need approval of the Personnel HR Committee/Board of Supervisors. The effective date of all promotions will be the first day of the pay period in which the promotion takes place. Employees who are promoted and are eligible for a merit evaluation may receive the scheduled merit increase.~~

5.9 Transfer Between Departments

~~If a transfer between departments involves a promotion or demotion, the rules of the appropriate action shall apply. When an employee makes a lateral transfer between departments and the same class of position, no change of status or anniversary-hire date occurs.~~

5.10 Appointing Authorities

The appointing authority is the person or group of persons having authority to make appointments under the laws of the State and the County. Each Constitutional Officer is the appointing authority for his department. The County Administrator approves appointments for all other positions covered by these policies; ~~however~~ additionally, the Board of Supervisors appoints the County Administrator.

VI. PROBATIONARY PERIOD - New Hire, Promotion, Counseling/Discipline
Re-employment, Reinstatement

6.1 Objective

The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work and all other attributes of the employee's performance required to perform the job in an acceptable manner, for securing the most effective adjustment of an employee to his position, and for rejecting-terminating any employee whose performance or other attributes of the employee's performance required to perform in an acceptable manner is not satisfactory, and for counseling and/or disciplining an employee and reviewing the work of such employee following counseling.

6.2 Duration

The probation period shall be six (6) calendar months for County employees and twelve (12) calendar months for law enforcement, correctional officers, communications officers, and firefighters/EMT's (firefighters shall receive a 6-month probationary performance only evaluation) following an original employment, original employment or re-employment, reinstatement, promotion, or transfer between departments within the County County, unless pursuant to 6.5 where probation will be extended. Counseling/disciplinary probation shall be such period up to six (6) calendar months as recommended by the Department Head and approved by the County Administrator, to commence after meeting with Department Head and employee.

6.3 Promotional Probation

~~Probationary periods shall apply to promotional appointments in the following manner:~~

- ~~a. — Should an employee be promoted during their initial probationary period it shall be treated as a new hiring and the probationary period begun again.~~
- ~~b. — Should an employee be promoted to a position which is not commensurate with their previous position, the probationary period shall be utilized.~~
- ~~c. — Employees who are not at the time of promotion on probation, and are promoted to a commensurate position, shall not be placed on probation.~~

6.4 Progress Meeting

The immediate supervisor/department head may request a progress meeting with the probationary employee at any time, to identify successes and shortcomings. The content of the meeting must be documented in writing and a copy made available to the employee, and the original placed in the employee's personnel employment file that is maintained in the HR Department. Subsequent follow-up may be requested to review the employee's progress toward a satisfactory performance evaluation.

6.5 Probationary Evaluation: New Hire, Re-employment, Reinstatement, Promotion,
Counseling/Discipline

The Department Head shall indicate in writing via the appropriate evaluation form:

- a. That he has discussed with the employee the employee's accomplishments, failures, strengths and weaknesses.
- b. Whether the employee is performing satisfactory work.

c. Whether the employee should be placed on extended probation; or

d. ~~Whether the employee, if on probation following a promotion, should be reinstated in his former class.~~

e. ~~**Whether the employee should be dismissed.~~

If at the end of the normal probationary period there is doubt about the employee's capability or willingness to perform satisfactorily, the probationary period may be extended to a maximum of an additional six (6) months, upon recommendation of the immediate supervisor and ~~consent~~ approval of the Department Head.

~~**An employee while in the probationary phase, is not eligible for the grievance procedure.~~

VII. PERFORMANCE EVALUATION

7.1 Objective

The purpose of the full time employee performance evaluation shall be primarily to inform employees about how well they are performing their work and how they can improve their work performance. The performance evaluation shall also be used in determining salary increments, as a factor in determining order of lay-off, as a basis for training, promotion, demotion, transfer or dismissal, and for such other purposes as set forth in these regulations.

7.2 Period of Evaluation

From the date of original appointment, or re-employment, ~~reinstatement, promotion, or transfer between departments~~ with the County, all full time employees shall be evaluated at the end of the sixth (6) month of service, twelfth (12) month for law enforcement, correctional officers, ~~public safety~~ communications ~~officers~~, and firefighters/EMT's, and on a yearly basis thereafter. An employee shall not be eligible for a pay raise until the performance evaluation form has been completely processed. Department Heads shall be responsible for the timely processing of ~~personnel performance~~ evaluations within their department to insure that an employee's merit increase is not delayed.

~~When an employee is absent from his position for more than twelve (12) consecutive weeks the evaluation shall be conducted on the yearly basis with a proration for the number of months worked in the prior year.~~

7.3 Evaluation

Evaluations shall be conducted by the Department Head or, at the Department Head's discretion, immediate supervisor. An employee shall have the right to review, and request a copy of any or all evaluations made of him.

7.4 Review with Employee

Upon completion of the evaluation the employee shall note have the opportunity to sign noting on the evaluation form, that the evaluation is agreeable or he may request a second review with the evaluator, was received and any/all questions were addressed.

7.5 Appeal of Employee Evaluation

~~Any full time County employee who feels that his performance evaluation is not correct shall have the right to appeal to a higher level of authority within five (5) working days of the evaluation:~~

- ~~1. To the Department Head for resolution~~
- ~~2. To the County Administrator for final administrative authority~~
- ~~3. In the case of Department Heads, appeals will be referred to the Personnel HR Committee for resolution.~~

7.65 Supplemental or Revised Evaluation

The County Administrator may prepare, or request preparation of, a supplemental, revised or interim evaluation for any employee. Paragraphs 7.4 and ~~7.5~~ shall apply to any revised, supplemental or interim evaluation.

VIII. WORK HOURS, HOLIDAYS, LEAVE

8.1 Hours of Work

~~_____The official hours of work for the County shall be as follows: Office and Administrative Personnel 8:00 a.m. to 4:30 p.m. or 8:30 a.m. to 5:00 p.m. Monday through Friday. Field forces shall work generally from 8:00 a.m. to 5:00 p.m. daily Monday through Friday. Because of differing requirements, schedules may vary from these times. Lunch period is not to exceed one hour. Law enforcement and firefighter personnel will work varying shifts i.e. eight (8), ten (10), twelve (12) and twenty four (24) hours based upon the needs of the department. 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 Policy

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. ~~If a full-time employee is required to work on a holiday, he shall receive another day off with pay at the straight time rate.~~ All full-time employees of the County shall be entitled to holiday benefits.

Current holidays observed by the County ~~(13)~~ are:

| | | | |
|----------------------------|--------------------|------------------------|--------------------|
| Lee Jackson <u>Day</u> | (State) | Labor Day | (Fed) |
| Martin Luther King's Day | (Fed) | Columbus Day | (Fed) |
| Presidents Day (Wash/Linc) | (Fed) | Veterans Day | (Fed) |
| Apple Blossom Festival | (Local) | Thanksgiving Day | (Fed) |
| Memorial Day | (Fed) | Day after Thanksgiving | (Local) |
| Fourth of July | (Fed) | Christmas Day | (Fed) |
| | | New Year's Day | (Fed) |

LEAVE WITH PAY

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 2600 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:

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

Firefighters/EMTs on 2600 hours per year schedule, Paid Time Off shall accrue as follows:

| <u>Years of Service</u> | <u>Accrual Rate per Month</u> | <u>Annual Accrual</u> | <u>Maximum Accrual</u> |
|-------------------------|-------------------------------|-----------------------|------------------------|
| <u>0-5</u> | <u>17.5 Hours</u> | <u>210 Hours</u> | <u>330 Hours</u> |
| <u>5-10</u> | <u>20 Hours</u> | <u>240 Hours</u> | <u>380 Hours</u> |
| <u>10-15</u> | <u>22.5 Hours</u> | <u>270 Hours</u> | <u>430 Hours</u> |
| <u>15-20</u> | <u>25 Hours</u> | <u>300 Hours</u> | <u>430 Hours</u> |
| <u>20-25</u> | <u>27.5 Hours</u> | <u>330 Hours</u> | <u>430 Hours</u> |
| <u>25+</u> | <u>30 Hours</u> | <u>360 Hours</u> | <u>430 Hours</u> |

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.

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 1/2600 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.

Annual Leave Policy

~~_____ All full time employees of the County of Frederick shall be granted annual leave by the County as follows:~~

- ~~a. _____ One day per month for each month employed—twelve (12) days each year through the fifth year of employment. Maximum accumulation twenty four (24) days = 192 hours.~~
 - ~~b. _____ One and one-quarter days per month for each month employed after the fifth year of employment fifteen (15) days. Maximum accumulation thirty (30) days = 240 hours.~~
 - ~~c. _____ One and one-half days per month for each month employed after the tenth year of employment—eighteen (18) days. Maximum accumulation thirty six (36) days = 288 hours.~~
 - ~~d. _____ One and three-quarter days per month for each month employed after the fifteenth year of employment—twenty one (21) days. Maximum accumulation is forty two (42) days = 336 hours.~~
 - ~~e. _____ Two days per month for each month employed after the twentieth year of employment—twenty four (24) days. Maximum accumulation is forty eight (48) days = 384 hours.**~~
 - ~~f. _____ Two and one-quarter days per month for each month employed after the twenty-fifth year of employment. Maximum accumulation is fifty four (54) days = 432 hours.**~~
- ~~_____ **(NOTE: e & f: Maximum payout will be at forty two days = 336 hours).~~

~~Employees on annual leave shall be paid their prevailing wage based on the scheduled work week.~~

~~Employees while on annual leave will not be permitted to claim sick leave or funeral leave during this period of time.~~

~~Annual leave schedules shall be planned by Department Heads so as to obviate the need for a temporary increase in personnel.~~

~~Except in cases of illness or emergency, leave must be approved in advance.~~

~~Upon separation or retirement, a full-time employee shall be paid for all accrued annual leave not to exceed twenty-four (24) days -- 1 to 5 years; thirty (30) days -- 5 to 10 years; thirty-six (36) days -- 10 to 15 years; and forty-two (42) days -- 15 years and over.~~

~~In the event of death of the employee any wages due and payable to said employee shall be paid in accordance with the Statutes as set forth in the Code of Virginia 1950 as amended.~~

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.

Sick Leave & FMLA

~~Sick leave is granted at the rate of one and one quarter days per month (10 hours) with no maximum accumulation. Sick leave shall be defined as leave granted to the employee for himself or for a "qualifying" family member for an illness, medically required confinement, medical/dental appointments or bodily injury sustained during non-working hours. "Qualifying" family member shall be defined as the employee and spouse's: parent, grandparent, son, daughter, brother, sister, grandchild, stepchildren, stepparent, and any person residing in the same household as the employee. (Bodily injury of the employee sustained while on the job shall be handled in accordance with the Injury Leave Policy para. 8.7)~~

~~_____ A physician's written statement may be required by the immediate supervisor prior to any scheduled medical procedure of the employee and/or qualifying family member. In situations when prior notification is not feasible, a certificate from a physician shall be presented to the immediate supervisor as soon as possible after the procedure.~~

~~_____ If the absence is such that more than three (3) consecutive working days are used for sick leave, the employee must furnish the Department Head a written statement from his/or qualifying family member's physician.~~

~~_____ In case of illness, the employee shall notify his immediate supervisor. An employee's abuse of this policy may result in the employee's immediate dismissal from the employment of the County.~~

~~_____ The physician's written statement shall include:~~

- ~~a. _____ Nature of the medical condition (with due regard to personal privacy).~~
- ~~b. _____ The expected date the employee will be able to return to normal duty (as appropriate).~~
- ~~c. _____ Approximate date of anticipated release from a physician's care.~~

~~_____ Once a Department Head determines sick leave can no longer be granted and additional leave days are required, other appropriate leave policies may be utilized (i.e. annual leave, sick leave bank, leave without pay, etc.). Absence for a job injury shall be recorded as injury leave.~~

~~_____ Upon separation or retirement, a full-time employee shall be paid out at the rate of twenty five percent (25%) of their accrued sick leave not to exceed \$2,500.~~

Family Medical Leave Act (FMLA)

~~The County shall adhere to the Family Medical Leave Act (FMLA). The following is a general overview. To qualify an employee must have:~~

- ~~1. worked for Frederick County for at least 12 months and have worked at least 1250 hours~~
- ~~2. a serious medical condition of the employee or "eligible" family member, as defined per FMLA~~
- ~~3. or for the birth or adoption of a child.~~

~~For the complete policy and procedures for use of FMLA please contact the Personnel Department.~~

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 sick 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 vacation, personal or sick leave prior to being eligible for unpaid leave. Sick leave may be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick 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 vacation and sick leave (as long as the reason for the absence is covered by the County's sick 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 Sick Leave Bank

~~_____ All full time employees are eligible for membership in the sick leave bank (SLB) during their first three (3) months of employment. The SLB shall operate as follows:~~

- ~~g. _____ The employee shall be required to initially donate one day (8 hours) of sick leave, and thereafter, may be required to donate one day (8 hours) annually if deemed necessary by management.~~
- ~~h. _____ The following conditions must be met in order for a member to use the SLB for themselves or for a *qualifying* family member ("*qualifying*" per the sick leave policy). The sick leave bank is not intended, nor permitted for use for other than approved, qualifying events.~~
 - ~~_____ 1. _____ A serious extended medical condition of the member or qualifying family member.~~
 - ~~_____ 2. _____ Present appropriate doctor's medical certification to include expected duration of the absence.~~
 - ~~_____ 3. _____ Deplete *all* accumulated leave prior to use of the SLB: sick, holiday, comp. and annual.~~
 - ~~_____ 4. _____ Must be approved by the Department Director, Personnel Director, and County Administrator.~~
- ~~i. _____ A member is allowed a maximum of twenty (20) days (160 hours) in a twelve month period for themselves, or a qualifying family member.~~
- ~~j. _____ A departing employee shall be permitted to donate up to fifty (50) days (400 hours) of their unused sick leave to the SLB, (there is no payout on SLB hours). The maximum amount of time accumulated in the SLB shall not exceed the amount necessary to accommodate the membership and shall be monitored by the Personnel Office and the County Administrator.~~

8.6 Extended Disability

~~_____ An employee who has used all of his accumulated general leave and is absent for an extended period because of illness or accident may be continued on the payroll at half pay for a maximum period of six (6) weeks when recommended and approved by the County Administrator. In determining whether to grant this discretionary leave, consideration will be given to the length of service, the quality of service, and the leave record of the employee.~~

8.76 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 sick 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, to include sick and /or annual 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.

Injury Leave Policy

~~Policy~~ – Injury leave may be granted to protect an employee when he has sustained injury arising out of or in the course of the performance of his job.

~~Length~~ – An employee sustaining a compensable injury or illness under the Worker's Compensation Act may be granted injury leave at the discretion of the Personnel Department. Injury leave is ordinarily approved for the length of time necessary to enable the employee to return to work following an on-the-job accident. If an employee does not return to work upon the expiration of his approved leave period, after investigating the circumstances, and with burden of proof upon the employee, the Supervisor or Department Head may charge such absence to vacation leave or take disciplinary action, upon notification to the employee of the action.

~~Compensation~~ – During the first seven (7) calendar days of necessary absence, injury leave with full pay will be allowed. Following this period, for not longer than thirty-six (36) weeks of necessary absence, the employee shall be allowed the difference between compensation allowed under the Worker's Compensation Act (2/3 of salary), and full salary otherwise payable. Such employee, upon recommendation of the County Administrator and upon satisfactory medical

information, shall be entitled to be paid, as aforesaid, for a period of time not to exceed the following: ~~Employment to 5 years 12 weeks 5 to 10 years 24 weeks over 10 years 36 weeks~~

~~After the period of disability stated above, the employee will be dropped temporarily from the payroll and retirement benefits and the employee will retain compensation check for duration of disability.~~

~~The County will continue to pay the employees share of insurance premiums during the periods stated above. After the period of disability stated above, the County will continue the disabled employee's insurance coverages for a period of eighteen (18) months after being dropped from the payroll, said coverage to be at the expense of the employee.~~

~~If the employee is absent from work, as a result of injury, for longer than a three (3) week period, the employee must reimburse the County for Worker's Compensation payments received for the first seven (7) calendar days of absence and any other funds received over and above the employee's regular salary paid by the County in accordance with Section 65.1-62 of the Virginia Worker's Compensation Act, Annotated 1982.~~

~~Use of Sick and Vacation Leave~~

~~If upon expiration of the compensation period stated above the employee is unable to return to duty, the employee may apply all or any portion of accrued and currently earned vacation leave or sick leave toward additional required absence and be so compensated to the limit of such accrual and earnings. Compensation as may be allowed under the Worker's Compensation Act shall not be deducted from these salary payments. Normal earnings and credit of vacation and sick leave shall be applied to the employee during the periods prescribed in this paragraph and in the compensation section. Where doubt exists that any injury sustained by an employee has, in fact, arisen out of or in the course of performance of duty, until proper ruling is made, absence shall be charged to sick leave. When and if the injury is ruled to be job related, then charge for the absence will be charged to injury leave and all sick leave restored.~~

8.87 Funeral Leave Policy

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, ~~aunt, uncle, niece, nephew~~, 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.

~~Employees while on annual, or sick, or holiday leave will not be permitted to claim funeral leave, during this period of time.~~

8.98 Court Leave Policy

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 sick leave or vacation time, 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. ~~If the employee's presence is required for less than a full work day~~ 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.

8.109 Military Leave Policy

~~The purpose of this policy is to provide County employees~~ Leave in which an employee's absence time 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 ~~in accordance with the Code of Virginia, (Article 10, Section 44-93 and Title 138 of the United States Code, Chapter 43, Section 2024 (d)).~~ 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.

~~Merit evaluation: When an employee is on military duty for more than 160 consecutive working hours, and has not completed a full year's evaluation period, the evaluation will be conducted upon the employee's return. The evaluation scores will be used for record purposes only, and not used for calculation of the merit increase. However, the employee will receive the flat average percentage merit increase, as approved each year by the Board of Supervisors. Such increase will be paid retroactive only to the pay periods in which the employee was absent and received pay. Leave without pay (LWOP) periods will not qualify for the retroactive increase. The merit evaluation date will not change (unlike other absences see VII sec. 7.2).~~

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

8.110 LEAVE WITHOUT PAY Leave Without Pay (LWOP)

An employee who has exhausted his general-accrued leave may request to be placed on leave without pay for a specified period when approved by the County Administrator. Such leave shall ordinarily be limited to a period of six (6) months. 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.

8.11a. 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.

8.12b. 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 ~~hourly~~ 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, ~~as described herein.~~ It is recognized that there may be extenuating circumstances for unauthorized absence and due consideration shall be given to each case.

8.13c. 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.

8.14d. 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.

IX. TRAINING POLICY

With prior approval of the County Administrator, in such forms as may be prescribed by him, employees shall be reimbursed for all reasonable expenses incurred in participation in short courses, seminars, conferences, meetings, etc., coincident with the employee's routine responsibilities with the County.

With prior approval of the County Administrator, employees may be reimbursed for the cost of tuition and books for actual undergraduate class attendance or ~~for~~ correspondence courses, satisfactorily completed with achievement of a Grade "CB" or better which are directly related and which will enhance the employee's ability to perform the job for which he was hired.

Employees who have successfully completed an undergraduate degree may be reimbursed for the cost of tuition and books for satisfactorily completing a graduate degree program in a job-related field with a grade "B" or better. Employees achieving less than a Grade "C" the required grade will not be eligible for reimbursement.

~~With the approval of the County Administrator, the employee may be advanced the costs of tuition and books for approved courses, based upon written documentation by the Department Head and the employee that a financial hardship exists. Documentation shall include a written request for prepaid assistance by the employee and written approval by the Department Head. Costs to be incurred shall be set forth in full. The County Administrator shall review the request, and upon approval, shall require execution of a contract between the employee and the County whereby the employee will agree to reimburse the County, either through payroll deduction or surrender of sufficient accrued annual leave, the total cost of the prepaid assistance should the class not be completed with a Grade "C" or better. In either case, the funds shall be reimbursed within ninety (90) days of the completion of the course.~~

~~With approval of the County Administrator, employees who have successfully completed an undergraduate degree may receive tuition funding for participation in a master's program in their related field with the following stipulations:~~

Eligibility for Reimbursement:

- a. A grade of "B" or better ~~for graduate programs or a grade of "C" or better for undergraduate classes~~ must be achieved.
- b. When the program ~~or class~~ is successfully completed the employee shall agree to remain employed with the County for a period of not less than 1 year for each 18 hours taken in the graduate program or from the end date of the last satisfactorily completed undergraduate class.
- c. Should the employee not complete the graduate program he/she shall be required to reimburse all funds paid by the County toward the program.
- d. Should the employee successfully complete the program or class but leave the employ of the County prior to completing his period of service as set forth above, the prorated amount of funding for service not rendered shall be repaid to the County.

With the approval of the County Administrator, the employee may be advanced the costs of tuition and books for approved courses, based upon written documentation by the Department Head and the employee that a financial hardship exists. Documentation shall include a written request for prepaid assistance by the employee and written approval by the Department Head. Costs to be incurred shall be set forth in full. The County Administrator shall review the request, and upon approval, shall require execution of a contract between the employee and the County

whereby the employee will agree to reimburse the County, either through payroll deduction or surrender of sufficient accrued annual leave, the total cost of the prepaid assistance should the class not be completed with the required grade or better. In either case, the funds shall be reimbursed within ninety (90) days of the completion of the course.

The County Administrator shall be responsible for the organization, conduct and execution of any other training program which might be of value to County employees (in-service training).

X. SERVICE AWARDS POLICY

10.1 Purpose

The purpose of the Service Awards Program is:

- a. to commend faithful and proficient service performed by County employees
- b. to emphasize that each individual plays a key role in the County's progress
- c. to recognize that an employee's contribution grows with each additional year of service, and his performance of job duties
- d. to encourage career employment with the County

10.2 Basis for Awards

Determination of Awards

Service Awards will be based on continuous and proficient service (as defined below) by eligible, full-time employees.

Continuous and Proficient Service

Any break in service for a period of 160 consecutive working hours shall destroy the continuity of service. However, authorized leaves of absence such as annual leave, military ~~training leave and approved sick leave shall not destroy continuity of service and credit for the time will be granted; nor shall military duty leave~~, approved education leave and other approved leaves of absence shall not destroy continuity of service and credit for the time will be granted. The employee shall be required to exhibit a proficient performance rating to be eligible for such award.

Dismissal

No credit shall be given for employment with the County terminated by a dismissal. Any employee who is dismissed and is later re-employed with the County shall not receive credit for previous employment with the County.

10.3 Awards

Service Awards

Service awards shall be made according to the following schedule: 5, 10, 15, 20, 25, 30, 35, 40, ~~and 45~~, and 50 years.

10.4 Administration

Presentation of Awards

Awards shall be presented at such time and date established by the County Administrator.

Computation of Length of Services

Time in service shall be computed annually based on the employee's ~~anniversary-hire~~ date and shall take into account continuous ~~months-time~~ of service as defined in paragraph 10.2.

10.5 Employee of the Month Award

The Board of Supervisors, upon recommendation by the ~~Personnel-Human Resources~~ Committee, ~~will-may~~ select and present this award to one employee each month. Candidates may be nominated by any other County employee. Nomination forms should be submitted to the ~~Personnel-HR~~ Department by the 1st of the month in order to be considered for the award for the following month. Employees may be nominated more than one time during the award year, but are only eligible to receive the award one time per year. Department Heads and Constitutional Officers are not eligible to receive this award.

The employee will be selected on the merits of outstanding performance and productivity, positive job attitude and other noteworthy contributions to their department and to the County. Civic activities may be considered. Recipients of this award will receive a certificate, ~~an extra paid annual leave day or~~ and a ~~\$100-200~~ cash award and the recipient's name will be added to the Employee of the Month plaque located in the County Administration Building. Recipients over the past twelve month award period will be recognized at the Annual Awards Banquet.

10.6 Employee of the Year Award

The Board of Supervisors, upon recommendation by the ~~Personnel-HR~~ Committee, ~~will~~ select and present this award to one employee each year. Eligible candidates will be those employees who received an Employee of the Month award over the past twelve (12) month award period. This award will be presented to the employee whose service most serves as an example to all other employees within the County. The recipient of the award will receive an engraved plaque presented at the Annual Awards Banquet and a ~~\$250-300~~ cash award.

XI. DISCIPLINARY POLICY

11.1 Purpose

The purpose of this policy is to provide ~~a guideline~~procedures to effectively correct an employee's unsatisfactory work performance or misconduct in an effort to promote maximum utilization and productivity of employee potential.

11.2 Applicability

All classified employees shall be covered under this policy.

11.3 Policy Statement

The County of Frederick shall support the practice whereby all part-time, temporary, probationary, and ~~regular- full time~~ employees shall be disciplined by the same process. The discipline of an employee should be a progressive process. Disciplinary actions of lesser severity than dismissal should ~~ordinarily~~ be taken in an attempt to correct an employee's unsatisfactory work performance or misconduct before a dismissal is initiated. A dismissal may be generally considered as appropriate only as a last resort or be undertaken only when an extremely serious ~~policy~~-violation has occurred. Disciplinary action shall normally be taken in the following sequential progressive manner, wherever possible, in order to give the affected employee the maximum opportunity to improve his performance. Disciplinary actions may, however, be taken in a non-sequential manner where the situation warrants and ~~all~~any necessary approvals are obtained.

- a. Reprimand Level I
- b. Reprimand Level II
- c. Disciplinary Probation
- d. Suspension and/or demotion
- e. Dismissal

11.4 Reprimands

A reprimand is a written notice of discipline warning the employee when his job performance continues to be poor, for repeated minor offenses, or in circumstances where the supervisor believes that an offense is serious enough to issue a formal, written notice. The form of reprimand may be either Level I or Level II:

- a. Level I Reprimand - A written reprimand from a supervisor to an employee wherein the employee is cautioned and advised with reference to his unsatisfactory work performance or misconduct.
- b. Level II Reprimand - A written reprimand from a supervisor to an employee, to normally be issued only after a Level I reprimand has been issued, wherein the employee is cautioned and advised with reference to his unsatisfactory work performance or misconduct.
- c. No reprimand shall be relied upon as a basis for further disciplinary action unless it is documented in writing and a copy forwarded to the Personnel-HR Department for inclusion in the employee's official personnel file.
- d. Once a reprimand is reduced to writing, as provided above, a copy shall be ~~hand delivered and signed "received" or mailed certified mail (return receipt requested)~~ provided to the employee.

- e. Reprimands shall be appealable through the grievance procedure.
- f. Reprimands not appealed within the appropriate time limits specified by the grievance procedure shall become part of the official personnel file until it is purged by the employing authority.
- g. ~~When twelve (12) months have elapsed from the date a written reprimand is filed with an employee's personnel records, without a second reprimand having been given, it shall not be considered in any determination of the propriety of future disciplinary actions and the employing authority shall have the right to purge the file of the written reprimand.~~
- g. A copy of such written notice shall be forwarded to the HR Department for inclusion in the employee's official personnel file.

11.5 Disciplinary Probation

A disciplinary probation is a period of time that the employee is given to try and redeem poor behavior or bad conduct. In the instance where a Department Head wishes to place an employee on probation the following action shall be taken:

- a. The Department Head shall prepare an Employee Action form for probation and a memo that includes the items below. This request shall be presented to the County Administrator and a copy provided to the employee.
 - 1. A statement of the reasons for the probation.
 - 2. The length of time the probation is to last.
 - 3. A warning of what further disciplinary action could result, if the situation is not corrected.
 - 4. A statement of the employee's right to appeal (if any) in accordance with the County's grievance policy.
- b. A copy of such written notice shall be forwarded to the HR Department for inclusion in the employee's official personnel file.

11.56 Suspensions

Suspension may occur when an employee fails to correct his performance after repeated warnings, as the result of an accumulation of minor offenses or as the result of a serious offense or misconduct. In the instance where a Department Head wishes to suspend an employee the following action shall be taken:

- a. The employee may be relieved of duty and placed on administrative leave ~~(leave-with-pay).~~
- b. The Department Head shall prepare ~~an written request-~~ Employee Action form for suspension ~~without pay and a memo~~ that includes the items below. This request shall be presented to the County Administrator and a copy ~~hand-delivered and signed "received" or mailed, certified mail (return receipt requested)-provided~~ to the employee.
 - 1. A statement of the reasons for the suspension.

2. A warning of what further disciplinary action could result, if the situation is not corrected.

~~3. A statement of the employee's right to meet with the County Administrator to respond to charges against him before any suspension without pay for three (3) or more days.~~

4. A statement of the employee's right to appeal (if any) in accordance with the County's grievance policy.

c. ~~An immediate~~ A prompt decision by the County Administrator shall be made. The date of suspension may be retroactive to the day the employee was placed on administrative leave.

d. A copy of such written notice shall be forwarded to the HR Department for inclusion in the employee's official personnel file.

11.67 Demotion

Demotion may occur when an employee fails to correct his performance after repeated warnings, as the result of an accumulation of minor offenses or as the result of a serious offense or misconduct. In the instance where a Department Head wishes to demote an employee the following action shall be taken:

a. ~~A written notice of the~~ The Department Head shall prepare an Employee Action Form for demotion and a memo that including includes the items listed below, ~~shall be hand delivered or mailed "certified" mail (return receipt requested).~~ This request shall be presented to the County Administrator and a copy provided to the employee. The Board of Supervisors shall be notified of demotions.

1. A statement of the reasons for the demotion.

2. In cases where the demotion is not voluntary, include a warning of what further disciplinary action could result if the situation is not corrected.

~~3. A statement of the employee's right to meet with the County Administrator before implementation of this demotion.~~

4. A statement of employee rights to appeal (if any) in accordance with the County's grievance policy.

~~5. Approval County Administrator.~~

b. A prompt decision by the County Administrator shall be made.

~~bc.~~ A copy of such written notice shall be forwarded to the ~~Personnel~~ HR Department for inclusion in the employee's official personnel file.

~~ed.~~ A demotion shall not be used as a disciplinary action if the employee involved cannot qualify for the lower ranked position or if the demotion would require the displacement of another employee.

11.78 Dismissal

A dismissal is the most serious form of discipline and must be approved by the County Administrator.

a. ~~A written notice including the items listed below shall be hand delivered or mailed "certified" mail (return receipt requested) to the employee. The Department Head shall prepare an Employee Action Form for dismissal and a memo that included the items listed below. This request shall be presented to the County Administrator and a copy provided to the employee. The Board of Supervisors shall be notified of dismissals.~~

1.

1. A statement of the reasons for dismissal.

2. A statement of the employee's rights to a pre-termination hearing with the County Administrator. (Upon receipt of dismissal notification, the employee must notify ~~Personnel- HR~~ within five (5) working days to request such meeting.) This right does not supersede the Grievance Policy.

3. A statement of employee's rights to appeal (if any) in accordance with the County's grievance policy.

b. A copy of such written notice shall be forwarded to the Personnel Department for inclusion in the employee's official personnel file. The Board of Supervisors shall be notified of dismissals.

b. A prompt decision by the County Administrator shall be made.

c. A copy of such written notice shall be forwarded to the ~~Personnel- HR~~ Department for inclusion in the employee's official personnel file. ~~The Board of Supervisors shall be notified of dismissals.~~

11.89 Unsatisfactory Work Performance or Misconduct

Each need for discipline has varying circumstances and requires the exercise of discretion on the part of the supervisor. Disciplinary action may be taken against an employee for any of the following examples of unsatisfactory work performance and misconduct. These examples are not in any way to be construed as comprehensive listings of possible violations nor are they to be considered as rigid guidelines.

a. Recurring tardiness.

b. Absent without ~~leave~~approval.

c. Violation of policy on intoxicants.

d. Sleeping on the job.

e. Neglect of work.

f. Neglect of duty or refusal to comply with instructions of a supervisor.

g. Insubordination

h. Deliberate or careless conduct endangering the safety of oneself or other employees.

- i. Negligence in the care and handling of County property.
- j. Theft of County property or of another employee's property and/or equipment.
- k. Incompetence or inefficiency in the performance of required job duties.
- l. ~~Use of~~Offensive, abusive, threatening, coercive, indecent or discourteous language or conduct toward supervisors, other employees, or members of the public.
- m. Intentional falsification of personnel records, time records, or any other County records or reports.
- n. Provoking, instigating or participating in a fight while on duty or on County property.
- o. Unauthorized carrying of a concealed weapon during work hours or on County property.
- p. Abuse of County policy regarding sick leave, compensatory time, lunch period, vehicle use, etc.
- q. Refusal to cooperate in any internal or criminal investigation in connection with his employment conducted by any law enforcement agency including, but not limited to, taking a polygraph examination when directed by his immediate supervisor. This provision shall not require any employee to surrender any ~~guaranteed~~ constitutional or statutory rights.

11.9 — Policy on Intoxicants and Drugs

~~— The purpose of this policy is to prohibit the use of intoxicants or drugs while in a work related capacity.~~

~~— Any employee of the County of Frederick may be subject to immediate dismissal for any of the following:~~

- a. ~~— Using intoxicants and/or drugs on County premises, in County vehicles, while in County uniform, or during work hours.~~
- b. ~~— Coming to work under the influence of intoxicants or drugs.~~

11.10 Absence Without Leave Policy Unauthorized Absences

~~Absence without leave~~Unauthorized absences shall be defined as an absence from the job during a scheduled work period without approval of or notification to the employee's supervisor or Department Head. Also the failure to report to work at the expiration of an authorized leave ~~or to request and obtain an extension of time,~~ shall be considered an ~~absence without leave~~unauthorized absence. An unauthorized absence from duty during required hours of attendance shall be treated as ~~an absence~~leave without pay. Where there are not adequate reasons for the failure to secure authorization prior to the absence, the employee shall be subject to disciplinary action as may be determined by the Department Head subject to the provisions governing discipline set forth herein. The following disciplinary procedure shall serve as a guide:

- a. The first occurrence of an unauthorized absence ~~without leave~~ shall result in a reprimand with a copy to the official personnel file.

- b. The second occurrence of an unauthorized absence ~~without leave~~ within a twelve (12) month period shall result in at least a suspension without pay.
- c. The third occurrence of an unauthorized absence ~~without leave~~ within a twelve (12) month period shall result in immediate dismissal.
- d. Any employee absent without leave authorization for three (3) consecutive work days shall be subject to immediate dismissal.

~~11.11~~ County Administrator's Review

~~_____ The County Administrator and/or the Assistant County Administrator and the Personnel HR Director shall review disciplinary actions to insure that they conform to the intent of this policy. All requests for disciplinary actions shall be supported with written documentation from the Department Head and approved by the County Administrator.~~

~~_____ The County Administrator shall review and approve suspensions and dismissals. (Reprimands do not need the County Administrator's approval.)~~

~~11.12~~ Right of Appeal Grievance

An employee shall be given written notice of any disciplinary action. Appeals resulting from disciplinary action shall follow the ~~procedure set forth in Section XII~~ Grievance Policy. The filing of an appeal grievance **does not** suspend the disciplinary action. If the grievance's appeal prevails is successful If the employee prevails in the grievance, salary and/or benefits denied under disciplinary action shall be reimbursed.

XII. GRIEVANCE POLICY AND PROCEDURE

12.1 Policy

It shall be the policy of the Board of Supervisors to encourage resolution of employee problems and complaints wherein employees can freely discuss their concerns with immediate supervisors and upper management levels. However, to the extent such concerns cannot be resolved; the grievance procedure shall afford an immediate and fair method for the resolution of disputes which may arise between an agency and its employees. The grievance procedure shall include:

A. Definition of Grievance

A grievance shall be a complaint or dispute by an employee relating to his employment, including but not necessarily limited to (i) disciplinary action, including dismissals, disciplinary demotions and suspensions, provided that dismissals shall be grievable whenever resulting from formal discipline or unsatisfactory job performance; (ii) the application of personnel policies, procedures, rules and regulations, including the application of policies involving matters referred to in sub-section (B)(iii) below; (iii) discrimination on the basis of race, color, creed, religion, political affiliation, age, disability, national origin or sex; and (iv) acts of retaliation as the result of the use of or participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, has sought any change in law before the Congress of the United States or the General Assembly, or has reported an incidence of fraud, abuse, or gross mismanagement. For the purposes of clause (iv) there shall be a rebuttable presumption that increasing the penalty that is the subject of the grievance at any level of the grievance shall be an act of retaliation; the original sanction can not be increased.

B. Management Responsibilities

Management reserves the exclusive right to manage the affairs and operations of County government accordingly. Accordingly, the following complaints are not grievable: (i) establishment and revision of wages or salaries, position classifications or general benefits; (ii) work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the job content; (the measurement and assessment of work activity through a performance evaluation shall not be grievable except where the employee can show that the evaluation was arbitrary or capricious); (iii) the contents of ordinances, statutes or established personnel policies, procedures, rules and regulations; (iv) failure to promote except where the employee can show established promotional policies or procedures were not followed or applied fairly; (v) the methods, means and personnel by which such work activities are to be carried on; (vi) except where such action affects an employee who has been reinstated within the previous six months as the result of the final determination of a grievance, termination, layoff, demotion or suspension from duties because of lack of work, reduction in work force, or job abolition; (vii) the hiring, promotion, transfer, assignment and retention of employees within the agency (provided such actions do not constitute disciplinary actions); and (viii) the relief of employees from duties of the agency in emergencies. In any grievance brought under the exception to Section 12.1 B (vi) the action shall be upheld upon a showing by the agency that: (i) there was a valid business reason for the action, and (ii) the employee was notified of such reason in writing prior to the effective date of the action.

C. Coverage of Personnel

All regular, full time and part time County personnel, excluding probationary employees, are eligible to file grievances as provided in this section with the following exceptions:

- a. Appointees of the Board of Supervisors including the County Administrator, and members of the various Boards, Commissions, or Agencies of the Board of Supervisors.
- b. Constitutional Officers, however, the employees of a Constitutional officer shall be included within the County grievance procedure provided that the Constitutional Officer and the County have both agreed that these employees shall be included within the County's personnel system.

- c. ~~Welfare Board-Agency and/or Department Directors.~~
- d. ~~Employees and Deputies of Division Superintendents of Schools. Employees whose terms of employment are limited by law.~~
- e. ~~An employee who has resigned may not have access to the County grievance procedure after the effective date of the resignation. Temporary, limited term and seasonal employees.~~

An employee who has ~~been removed-~~ voluntarily resigned shall not have access to the County grievance procedure, except to grieve a ~~removal-resignation~~ resulting from formal discipline, ~~or~~ unsatisfactory job performance, or an involuntary resignation. Such grievance must be filed within thirty (30) calendar days of the dismissal date.

Any grievance initiated by a regular, classified County employee prior to separation from County service may, at the employee's option, continue to be processed through the grievance procedure.

After the initial filing of a written grievance, failure of either party to comply with all substantial procedural requirements of the grievance procedure without just cause will result in a decision in favor of the other party on any grievable issue provided the party not in compliance fails to correct the non-compliance within five (5) work days of receipt of written notification by the other party of compliance violation. Such written notification by the grievant shall be made to the County Administrator. Failure of either party without just cause to comply with all substantial procedural requirements at the panel hearing shall result in a decision in favor of the other party.

12.2 Determination of Grievability

If some question should exist concerning the grievability of a specific problem and if the question cannot be resolved to the satisfaction of both the employee and his supervisor at the departmental level, the employee may within ~~five (5)~~ten (10) work days make a request to the County Administrator for a ruling of grievability who shall respond within ~~five (5)~~ten (10) work days.

In any case, no complaint may be addressed beyond the County Administrator level before grievability has been determined. Only after grievability has been determined shall a grievance be processed through the grievance panel stage. Decisions of the County Administrator may be appealed by the employee within five (5) work days to the Frederick County Circuit Court for a hearing de novo on the issue of whether or not the grievance qualifies for a panel hearing. Proceedings for review of the decision of the County Administrator shall be instituted by filing a notice of appeal with the County Administrator within five (5) work days from the date of receipt of the decision and giving a copy, thereof, to all other parties. Within five (5) work days thereafter, the County Administrator shall transmit to the Clerk of the Court to which the appeal is taken 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 to transmit the record within the time allowed shall not prejudice the rights of the grievant. The court, on motion of the grievant, may issue a writ of certiorari requiring the County Administrator to transmit the record on or before a certain date. Within thirty (30) days of receipt of such records by the clerk, the court, sitting without a jury, shall hear the appeal on the record transmitted by the County Administrator and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The court, in its discretion, may receive such other evidence as the ends of justice require. The court may affirm the decisions of the County Administrator or may reverse or modify the decision. The decision of the court shall be rendered no later than the fifteenth (15) day from the date of the conclusion of the hearing. The decision of the court is final and is not appealable.

12.3 Grievance Procedure

An employee wishing to file a grievance shall have the right to follow all steps of this procedure as listed below with complete freedom from reprisal. This does not, however, confer the right upon anyone to make slanderous or libelous statements. The use of recorders is not permitted in the management steps.

STEP I

An employee, who has a grievance, as defined herein, shall within thirty (30) calendar days of the occurrence of the action or event causing the grievance or of the date when the employee could have reasonably been expected to have learned of the act or event, contact his immediate supervisor for a discussion of the grievance. The supervisor shall ~~meet with the employee~~ within five (5) work days ~~to discuss the grievance, with the employee and make a careful inquiry into the facts and circumstances of the complaint.~~ The supervisor shall give the employee a reply within five (5) work days following ~~receipt of the complaint~~ the meeting.

STEP II

If the grievance is not resolved as a result of STEP I, the employee may within five (5) work days, thereafter, file a written grievance with their Department Head. Other arrangements for submission of a grievance such as a personal interview or tape recording will be made available for the visually-impaired or those with motor impairments. The employee must be sure that the grievance is complete in all detail at this stage of the procedure. The Department Head will then within five (5) work days meet with the employee to discuss the grievance, ~~to determine if the grievance can be resolved at this step.~~ The Department Head will inform the employee in writing of his decision and the reasons therefore within five (5) calendar days following ~~receipt of the written grievance~~ the meeting.

STEP III

If the Department Head's response does not resolve the grievance, the employee may within ~~five (5)~~ ten (10) work days thereafter file a written request for a hearing with the County Administrator containing the employee's explanation of what has occurred. A copy shall also be sent to the employee's Department Head. Upon receipt of the written request for a hearing, and verification that Steps I and II have been exhausted, the County Administrator shall within (5) work days schedule the hearing requested. The County Administrator may request the presence of the Department Head or any other County official at the hearing and the employee may also have a representative of his choice present. The County Administrator shall give the employee a written reply or a method understood by complainant within five (5) work days after the conclusion of the hearing. A copy of the reply shall be sent to the employee's Department Head.

STEP IV

If the County Administrator's reply does not resolve the grievance, the employee may within seven (7) work days, thereafter, request in writing to the County Administrator that his grievance be submitted to a panel hearing.

In submitting this written request it is not necessary that the employee again provide a written explanation of what has occurred as this was contained in his written request submitted at STEP II and III and as part of the record will be made available to the grievance panel.

Within ~~seven (7)~~ ten (10) work days after the date of the written request for a panel hearing, the ~~Personnel HR~~ Department will ~~supply provide the Department Head with~~ a list of at least five (5) prospective panel members to ~~hear the grievance, none of whom may have been involved in an earlier phase of the grievance. The Department Head and the grievant.~~ To insure an impartial panel, such panel shall not be composed of any persons having direct involvement with the grievance being heard, or with the problem giving rise to the grievance; for example, the grievant, the Department Head, supervisors replying at any management step, representatives of the grievant at the third step and witnesses who have appeared at any management step. In addition, managers who are in a direct line of supervision of a grievant are also excluded from serving as panel members. Also, no attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee or co-employee of such an attorney shall serve as a panel member.

Furthermore, the following relatives of a participant in the grievance process or a participant's spouse shall not serve as panel members, i.e., spouse, parent, child, descendants of a child, sibling, niece, nephew and first cousin.

Additionally, due to their sensitive relationships to the grievance process, employees in the personnel classification series shall not serve as panel members. Three (3) members who will constitute the panel shall be selected within ~~seven (7)~~ ten (10) work days from this list - one member shall be chosen by the Department Head; one member shall be chosen by the grievant; and the remaining member shall be selected by the first two appointees and shall serve as the chairperson. In the event that agreement cannot be reached as to the third panel member, the Chief

Judge of the Circuit Court will select the third member. ~~The County Administrator shall arrange an organizational meeting of the grievance panel within five (5) work days from the date established for a panel hearing. This date shall be within ten (10) work days of the organizational meeting. The panel hearing shall be scheduled to occur within thirty (30) calendar days from the date that the third panel member is selected.~~ The panel has the responsibility to interpret the application of appropriate County policies and procedure in the case. It does not have prerogative to formulate or to change policies or procedures.

The employee may have present at the hearing a representative or legal counsel at his own expense. Copies of the written record in the case from STEP II and III shall be provided the panel members by the County.

The conduct of the hearing shall be as follows:

The County shall provide a copy of the record to the panel, the supervisor, and the grievant.

- a. The panel may at the beginning of the hearing ask for statements clarifying the issues involved.
- b. Exhibits, when offered, may be received in evidence by the panel, and when so received shall be marked and made part of the record.
- c. The employee and supervisor, or their representative, shall then present their claim and 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 and witnesses for presentation of any material or relevant evidence.
- d. The parties may offer evidence and shall provide such additional evidence as the panel may deem necessary for an understanding and determination of the dispute. The panel shall be the judge of relevancy and materiality of the evidence offered. All evidence shall be taken in the presence of the panel and of the parties.
- e. All evidence taken by the panel shall be under oath.
- f. The majority decision of the panel shall be rendered within ten (10) work days of the conclusion of the hearing and shall be final and binding and consistent with law and written policies.
- g. The parties should not discuss the substance of any grievance or the problem giving rise to the grievance with any panel members prior to or subsequent to the hearing. Any matters requiring the attention of the panel should be communicated in writing with copies to all parties.
- h. The panel shall have the authority to establish such other procedures for the hearing as are consistent with state law.

12.4 Compensation and Expense Reimbursement Guidelines

- a. Non-County employees serving as panel members are not compensated or reimbursed for any expenses. The time spent by County employees who serve as witnesses or panel members during normal working hours shall not have this time charged against any leave. It is expected that the number of witnesses called would remain within reasonable limits.
- b. Grievant's who are still employed by the County are compensated at their regular rate of pay for the time spent during normal working hours in the management-step meetings, the panel hearings and other hearings provided in the procedure. This compensation is not charged against any leave.
- c. Employees who are grieving termination are not compensated except in cases where a panel decision results in reinstatement with back pay.

- d. The grievance procedure is designed for an employee to go through the process without the necessity for representation. While the employee has the freedom to select a representative of his choice if desired, there is no provision for any compensation or expense reimbursement for a representative, whether such person is a County employee or someone outside of County service. Additionally, there is no provision for any compensation or expense reimbursement for a representative regardless of the outcome of the grievance process.

12.5 Appeal of a Panel Decision

- a. If a written request to reconsider the panel decision is submitted by either party within five (5) work days of receipt of the decision, the panel by majority vote may elect to review its decision and/or reopen the hearing for a good cause shown.
- b. Any challenge of a panel decision on the grounds of inconsistency with law and written policy shall be submitted by either party within five (5) work days to the County Administrator.
- c. The County Administrator may on his own action remand to panel for further consideration a decision which appears to be inconsistent with law or written policy.
- d. Either party may petition the Frederick County Circuit Court for an order requiring implementation of the decision of the panel.

12.6 Retention of Records

All complaints received by the County Administrator and responses from the panel will be kept by the ~~County of Frederick~~ HR Department for a period of three years.

XIII. PERSONNEL RECORDS

13.1 Official Personnel File Policy

The purpose of this policy is to establish an official personnel file and to provide a procedure governing the access, dissemination and purging of information contained within this file.

The official personnel file shall be defined as the employment file containing personal information relevant to the individual's employment which is maintained by the Personnel-HR Department.

The official personnel file shall be the only file which is to be considered official and complete in matters related to wage and salary, employee selection, employee relations including promotion, discipline, evaluation and other official actions discussed herein. Information pertaining to any personnel related aspect of employment (i.e. unemployment compensation requests, etc.) shall be contained within the file.

~~The access, dissemination and purging of information contained within the file shall be in accordance with the Privacy Protection Act of 1976 as may from time to time be amended. Access to personnel files shall be governed by the Virginia Freedom of Information Act and as set forth herein.~~

The following individuals shall be designated as having regular access to the official personnel files:

- a. The Board of Supervisors, the County Administrator, the Assistant County Administrator, the Personnel-HR Director and his staff.
- b. The members of a grievance panel selected in accordance with the approved County grievance procedures.
- c. The Virginia Employment Commission - Unemployment Compensation Division.
- d. ~~Federal, State, or local agencies, to create additional personnel records after employment, to be released upon written authority of the employee~~The Equal Employment Opportunity Commission and/or any other agency charged with responsibility for investigating claims of discrimination
- e. Federal, State, or local law enforcement agencies during the investigation of a violation or potential violation of the law.

The following individuals shall be designated as having regular access to a limited number of the official personnel files:

- a. Individual employees or former employees shall have regular access to their own personnel file after having satisfactorily demonstrated their identity.
- b. Department Heads shall have regular access to the official files of employees under their authority only.

~~All official personnel files shall be reviewed in the presence of the County Administrator, the Personnel Director or the Personnel Department Staff.~~

~~There shall be no dissemination of any personal information contained within the official personnel file to any individual organization not having regular access unless a Voluntary Release of~~

~~Information Form has been completed both by the employee and the requesting individual agency.~~
In the discretion of the County Administrator, however, the County may disclose the contents of any personnel file to such other persons as deemed appropriate.

XIV. TERMINATION OF EMPLOYMENT

14.1 Resignation

A resignation shall be defined as a voluntary separation from employment through written notification to the employing authority initiated by the employee.

All employees desiring to resign their employment with the County shall submit written notification of such intent to their employing authority. This notification shall include the reason for resignation, the actual date ~~and hour~~ the resignation is to become effective and shall be signed by the employee. A copy of the notification shall be forwarded to the ~~Personnel Office~~ HR Department for inclusion in the personnel file.

It is requested that all employees give at least fourteen (14) calendar days notice prior to the ~~commencement of any terminal leave or~~ effective date of resignation, except where specific circumstances prohibit such advance notification. Such resignation may be withdrawn by the employee at any time prior to the effective date, with the approval of the Department Head. ~~Employees who resign shall receive payment for all annual leave and compensatory time for which they are eligible according to the annual leave and compensatory time policy.~~

For those employees who fail to submit the written notification prior to their ~~termination~~ resignation date, the employing authority shall forward a letter certified mail (return receipt requested) stating it is his understanding that the employee has voluntarily resigned employment. An employee's failure to respond within forty-eight (48) hours following receipt of the certified letter regarding any errors contained therein shall constitute a valid resignation.

14.2 Return of County Property

An employee leaving the service, whether through resignation, lay-off or dismissal is responsible for returning any County property which he may have in his possession. Upon termination, such property as ~~personnel~~ HR manuals, ID cards, ~~prescription drug cards~~, uniforms, badges, keys, etc., must be returned to the Department Head, the County Administrator or the HR Department ~~of Personnel~~.

14.3 Lay-Off

The County reserves the right to separate employees for lack of available work or funds, ~~or unsatisfactory completion of the probationary period of employment~~. In such cases, the employees affected shall be given a minimum of two (2) weeks advance notice or two (2) weeks severance pay at the discretion of the County Administrator. ~~An employee may also be laid-off if he or she becomes physically or mentally unable to perform the duties of the position for which hired.~~

14.4 Administrative Termination

Employees who are hired by appointing authorities to fill positions that are later determined to be unavailable in the budget of the respective departments, or who are found not to meet the minimum qualifications of the position, following the actual start of work, shall have their employment administratively terminated as soon as convenient following the determination of the discrepancy.

14.5 Out-Take

In order to process a terminating/retiring employee's final pay and benefits options, they are required to schedule and complete the out-take process with the ~~Personnel~~ HR Department as soon as possible and prior to their last day of work.

14.6 Exit Interview

Frederick County is interested in knowing why an employee is leaving the County's work force. In order to improve our personnel policies and supervision, all terminating employees are urged to schedule an exit interview with the **Personnel-HR** Director. Information received will not be made a part of the employee's personnel file.

14.7 Retirement

An employee may retire in accordance with the provisions of the Virginia Retirement System (VRS).

An employee who *retires* under VRS at or after age 50 years and with at least 20 years continuous service with Frederick County, and with a hire date prior to July 1, 1995, will be provided 100% health insurance coverage until eligible for Medicare ~~(age 65 years)~~, at which time the County will provide 100% supplemental insurance.

An employee hired on/or after July 1, 1995 and who *retires* under VRS *with full benefits* (non-LEOs, at or after age 50 and with at least 30 years service; LEOs, at or after age 50 with at least 25 years service) and with at least 30 (or at least 25 for LEOs) years continuous service with Frederick County will be provided 100% health insurance coverage until eligible for Medicare ~~(age 65 years)~~, at which time the County will provide 100% supplemental insurance.

An employee hired on or after July 1, 2012 will not, upon retirement, be provided with healthcare coverage at the expense of the County, regardless of the employee's retirement conditions.

An employee who *retires* under VRS with reduced benefits, and who is not eligible for Medicare benefits, may participate at their own expense in the group health insurance plan under COBRA.

An employee who retires because of disability may participate at their own expense in the group health insurance plan for a period of twenty-nine (29) months under COBRA, or until they become eligible for Medicare, whichever shall occur first.

All payments shall be made in advance and sent to the County's Agent Of Record.

Updated/Approved 6/27/2012

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.

~~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 a.) engage in any type of political activity while on-duty and/or in County uniform, provided that while engaging in political activity they b.) do not use County resources or equipment, or c.) 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 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/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.

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**

~~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.

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

~~1619.1~~ 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.

~~1619.2~~ 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, Ppart-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~~

XVIII. INCLEMENT WEATHER/ or 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.

1716.1 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.

1716.2 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.

1716.3 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.

Proposed Final Policies

V. RECRUITMENT, SELECTION AND EMPLOYMENT

5.1 Open Competition

All positions covered by these policies shall be open to all persons who possess the requirements for the positions as indicated in the official class specifications. The recruitment objective is to obtain well qualified applicants for all vacancies with selection based on the best qualified person available at the salary offered for the particular position.

All requests for reasonable accommodations from potential applicants or as necessary for the retention of an employee will be considered as required by the American Disabilities Act provided that the limitation does not impose an undue hardship upon the County or does not jeopardize the position through direct threat to a bonafide occupational qualification.

5.2 Original Employment

An individual beginning employment with the County for the first time shall, except as described below, usually be placed at the first step of the pay range established for the class in which he/she is employed and that employment date should be defined as his date of hire. Based on a new employee's prior experience, proficiency, and other relevant criteria in the same or related capacity, placement may be accelerated within the assigned range upon approval of the County Administrator within current budget restraints. Appointments may be made below the minimum for a person who lacks the desired qualifications of the position; such persons are considered Trainees until such time as they acquire the minimum qualifications, at which time they are advanced to the normal entrance salary of the position.

5.4 Reemployment

When an individual is re-employed after a separation of thirty (30) or more calendar days, a new date of hire shall be established for computation of all merit increases and other salary adjustments. A returning employee who is re-employed will, except as described below, be placed at the lowest step of the position's approved pay range. Based on the returning employee's prior proficiency and experience in the same or related capacity, an acceleration of up to and including the fourth step of the assigned range may be made upon recommendation by the Department Head and approval of the County Administrator. All time earned in previous employment shall not be counted toward the probationary period, annual leave, service awards, or any other longevity based program or benefit. Rather, only that time earned following actual re-employment shall be counted.

5.5 Reinstatement

An individual returning to the employ of the County within thirty (30) or less calendar days of separation, shall return to duty in the same position and class subsequent to the approval of the Department Head and the County Administrator. The appropriate pay step within the approved range of the class for all reinstated employees shall be determined by the County Administrator. Hire dates for all reinstated employees will remain the same as that associated with prior employment. All time earned previous to reinstatement shall be counted toward the probationary period, annual leave, service award, or any other longevity based program or benefit. Additionally, accrued paid leave will be utilized to cover the actual time missed prior to reinstatement. Should paid leave not be available, leave without pay will be utilized to cover the actual time missed prior to reinstatement.

5.6 Temporary Employment

Persons may be employed to temporary positions without commitment as to tenure. Temporary

employees may be part-time or full time, not eligible for benefits, and subject to re-evaluation by Department Head.

5.7 Temporary Appointments

Persons may be appointed to temporary positions without commitment as to tenure. Temporary appointments are for full time, benefit eligible positions and subject to re-evaluation by Department Head. Temporary appointments are also eligible for a salary increase with the approval of the Department Head and County Administrator.

5.8 Reclassification

When such a position cannot accurately be described or compensated by assignment to an existing class or position, the County Administrator shall establish a new class or position, based upon written documentation submitted by the Department Head, with appropriate range and title, subject to approval by the Board of Supervisors. A reclassification is the assignment of the employee's regular and continuing duties to a descriptive and commensurate class or position. Reclassification does not adjust the employee's hire date.

5.8 Promotion

Based upon recommendation by the Department Head, employees may be considered for promotion and their salary may be adjusted. The County Administrator shall have the final authority to approve such promotions and any corresponding salary adjustments. The effective date of all promotions will be the first day of the pay period in which the promotion takes place. Employees who are promoted and are eligible for a merit evaluation may receive the scheduled merit increase.

5.9 Transfer Between Departments

When an employee makes a transfer between departments, no change of status or hire date occurs.

5.10 Appointing Authorities

The appointing authority is the person or group of persons having authority to make appointments under the laws of the State and the County. Each Constitutional Officer is the appointing authority for his department. The County Administrator approves appointments for all other positions covered by these policies; additionally, the Board of Supervisors appoints the County Administrator.

VI. PROBATIONARY PERIOD

6.1 Objective

The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work and all other attributes of the employee's performance required to perform the job in an acceptable manner, for securing the most effective adjustment of an employee to his position, for terminating any employee whose performance or other attributes of the employee's performance required to perform in an acceptable manner is not satisfactory, and for counseling and/or disciplining an employee and reviewing the work of such employee following counseling.

6.2 Duration

The probation period shall be six (6) calendar months for County employees and twelve (12) calendar months for law enforcement, correctional officers, communications officers, and firefighters/EMT's following an original employment or re-employment with the County, unless pursuant to 6.5 where probation will be extended. Counseling/disciplinary probation shall be such period up to six (6) calendar months as recommended by the Department Head and approved by the County Administrator, to commence after meeting with Department Head and employee.

6.4 Progress Meeting

The immediate supervisor/department head may request a progress meeting with the probationary employee at any time, to identify successes and shortcomings. The content of the meeting must be documented in writing and a copy made available to the employee. Subsequent follow-up may be requested to review the employee's progress toward a satisfactory performance evaluation.

6.5 Probationary Evaluation

The Department Head shall indicate in writing via the appropriate evaluation form:

- a. That he has discussed with the employee the employee's accomplishments, failures, strengths and weaknesses.
- b. Whether the employee is performing satisfactory work.
- c. Whether the employee should be placed on extended probation; or
- d. Whether the employee should be dismissed.

If at the end of the normal probationary period there is doubt about the employee's capability or willingness to perform satisfactorily, the probationary period may be extended to a maximum of an additional six (6) months, upon recommendation of the immediate supervisor and approval of the Department Head.

VII. PERFORMANCE/MERIT EVALUATION

7.1 Objective

The purpose of the full time employee performance evaluation shall be primarily to inform employees about how well they are performing their work and how they can improve their work performance. The performance evaluation shall also be used in determining salary increments, as a factor in determining order of lay-off, as a basis for training, promotion, demotion, transfer or dismissal, and for such other purposes as set forth in these regulations.

7.2 Period of Evaluation

From the date of original appointment or re-employment, with the County, all full time employees shall be evaluated at the end of the sixth (6) month of service, twelfth (12) month for law enforcement, correctional officers, communications officers, and firefighters/EMT's, and on a yearly basis thereafter. An employee shall not be eligible for a pay raise until the performance evaluation form has been completely processed. Department Heads shall be responsible for the timely processing of performance evaluations within their department to insure that an employee's merit increase is not delayed.

7.3 Evaluation

Evaluations shall be conducted by the Department Head or, ~~at the Department Head's discretion,~~ immediate supervisor. An employee shall have the right to review, and request a copy of any or all evaluations made of him.

7.4 Review with Employee

Upon completion of the evaluation the employee shall have the opportunity to sign noting on the evaluation form, that the evaluation was received and any/all questions were addressed.

7.5 Supplemental or Revised Evaluation

The County Administrator may prepare, or request preparation of, a supplemental, revised or interim evaluation for any employee. Paragraphs 7.4 and shall apply to any revised, supplemental or interim evaluation.

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 2600 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 2600 hours per year schedule, Paid Time Off shall accrue as follows:

| Years of Service | Accrual Rate per Month | Annual Accrual | Maximum Accrual |
|-------------------------|-------------------------------|-----------------------|------------------------|
| 0-5 | 17.5 Hours | 210 Hours | 330 Hours |
| 5-10 | 20 Hours | 240 Hours | 380 Hours |
| 10-15 | 22.5 Hours | 270 Hours | 430 Hours |
| 15-20 | 25 Hours | 300 Hours | 430 Hours |
| 20-25 | 27.5 Hours | 330 Hours | 430 Hours |
| 25+ | 30 Hours | 360 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.

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 1/2600 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 sick 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 vacation, personal or sick leave prior to being eligible for unpaid leave. Sick leave may be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick 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 vacation and sick leave (as long as the reason for the absence is covered by the County's sick 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 sick 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, to include sick and /or annual 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 sick leave or vacation time, 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.

IX. TRAINING POLICY

With prior approval of the County Administrator, in such forms as may be prescribed by him, employees shall be reimbursed for all reasonable expenses incurred in participation in short courses, seminars, conferences, meetings, etc., coincident with the employee's routine responsibilities with the County.

With prior approval of the County Administrator, employees may be reimbursed for the cost of tuition and books for actual undergraduate class attendance or correspondence courses, satisfactorily completed with achievement of a Grade "B" or better which are directly related and which will enhance the employee's ability to perform the job for which he was hired. Employees who have successfully completed an undergraduate degree may be reimbursed for the cost of tuition and books for satisfactorily completing a graduate degree program in a job-related field with a grade "B" or better. Employees achieving less than the required grade will not be eligible for reimbursement.

Eligibility for Reimbursement:

- a. A grade of "B" or better for graduate programs or for undergraduate classes must be achieved.
- b. When the program or class is successfully completed the employee shall agree to remain employed with the County for a period of not less than 1 year for each 18 hours taken in the graduate program or from the end date of the last satisfactorily completed undergraduate class.
- c. Should the employee not complete the graduate program he/she shall be required to reimburse all funds paid by the County toward the program.
- d. Should the employee successfully complete the program or class but leave the employ of the County prior to completing his period of service as set forth above, the prorated amount of funding for service not rendered shall be repaid to the County.

With the approval of the County Administrator, the employee may be advanced the costs of tuition and books for approved courses, based upon written documentation by the Department Head and the employee that a financial hardship exists. Documentation shall include a written request for prepaid assistance by the employee and written approval by the Department Head. Costs to be incurred shall be set forth in full. The County Administrator shall review the request, and upon approval, shall require execution of a contract between the employee and the County whereby the employee will agree to reimburse the County, either through payroll deduction or surrender of sufficient accrued annual leave, the total cost of the prepaid assistance should the class not be completed with the required grade or better. In either case, the funds shall be reimbursed within ninety (90) days of the completion of the course.

The County Administrator shall be responsible for the organization, conduct and execution of any other training program which might be of value to County employees (in-service training).

X. SERVICE AWARDS POLICY

10.1 Purpose

The purpose of the Service Awards Program is:

- a. to commend faithful and proficient service performed by County employees
- b. to emphasize that each individual plays a key role in the County's progress
- c. to recognize that an employee's contribution grows with each additional year of service, and his performance of job duties
- d. to encourage career employment with the County

10.2 Basis for Awards

Determination of Awards

Service Awards will be based on continuous and proficient service (as defined below) by eligible, full-time employees.

Continuous and Proficient Service

Any break in service for a period of 160 consecutive working hours shall destroy the continuity of service. However, authorized leaves of absence such as annual leave, military leave, approved sick leave, approved education leave and other approved leaves of absence shall not destroy continuity of service and credit for the time will be granted. The employee shall be required to exhibit a proficient performance rating to be eligible for such award.

Dismissal

No credit shall be given for employment with the County terminated by a dismissal. Any employee who is dismissed and is later re-employed with the County shall not receive credit for previous employment with the County.

10.3 Awards

Service Awards

Service awards shall be made according to the following schedule: 5, 10, 15, 20, 25, 30, 35, 40, 45, and 50 years.

10.4 Administration

Presentation of Awards

Awards shall be presented at such time and date established by the County Administrator.

Computation of Length of Services

Time in service shall be computed annually based on the employee's hire date and shall take into account continuous time of service as defined in paragraph 10.2.

10.5 Employee of the Month Award

The Board of Supervisors, upon recommendation by the Human Resources Committee, may select and present this award to one employee each month. Candidates may be nominated by any other County employee. Nomination forms should be submitted to the HR Department by the 1st of the month in order to be considered for the award for the following month. Employees may be nominated more than one time during the award year, but are only eligible to receive the award one time per year. Department Heads and Constitutional Officers are not eligible to receive this award.

The employee will be selected on the merits of outstanding performance and productivity, positive job attitude and other noteworthy contributions to their department and to the County. Civic activities may be considered. Recipients of this award will receive a certificate and a \$200 cash award and the recipient's name will be added to the Employee of the Month plaque located in the County Administration Building. Recipients over the past twelve month award period will be recognized at the Annual Awards Banquet.

10.6 Employee of the Year Award

The Board of Supervisors, upon recommendation by the HR Committee, select and present this award to one employee each year. Eligible candidates will be those employees who received an Employee of the Month award over the past twelve (12) month award period. This award will be presented to the employee whose service most serves as an example to all other employees within the County. The recipient of the award will receive an engraved plaque presented at the Annual Awards Banquet and a \$300 cash award.

XI. DISCIPLINARY POLICY

11.1 Purpose

The purpose of this policy is to provide procedures to effectively correct an employee's unsatisfactory work performance or misconduct in an effort to promote maximum utilization and productivity of employee potential.

11.2 Applicability

All classified employees shall be covered under this policy.

11.3 Policy Statement

The County of Frederick shall support the practice whereby all part-time, temporary, probationary, and full time employees shall be disciplined by the same process. The discipline of an employee should be a progressive process. Disciplinary actions of lesser severity than dismissal should ordinarily be taken in an attempt to correct an employee's unsatisfactory work performance or misconduct before a dismissal is initiated. A dismissal may be generally considered as appropriate only as a last resort or be undertaken only when an extremely serious violation has occurred. Disciplinary action shall normally be taken in the following sequential progressive manner, wherever possible, in order to give the affected employee the maximum opportunity to improve his performance. Disciplinary actions may, however, be taken in a non-sequential manner where the situation warrants and any necessary approvals are obtained.

- a. Reprimand Level I
- b. Reprimand Level II
- c. Disciplinary Probation
- d. Suspension and/or demotion
- e. Dismissal

11.4 Reprimands

A reprimand is a written notice of discipline warning the employee when his job performance continues to be poor, for repeated minor offenses, or in circumstances where the supervisor believes that an offense is serious enough to issue a formal, written notice. The form of reprimand may be either Level I or Level II:

- a. Level I Reprimand - A written reprimand from a supervisor to an employee wherein the employee is cautioned and advised with reference to his unsatisfactory work performance or misconduct.
- b. Level II Reprimand - A written reprimand from a supervisor to an employee, to normally be issued only after a Level I reprimand has been issued, wherein the employee is cautioned and advised with reference to his unsatisfactory work performance or misconduct.
- c. No reprimand shall be relied upon as a basis for further disciplinary action unless it is documented in writing and a copy forwarded to the HR Department for inclusion in the employee's official personnel file.
- d. Once a reprimand is reduced to writing, as provided above, a copy shall be provided to the employee.

- e. Reprimands shall be appealable through the grievance procedure.
- f. Reprimands not appealed within the appropriate time limits specified by the grievance procedure shall become part of the official personnel file until it is purged by the employing authority.
- g. A copy of such written notice shall be forwarded to the HR Department for inclusion in the employee's official personnel file.

11.5 Disciplinary Probation

A disciplinary probation is a period of time that the employee is given to try and redeem poor behavior or bad conduct. In the instance where a Department Head wishes to place an employee on probation the following action shall be taken:

- a. The Department Head shall prepare an Employee Action form for probation and a memo that includes the items below. This request shall be presented to the County Administrator and a copy provided to the employee.
 - 1. A statement of the reasons for the probation.
 - 2. The length of time the probation is to last.
 - 3. A warning of what further disciplinary action could result, if the situation is not corrected.
 - 4. A statement of the employee's right to appeal (if any) in accordance with the County's grievance policy.
- b. A copy of such written notice shall be forwarded to the HR Department for inclusion in the employee's official personnel file.

11.6 Suspensions

Suspension may occur when an employee fails to correct his performance after repeated warnings, as the result of an accumulation of minor offenses or as the result of a serious offense or misconduct. In the instance where a Department Head wishes to suspend an employee the following action shall be taken:

- a. The employee may be relieved of duty and placed on administrative leave
- b. The Department Head shall prepare an Employee Action form for suspension and a memo that includes the items below. This request shall be presented to the County Administrator and a copy provided to the employee.
 - 1. A statement of the reasons for the suspension.
 - 2. A warning of what further disciplinary action could result, if the situation is not corrected.
 - 3. A statement of the employee's right to appeal (if any) in accordance with the County's grievance policy.

- c. A prompt decision by the County Administrator shall be made. The date of suspension may be retroactive to the day the employee was placed on administrative leave.
- d. A copy of such written notice shall be forwarded to the HR Department for inclusion in the employee's official personnel file.

11.7 Demotion

Demotion may occur when an employee fails to correct his performance after repeated warnings, as the result of an accumulation of minor offenses or as the result of a serious offense or misconduct. In the instance where a Department Head wishes to demote an employee the following action shall be taken:

a. The Department Head shall prepare an Employee Action Form for demotion and a memo that includes the items listed below. This request shall be presented to the County Administrator and a copy provided to the employee. The Board of Supervisors shall be notified of demotions.

1. A statement of the reasons for the demotion.
2. In cases where the demotion is not voluntary, include a warning of what further disciplinary action could result if the situation is not corrected.
3. A statement of employee rights to appeal (if any) in accordance with the County's grievance policy.

b. A prompt decision by the County Administrator shall be made.

c. A copy of such written notice shall be forwarded to the HR Department for inclusion in the employee's official personnel file.

d. A demotion shall not be used as a disciplinary action if the employee involved cannot qualify for the lower ranked position or if the demotion would require the displacement of another employee.

11.8 Dismissal

A dismissal is the most serious form of discipline and must be approved by the County Administrator.

a. The Department Head shall prepare an Employee Action Form for dismissal and a memo that included the items listed below. This request shall be presented to the County Administrator and a copy provided to the employee. The Board of Supervisors shall be notified of dismissals.

1.
 1. A statement of the reasons for dismissal.
 2. A statement of the employee's rights to a pre-termination hearing with the County Administrator. (Upon receipt of dismissal notification, the employee must notify HR within five (5) working days to request such meeting.) This right does not supersede the Grievance Policy.

3. A statement of employee's rights to appeal (if any) in accordance with the County's grievance policy.
- b. A copy of such written notice shall be forwarded to the HR Department for inclusion in the employee's official personnel file. The Board of Supervisors shall be notified of dismissals.
- c. A prompt decision by the County Administrator shall be made.

11.9 Unsatisfactory Work Performance or Misconduct

Each need for discipline has varying circumstances and requires the exercise of discretion on the part of the supervisor. Disciplinary action may be taken against an employee for any of the following examples of unsatisfactory work performance and misconduct. These examples are not in any way to be construed as comprehensive listings of possible violations nor are they to be considered as rigid guidelines.

- a. Recurring tardiness.
- b. Absent without approval.
- c. Violation of policy on intoxicants.
- d. Sleeping on the job.
- e. Neglect of work.
- f. Neglect of duty or refusal to comply with instructions of a supervisor.
- g. Insubordination
- h. Deliberate or careless conduct endangering the safety of oneself or other employees.
- i. Negligence in the care and handling of County property.
- j. Theft of County property or of another employee's property and/or equipment.
- k. Incompetence or inefficiency in the performance of required job duties.
- l. Offensive, abusive, threatening, coercive, indecent or discourteous language or conduct toward supervisors, other employees, or members of the public.
- m. Intentional falsification of personnel records, time records, or any other County records or reports.
- n. Provoking, instigating or participating in a fight while on duty or on County property.
- o. Unauthorized carrying of a concealed weapon during work hours or on County property.
- p. Abuse of County policy regarding sick leave, compensatory time, lunch period, vehicle use, etc.
- q. Refusal to cooperate in any internal or criminal investigation in connection with his

employment conducted by any law enforcement agency including, but not limited to, taking a polygraph examination when directed by his immediate supervisor. This provision shall not require any employee to surrender any constitutional or statutory rights.

11.10 Unauthorized Absences

Unauthorized absences shall be defined as an absence from the job during a scheduled work period without approval of or notification to the employee's supervisor or Department Head. Also the failure to report to work at the expiration of an authorized leave shall be considered an unauthorized absence. An unauthorized absence from duty during required hours of attendance shall be treated as leave without pay. Where there are not adequate reasons for the failure to secure authorization prior to the absence, the employee shall be subject to disciplinary action as may be determined by the Department Head subject to the provisions governing discipline set forth herein. The following disciplinary procedure shall serve as a guide:

- a. The first occurrence of an unauthorized absence shall result in a reprimand with a copy to the official personnel file.
- b. The second occurrence of an unauthorized absence within a twelve (12) month period shall result in at least a suspension without pay.
- c. The third occurrence of an unauthorized absence within a twelve (12) month period shall result in immediate dismissal.
- d. Any employee absent without authorization for three (3) consecutive work days shall be subject to immediate dismissal.

11.11 Right of Grievance

An employee shall be given written notice of any disciplinary action. Appeals resulting from disciplinary action shall follow the Grievance Policy. The filing of a grievance **does not** suspend the disciplinary action. If the employee prevails in the grievance, salary and/or benefits denied under disciplinary action shall be reimbursed.

XII. GRIEVANCE POLICY AND PROCEDURE

12.1 Policy

It shall be the policy of the Board of Supervisors to encourage resolution of employee problems and complaints wherein employees can freely discuss their concerns with immediate supervisors and upper management levels. However, to the extent such concerns cannot be resolved; the grievance procedure shall afford an immediate and fair method for the resolution of disputes which may arise between an agency and its employees. The grievance procedure shall include:

A. Definition of Grievance

A grievance shall be a complaint or dispute by an employee relating to his employment, including but not necessarily limited to (i) disciplinary action, including dismissals, disciplinary demotions and suspensions, provided that dismissals shall be grievable whenever resulting from formal discipline or unsatisfactory job performance; (ii) the application of personnel policies, procedures, rules and regulations, including the application of policies involving matters referred to in sub-section (B)(iii) below; (iii) discrimination on the basis of race, color, creed, religion, political affiliation, age, disability, national origin or sex; and (iv) acts of retaliation as the result of the use of or participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, has sought any change in law before the Congress of the United States or the General Assembly, or has reported an incidence of fraud, abuse, or gross mismanagement. For the purposes of clause (iv) the original sanction can not be increased.

B. Management Responsibilities

Management reserves the exclusive right to manage the affairs and operations of County government. Accordingly, the following complaints are not grievable: (i) establishment and revision of wages or salaries, position classifications or general benefits; (ii) work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the job content; (the measurement and assessment of work activity through a performance evaluation shall not be grievable except where the employee can show that the evaluation was arbitrary or capricious); (iii) the contents of ordinances, statutes or established personnel policies, procedures, rules and regulations; (iv) failure to promote except where the employee can show established promotional policies or procedures were not followed or applied fairly; (v) the methods, means and personnel by which such work activities are to be carried on; (vi) the hiring, promotion, transfer, assignment and retention of employees within the agency (provided such actions do not constitute disciplinary actions); and (vii) the relief of employees from duties of the agency in emergencies. In any grievance brought under the exception to Section 12.1 B (vi) the action shall be upheld upon a showing by the agency that: (i) there was a valid business reason for the action, and (ii) the employee was notified of such reason in writing prior to the effective date of the action.

C. Coverage of Personnel

All regular, full time and part time County personnel, excluding probationary employees, are eligible to file grievances as provided in this section with the following exceptions:

- a. Appointees of the Board of Supervisors including the County Administrator, and members of the various Boards, Commissions, or Agencies of the Board of Supervisors.
- b. Constitutional Officers, however, the employees of a Constitutional officer shall be included within the County grievance procedure provided that the Constitutional Officer and the County have both agreed that these employees shall be included within the County's personnel system.
- c. Agency and/or Department Directors.
- d. Employees whose terms of employment are limited by law.

- e. Temporary, limited term and seasonal employees.

An employee who has voluntarily resigned shall not have access to the County grievance procedure, except to grieve a resignation resulting from formal discipline, unsatisfactory job performance, or an involuntary resignation. Such grievance must be filed within thirty (30) calendar days of the dismissal date.

Any grievance initiated by a regular, classified County employee prior to separation from County service may, at the employee's option, continue to be processed through the grievance procedure.

After the initial filing of a written grievance, failure of either party to comply with all substantial procedural requirements of the grievance procedure without just cause will result in a decision in favor of the other party on any grievable issue provided the party not in compliance fails to correct the non-compliance within five (5) work days of receipt of written notification by the other party of compliance violation. Such written notification by the grievant shall be made to the County Administrator. Failure of either party without just cause to comply with all substantial procedural requirements at the panel hearing shall result in a decision in favor of the other party.

12.2 Determination of Grievability

If some question should exist concerning the grievability of a specific problem and if the question cannot be resolved to the satisfaction of both the employee and his supervisor at the departmental level, the employee may within ten (10) work days make a request to the County Administrator for a ruling of grievability who shall respond within ten (10) work days.

In any case, no complaint may be addressed beyond the County Administrator level before grievability has been determined. Only after grievability has been determined shall a grievance be processed through the grievance panel stage. Decisions of the County Administrator may be appealed by the employee within five (5) work days to the Frederick County Circuit Court for a hearing de novo on the issue of whether or not the grievance qualifies for a panel hearing. Proceedings for review of the decision of the County Administrator shall be instituted by filing a notice of appeal with the County Administrator within five (5) work days from the date of receipt of the decision and giving a copy, thereof, to all other parties. Within five (5) work days thereafter, the County Administrator shall transmit to the Clerk of the Court to which the appeal is taken 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 to transmit the record within the time allowed shall not prejudice the rights of the grievant. The court, on motion of the grievant, may issue a writ of certiorari requiring the County Administrator to transmit the record on or before a certain date. Within thirty (30) days of receipt of such records by the clerk, the court, sitting without a jury, shall hear the appeal on the record transmitted by the County Administrator and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The court, in its discretion, may receive such other evidence as the ends of justice require. The court may affirm the decisions of the County Administrator or may reverse or modify the decision. The decision of the court shall be rendered no later than the fifteenth (15) day from the date of the conclusion of the hearing. The decision of the court is final and is not appealable.

12.3 Grievance Procedure

An employee wishing to file a grievance shall have the right to follow all steps of this procedure as listed below with complete freedom from reprisal. This does not, however, confer the right upon anyone to make slanderous or libelous statements. The use of recorders is not permitted in the management steps.

STEP I An employee, who has a grievance, as defined herein, shall within thirty (30) calendar days of the occurrence of the action or event causing the grievance or of the date when the employee could have reasonably been expected to have learned of the act or event, contact his immediate supervisor for a discussion of the grievance. The supervisor shall meet with the employee within five (5) work days to discuss the grievance. The supervisor shall give the employee a reply within five (5) work days following the meeting.

STEP II If the grievance is not resolved as a result of STEP I, the employee may within five (5) work days, thereafter, file a written grievance with their Department Head. Other arrangements for submission of a grievance such as a personal interview or tape recording will be made available for the visually-impaired or those with motor impairments. The employee must be sure that the grievance is complete in all detail at this stage of the procedure. The Department Head will then within five (5) work days meet with the employee to discuss the grievance. The Department Head will inform the employee in writing of his decision and the reasons therefore within five (5) calendar days following the meeting.

STEP III If the Department Head's response does not resolve the grievance, the employee may within ten (10) work days thereafter file a written request for a hearing with the County Administrator containing the employee's explanation of what has occurred. A copy shall also be sent to the employee's Department Head. Upon receipt of the written request for a hearing, and verification that Steps I and II have been exhausted, the County Administrator shall within (5) work days schedule the hearing requested. The County Administrator may request the presence of the Department Head or any other County official at the hearing and the employee may also have a representative of his choice present. The County Administrator shall give the employee a written reply or a method understood by complainant within five (5) work days after the conclusion of the hearing. A copy of the reply shall be sent to the employee's Department Head.

STEP IV If the County Administrator's reply does not resolve the grievance, the employee may within seven (7) work days, thereafter, request in writing to the County Administrator that his grievance be submitted to a panel hearing.

In submitting this written request it is not necessary that the employee again provide a written explanation of what has occurred as this was contained in his written request submitted at STEP II and III and as part of the record will be made available to the grievance panel.

Within ten (10) work days after the date of the written request for a panel hearing, the HR Department will provide a list of at least five (5) prospective panel members to The Department Head and the grievant. To insure an impartial panel, such panel shall not be composed of any persons having direct involvement with the grievance being heard, or with the problem giving rise to the grievance; for example, the grievant, the Department Head, supervisors replying at any management step, representatives of the grievant at the third step and witnesses who have appeared at any management step. In addition, managers who are in a direct line of supervision of a grievant are also excluded from serving as panel members. Also, no attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee or co-employee of such an attorney shall serve as a panel member.

Furthermore, the following relatives of a participant in the grievance process or a participant's spouse shall not serve as panel members, i.e., spouse, parent, child, descendants of a child, sibling, niece, nephew and first cousin.

Additionally, due to their sensitive relationships to the grievance process, employees in the personnel classification series shall not serve as panel members. Three (3) members who will constitute the panel shall be selected within ten (10) work days from this list - one member shall be chosen by the Department Head; one member shall be chosen by the grievant; and the remaining member shall be selected by the first two appointees and shall serve as the chairperson. In the event that agreement cannot be reached as to the third panel member, the Chief Judge of the Circuit Court will select the third member. The panel hearing shall be scheduled to occur within thirty (30) calendar days from the date that the third panel member is selected. The panel has the responsibility to interpret the application of appropriate County policies and procedure in the case. It does not have prerogative to formulate or to change policies or procedures.

The employee may have present at the hearing a representative or legal counsel at his own expense. Copies of the written record in the case from STEP II and III shall be provided the panel members by the County.

The conduct of the hearing shall be as follows:

The County shall provide a copy of the record to the panel, the supervisor, and the grievant.

- a. The panel may at the beginning of the hearing ask for statements clarifying the issues involved.
- b. Exhibits, when offered, may be received in evidence by the panel, and when so received shall be marked and made part of the record.
- c. The employee and supervisor, or their representative, shall then present their claim and 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 and witnesses for presentation of any material or relevant evidence.
- d. The parties may offer evidence and shall provide such additional evidence as the panel may deem necessary for an understanding and determination of the dispute. The panel shall be the judge of relevancy and materiality of the evidence offered. All evidence shall be taken in the presence of the panel and of the parties.
- e. All evidence taken by the panel shall be under oath.
- f. The majority decision of the panel shall be rendered within ten (10) work days of the conclusion of the hearing and shall be final and binding and consistent with law and written policies.
- g. The parties should not discuss the substance of any grievance or the problem giving rise to the grievance with any panel members prior to or subsequent to the hearing. Any matters requiring the attention of the panel should be communicated in writing with copies to all parties.
- h. The panel shall have the authority to establish such other procedures for the hearing as are consistent with state law.

12.4 Compensation and Expense Reimbursement Guidelines

- a. Non-County employees serving as panel members are not compensated or reimbursed for any expenses. The time spent by County employees who serve as witnesses or panel members during normal working hours shall not have this time charged against any leave. It is expected that the number of witnesses called would remain within reasonable limits.
- b. Grievant's who are still employed by the County are compensated at their regular rate of pay for the time spent during normal working hours in the management-step meetings, the panel hearings and other hearings provided in the procedure. This compensation is not charged against any leave.
- c. Employees who are grieving termination are not compensated except in cases where a panel decision results in reinstatement with back pay.
- d. The grievance procedure is designed for an employee to go through the process without the necessity for representation. While the employee has the freedom to select a representative of his choice if desired, there is no provision for any compensation or expense reimbursement for a representative, whether such person is a County employee or someone outside of County service. Additionally, there is no provision for any compensation or expense reimbursement for a representative regardless of the outcome of the grievance process.

12.5 Appeal of a Panel Decision

- a. If a written request to reconsider the panel decision is submitted by either party within five (5) work days of receipt of the decision, the panel by majority vote may elect to review its decision and/or reopen the hearing for a good cause shown.

- b. Any challenge of a panel decision on the grounds of inconsistency with law and written policy shall be submitted by either party within five (5) work days to the County Administrator.
- c. The County Administrator may on his own action remand to panel for further consideration a decision which appears to be inconsistent with law or written policy.
- d. Either party may petition the Frederick County Circuit Court for an order requiring implementation of the decision of the panel.

12.6 Retention of Records

All complaints received by the County Administrator and responses from the panel will be kept by the HR Department for a period of three years.

XIII. PERSONNEL RECORDS

13.1 Policy

The purpose of this policy is to establish an official personnel file and to provide a procedure governing the access, dissemination and purging of information contained within this file.

The official personnel file shall be defined as the employment file containing personal information relevant to the individual's employment which is maintained by the HR Department.

The official personnel file shall be the only file which is to be considered official and complete in matters related to wage and salary, employee selection, employee relations including promotion, discipline, evaluation and other official actions discussed herein. Information pertaining to any personnel related aspect of employment (i.e. unemployment compensation requests, etc.) shall be contained within the file.

Access to personnel files shall be governed by the Virginia Freedom of Information Act and as set forth herein.

The following individuals shall be designated as having regular access to the official personnel files:

- a. The Board of Supervisors, the County Administrator, the Assistant County Administrator, the HR Director and his staff.
- b. The members of a grievance panel selected in accordance with the approved County grievance procedures.
- c. The Virginia Employment Commission - Unemployment Compensation Division.
- d. The Equal Employment Opportunity Commission and/or any other agency charged with responsibility for investigating claims of discrimination.
- e. Federal, State, or local law enforcement agencies during the investigation of a violation or potential violation of the law.

The following individuals shall be designated as having regular access to a limited number of the official personnel files:

- a. Individual employees or former employees shall have regular access to their own personnel file after having satisfactorily demonstrated their identity.
- b. Department Heads shall have regular access to the official files of employees under their authority only.

In the discretion of the County Administrator, however, the County may disclose the contents of any personnel file to such other persons as deemed appropriate.

XIV. TERMINATION OF EMPLOYMENT

14.1 Resignation

A resignation shall be defined as a voluntary separation from employment through written notification to the employing authority initiated by the employee.

All employees desiring to resign their employment with the County shall submit written notification of such intent to their employing authority. This notification shall include the reason for resignation, the actual date the resignation is to become effective and shall be signed by the employee. A copy of the notification shall be forwarded to the HR Department for inclusion in the personnel file.

It is requested that all employees give at least fourteen (14) calendar days notice prior to the effective date of resignation, except where specific circumstances prohibit such advance notification. Such resignation may be withdrawn by the employee at any time prior to the effective date, with the approval of the Department Head.

For those employees who fail to submit the written notification prior to their resignation date, the employing authority shall forward a letter certified mail (return receipt requested) stating it is his understanding that the employee has voluntarily resigned employment. An employee's failure to respond within forty-eight (48) hours following receipt of the certified letter regarding any errors contained therein shall constitute a valid resignation.

14.2 Return of County Property

An employee leaving the service, whether through resignation, lay-off or dismissal is responsible for returning any County property which he may have in his possession. Upon termination, such property as HR manuals, ID cards, uniforms, badges, keys, etc., must be returned to the Department Head, the County Administrator or the HR Department.

14.3 Lay-Off

The County reserves the right to separate employees for lack of available work or funds. In such cases, the employees affected shall be given a minimum of two (2) weeks advance notice or two (2) weeks severance pay at the discretion of the County Administrator.

14.4 Administrative Termination

Employees who are hired by appointing authorities to fill positions that are later determined to be unavailable in the budget of the respective departments, or who are found not to meet the minimum qualifications of the position, following the actual start of work, shall have their employment administratively terminated as soon as convenient following the determination of the discrepancy.

14.5 Out-Take

In order to process a terminating/retiring employee's final pay and benefits options, they are required to schedule and complete the out-take process with the HR Department as soon as possible and prior to their last day of work.

14.6 Exit Interview

Frederick County is interested in knowing why an employee is leaving the County's work force.

In order to improve our personnel policies and supervision, all terminating employees are urged to schedule an exit interview with the HR Director. Information received will not be made a part of the employee's personnel file.

14.7 Retirement

An employee may retire in accordance with the provisions of the Virginia Retirement System (VRS).

An employee who *retires* under VRS at or after age 50 years and with at least 20 years continuous service with Frederick County, and with a hire date prior to July 1, 1995, will be provided 100% health insurance coverage until eligible for Medicare, at which time the County will provide 100% supplemental insurance.

An employee hired on/or after July 1, 1995 and who *retires* under VRS *with full benefits* (non-LEOs, at or after age 50 and with at least 30 years service; LEOs, at or after age 50 with at least 25 years service) and with at least 30 (or at least 25 for LEOs) years continuous service with Frederick County will be provided 100% health insurance coverage until eligible for Medicare, at which time the County will provide 100% supplemental insurance.

An employee hired on or after July 1, 2012 will not, upon retirement, be provided with healthcare coverage at the expense of the County, regardless of the employee's retirement conditions.

An employee who *retires* under VRS with reduced benefits, and who is not eligible for Medicare benefits, may participate at their own expense in the group health insurance plan under COBRA.

An employee who retires because of disability may participate at their own expense in the group health insurance plan for a period of twenty-nine (29) months under COBRA, or until they become eligible for Medicare, whichever shall occur first.

All payments shall be made in advance and sent to the County's Agent Of Record.

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.

XVI. EMPLOYMENT CLASSIFICATIONS

19.1 Full Time Employment

Full time employment 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

Part time employment 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 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.

XVII. INCLEMENT WEATHER or UNSAFE CONDITIONS

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 is 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 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 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, employees will not be required to make up the time.

If inclement weather and/or unsafe conditions develop prior to the start of the County workday, the County Administrator will decide whether or not to close the County offices. Should the decision be made to close the offices, the notification process will commence, i.e., radio station and cable television announcement. Employees will not be required to make up the time.

An employee, who is on scheduled paid 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 will not receive credit for the administrative leave.

16.3 Timekeeping

Administrative leave and Liberal Leave 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.

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 should apply to the Director of 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.

Employee of the Month Resolution

Awarded to:

Craig M. Grubb

WHEREAS, the Frederick County Board of Supervisors recognizes that the County's employees are a most important resource; and,

WHEREAS, on September 9, 1992, the Board of Supervisors approved a resolution which established the Employee of the Month award and candidates for the award may be nominated by any County employee; and,

WHEREAS, the Board of Supervisors selects one employee from those nominated, based on the merits of outstanding performance and productivity, positive job attitude and other noteworthy contributions to their department and to the County; and,

WHEREAS, Craig M. Grubb who serves the Frederick County Information Technology Department was nominated for Employee of the Month; and,

WHEREAS, loyalty and commitment along with a positive attitude and competent skill has helped to support county-wide IT needs. Over the past few months, Craig has worked under an incredible workload without complaint and with a strong focus on customer service. This focus was demonstrated as the department fell from a full staff to only two members. His performance and services have significantly contributed to the IT Department's recent accomplishments. He has also stepped up to help with the hiring process for a new PC Technician, of which Craig has already taken under his wing. Craig is to be commended for his initiative and dedication.

NOW, THEREFORE BE IT RESOLVED, by the Frederick County Board of Supervisors this 13th day of February, 2013, that Craig Grubb is hereby recognized as the Frederick County Employee of the Month for February 2013; and,

BE IT FURTHER RESOLVED that the Board of Supervisors extends gratitude to this team for their outstanding performance and dedicated service and wishes them continued success in future endeavors; and,

BE IT FURTHER RESOLVED, that each employee of this team is hereby entitled to all of the rights and privileges associated with his award.



County of Frederick, VA Board of Supervisors



Richard C. Shickle, Chairman

County of Frederick

Employee of the Month Award

is hereby granted to:

Craig M. Grubb

*In Grateful Recognition for Your Outstanding Performance and
Dedicated Service*

Given this 13th Day of February 2013



Richard C. Shickle

Richard C. Shickle, Chairman of the Board



County of Frederick Employee of the Month Nomination Form

Outstanding service can be demonstrated in many ways, but it always involves more than just good job performance. An employee can be outstanding for suggesting improvements that result in greater efficiency, improved service, or cost savings; for leadership in departmental activities, for the department's goals or for the goals of the county as a whole. Outstanding service includes job performance that clearly exceeds requirements.

The Board of Supervisors must discount generalities not supported by specific examples of activities which support the nomination. Remember, there is no way to know whether specifics are missing by accident or because they do not exist. If you believe an employee has made an outstanding contribution, give specific examples of what they have done.

Nominations are not judged on how well you write. However, they are judged on the facts presented.

Employee Name : Craig Grubb

Department: Information Technology

Nomination Submitted By: Walter Banks

Department: Information Technology

Nominator's Signature: Walter Banks

Digitally signed by Walter Banks,
DN: cn=Walter Banks, o=Frederick County, ou=IT Department, email=wbanks@frederickcountymd.gov,
Date: 2012.11.26 10:00:00 -0500

Date: 11/26/2012

Reason for Nomination (please be specific, precise, and definite):

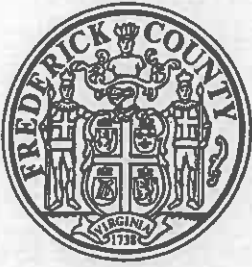
Craig Grubb has demonstrated a positive attitude and competent skill over the past few months. Craig has worked under an incredible workload, without complaint and with such focus toward customer service. This focus was demonstrated as their department strength fell from a full staff of 5 to 2 members. His performance and service directly impacted the IT departments ability to accomplish a redesigned of its backup process, expedited several key servers to become virtualized and a new/more secure Firewall access configuration. His technology evaluation was critical in the review to the network layer 2/3 upgrade as well as the VoIP RFP. Because of this stellar service in October 2012 Craig was promoted to Network Technician and continues to support the county-wide IT needs. He recently helped Michelle with the hiring process for a new PC Technician, Bobby Williams. Craig has already taken the new tech under his wing by offering his assistance when needed. He truly is an asset to this department, and we would like to thank him for all his hard work.

HR Section: Received:

12/11/12

Emailed to HR Committee:

Feb 8 AM

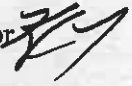


COUNTY of FREDERICK

MEMORANDUM

Kris C. Tierney
Assistant County Administrator

540/665-5666
Fax 540/667-0370
E-mail:
ktierney@co.frederick.va.us

TO: Human Resources Members
FROM: Kris C. Tierney, Assistant County Administrator 
RE: Establishment of Public Information Officer Position
DATE: January 15, 2012

As a result of Hurricane Sandy the County Administrative offices, the Public Safety Building and the Regional Jail experienced a loss of phone and Internet service for 2 days. In addition, many citizens, including numerous county employees, were without power, and thus limited in their ability to obtain information such as weather updates or closure information from conventional means (cable, radio, phone, and Internet). Following the event an ad-hoc committee of key County department and agency representatives was established to evaluate issues that arose from the communication challenges presented by the storm.

Participants on the Committee included:

Kris Tierney, Assistant County Administrator
Dennis Linaburg, Fire and Rescue Chief
Sheriff Robert Williamson
LeeAnna Pyles, Director of Public Safety Communications
Walter Banks, IT Director
Chester Lauck, Emergency Management
Kathy Sasser, Northwestern Regional Adult Detention Center
Jay Tibbs, Deputy County Administrator
Karen Vacchio, Parks and Recreation Public Information Officer

Through their discussions the Committee developed a number of recommendations regarding back-up/alternate means for hosting phone and Internet services, establishing procedures for the utilization of the County's existing emergency notification system to broadcast information and/or alerts to employees as appropriate in times of emergency, and establishing a County Facebook page and Twitter account in order to take advantage of these social media platforms as a means of making information more readily available to County citizens. These recommendations have all been implemented.

The final recommendation was the creation of a staff position that would be focused specifically on the collection and dissemination of County information. The Committee recommended that a fulltime County Public Information Officer (PIO) position be established.

As proposed, the County PIO position would manage content and programming for the County's cable channel, website and social media sites, and would act as the liaison between the County government and the media. The PIO would also be the principle point of contact for Freedom of Information Act requests and would oversee compliance with State records retention laws and would function as the primary point of contact for media information during times of emergency. The position would report directly to the County Administrator and would provide guidance and assistance with various promotional activities, special events, public relations and community outreach and press releases.

It is proposed that the position be established at the R12 with a salary range of (\$59,043.94 to \$108,078.63) with the anticipation that the position would pay in the low to mid \$60,000's. A full job description is attached for your review and information.

Staff is requesting that the Committee approve the job description and recommend authorization of the position subject to funding approval.

Please let me know if I can answer any questions.

Job Description
Public Information Officer

GENERAL DEFINITION OF WORK:

Under the direction of the County Administrator, the POI manages, coordinates and provides leadership for the County's public information and engagement initiatives. Performs specialized work involving the preparation, publication and distribution of multi-media materials and press releases for the County. Responsibilities include assisting in establishing and maintaining cooperative relationships with community representatives, employees, public interest groups and the media. Provides expert advice, consultation, training and facilitation to all levels of county management in developing and implementing communication strategies and public participation programs

TYPICAL TASKS

- Serves as primary county liaison to media, oversees and manages communications with the public, including local press, radio and television media.
- Coordinates responses by County departments, offices, and agencies in accordance with the Virginia Freedom of Information Act (FOIA) and, as appropriate, prepares responses to such inquiries.
- Plans and manages dissemination of information regarding county programs, services and general information to citizens, including oversight of the County's website and supervision of web content staff.
- Oversees and manages the development, writing, design, production and editing of programming for the County's cable channel.
- Assists county administration, constitutional officers and department heads in planning and arranging various promotional activities and special events including arranging press conferences for elected and appointed county officials.
- Works with the county administrative staff in the preparation of complex reports, executive summaries, speeches and correspondence, formulates message and articulates the County's response to sensitive, controversial community issues.
- Provides strategic and technical assistance to the County Administrator and elected officials relating to all aspects of public relations and the dissemination of public information.
- Works closely with public safety and emergency services departments and serves as the media representative for the Emergency Operations Center when activated.
- Develops and manages department budget.

KNOWLEDGE, SKILLS, AND ABILITIES

Extensive knowledge of modern principles and practices of public relations as applied to local government. Exceptional written and oral communication skills; proven ability to work effectively, productively, and diplomatically with and maintain effective working relationships with elected and appointed officials, employees, members of the media, community organizations, and citizens. Ability to perform under pressure and make effective presentations to civic/business organizations. Working knowledge of local government; including, criminal justice, emergency service systems, and FOIA. Substantial knowledge of word processing and web content management and computer graphics. Basic knowledge of television production and broadcast processes and techniques.

EDUCATION AND EXPERIENCE

Bachelor's degree in Public Administration, Public Relations, Communication, Journalism or English, or substantially similar field required. Minimum of five years of experience in designing and implementing community based information programs, editing and writing publications, preparing media releases.