



County of Frederick

Paula A. Nofsinger
Director of Human Resources

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TO: Human Resources Committee and Board of Supervisors
FROM: Paula Nofsinger, HR Director *Paula Nofsinger*
DATE: May 2, 2013
SUBJECT: HR Committee Agenda

The HR Committee will meet in the First Floor Conference Room at 107 North Kent Street on Friday, May 10th, at 8:00a.m. The agenda for the meeting is as follows:

1. Introductions of new committee members.
2. Review of updated HR Policies that have been approved by the HR Committee and prepared for recommendation to the Board of Supervisors for adoption.
3. Request for new EMS Billing Manager position within the Fire & Rescue Department.
4. Annual review of HR Committee Charter.
5. Discussion of future meeting days and times.



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TO: Human Resources Committee and Board of Supervisors
FROM: Paula Nofsinger, HR Director *Paula Nofsinger*
DATE: May 1, 2013
SUBJECT: Updated HR Policies

Over the course of last year, the HR Committee evaluated several HR policies that were updated and matured by the HR Director and County Attorney. This February, the HR Committee reviewed the three attached HR Policies and recommended to staff some minor changes.

I have attached a copy of the original policies and a copy of the proposed ones with both the staff and Committee changes. You will notice that the staff recommended changes are in red while the HR Committee recommended changes are in blue.

I'm respectfully asking the Committee to review the attached proposed policies and recommend adoption to the Board of Supervisors.

It is my belief that policies are "living" documents that should be evaluated and maintained on a regular basis. Therefore, I anticipate this Committee reviewing policies periodically through out our year.

Thank you for your support and please let me know if you have any questions.

Original Policies

XX. HARASSMENT/SEXUAL HARASSMENT POLICY

Frederick County is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment.

Purpose:

To define Frederick County=s position regarding employee harassment and/or sexual harassment, to maintain a working environment that is free of sexual harassment in accordance with Title VII of the Civil Rights Act of 1964, and to communicate Frederick County=s actions to any such conduct.

Policy:

It is the policy of Frederick County that harassment and/or sexual harassment of applicants and employees on the basis of race, religion, gender, national origin, age, marital status, veteran status and mental and physical handicap is unacceptable and will not be tolerated.

This policy applies to all County employees, customers, vendors, or other third parties with whom Frederick County has business dealings.

Sexual harassment has been defined generally as including unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature, whenever:

1. submission to the conduct is either an explicit or implicit term or condition of employment;
2. an employee=s reaction to the conduct is used as a basis for employment decisions affecting that employee; or
3. the conduct has the purpose or effect of interfering with the employee=s work performance or creating an intimidation, hostile or offensive working environment.

No employee or applicant should be subjected to unsolicited and unwelcome sexual overtures. Nor should any employee or applicant be led to believe that an employment opportunity or benefit will in any way depend upon Acooperation@ of a sexual nature.

Sexual harassment includes behavior which is not welcome and which is personally intimidating, hostile or offensive.

It also may include such actions as:

1. sexually-oriented verbal teasing or jokes;
2. repeated offensive sexual flirtations, advances, or propositions;
3. continued or repeated verbal abuse of a sexual nature;
4. graphic or degrading comments about an individual or his or her appearance;
5. the display of sexually suggestive objects or pictures;
6. subtle pressure for sexual activity; and
7. physical contact or blocking movement.

Harassment can occur as the result of a single incident or a pattern of behavior where the purpose of effect is to create a hostile, offensive, or intimidating work environment. Harassment encompasses a broad range of physical or verbal behavior which can include, but is not limited to the following:

1. physical or mental abuse;
2. racial insults;
3. derogatory jokes;
4. religious slurs;
5. unwelcome sexual advances.

Procedure:

Any employee who feels that he or she has been the subject of harassment or who has reason to believe that someone else has been the subject of harassment has the obligation to notify the Personnel Director, his or her supervisor or Department Head. It is the policy of Frederick County to investigate such reports. Frederick County prohibits retaliation against any individual who reports discrimination or harassment based on an honest perception of the events or participates in an investigation of a complaint.

The County will attempt to resolve the matter. This may include a confidential investigation, discussion with the parties, and/or disciplinary action up to and including dismissal.

False and malicious complaints of harassment, discrimination or retaliation as opposed to complaints which, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action.

This policy may be revised from time to time as appropriate in the County's judgment.

XXI. DRUG AND ALCOHOL FREE WORKPLACE POLICY

REVISED October 2006

21.1 Background

The County is firmly committed to the health and safety of our employees and the public, the quality of programs and services we provide, and the efficient operation of our organization. The County considers the influence of drugs and alcohol in the workplace to be detrimental to these goals and is committed to maintaining a drug and alcohol free workplace and to doing our part to eradicate substance abuse in our community.

Because of these commitments, the County adheres to the following policy on drugs. The County will comply with all regulations on drug testing established by the United States or the Commonwealth of Virginia. This program is designed to protect individual privacy, to ensure accountability and integrity of specimens and to provide for confirmation of all positive drug test results. In addition, this program provides for the confidentiality of test results and medical histories, and employs non-discriminatory testing methods. The goal of this program is to ensure a drug-free environment which, in turn, will reduce accidents and casualties in our operations. This policy may be amended from time to time to conform with changes required by federal and state law or at the discretion of the County Administrator.

21.2 Policy

The use of drugs by County employees is a serious problem which endangers not only their safety, but the safety of the general public as well. Drug use by employees also reduces productivity and endangers property. The County is committed to providing a safe workplace and to promoting high standards of health and safety to protect its employees as well as the public.

Accordingly, the County has adopted the following rules regarding drug use:

- a. Employees are prohibited from using, possessing, selling, distributing, transporting or concealing drugs, equipment or paraphernalia on County property or on County time, with the exception of law enforcement employees in the lawful performance of their duties.
- b. Employees shall not have drugs in their systems, regardless of when and where the drugs were taken, while on County time, while acting as an agent or representative of the County or while on County property on any occasion associated with his role as an employee, agent or representative of the County. All employees must report to work in a substance free condition.
- c. An applicant who tests positive for any drug will not be hired. An employee who tests positive for any drug is subject to discipline up to and including discharge.

A refusal to take a drug test will have the same effect as a positive test under the policy.

As a condition of employment, each employee agrees to notify his supervisor of his arrest for any criminal drug statute, no later than five (5) days after such arrest.

An employee who violates these rules is subject to discipline up to and including discharge. This policy is not intended to address all circumstances when an employee's involvement with drugs warrants disciplinary action. Accordingly, nothing in this policy shall be considered as limiting the County's right to take disciplinary action, up to and including discharge, for an employee's involvement with illegal drugs not specifically addressed in this policy.

21.3 Definitions

Drug(s)

Includes both illegally-used controlled substances (illegal drugs or other controlled substances as defined under state or federal laws including narcotic and non-narcotic drugs, and prescription drugs used abusively), and non-controlled (over the counter) substances if they impair one's performance, including alcohol. In addition, the abuse of any substance for a non-therapeutic purpose will fall under the prohibition against use of drugs.

Possession

Includes the presence of drugs on the employee's person; in an employee's desk, office, or locker; in an employee's toolbox, lunch box, or personal automobile while it is located on County property; or in a County vehicle.

On County Property

Includes, but not limited to, land or property owned or leased by the County, including County parking lots, County vehicles, equipment, lockers, and recreational areas.

On County Time

Includes when an employee is on County property at any time associated with his role as a County employee, agent, or representative; during the employee's work day; or any time an employee is acting as an agent or representative of the County.

Workplace

The site for the performance of work and includes any County property, County-owned or County-approved vehicles used to transport employees and County-sponsored activity.

21.4 When Employees Will Be Tested

Pre-Employment Testing

All applicants who the County intends to hire into a safety-sensitive or security-related position shall be tested for drugs as a pre-qualification to employment.

Reasonable Cause Testing

The County also will require testing when there is reasonable cause to suspect an employee has used drugs or violated any other provision in this policy pertaining to drug use.

As used in this policy, reasonable cause simply means that there is an articulable suspicion based on specific facts, and reasonable inferences drawn from those facts, that a particular employee is under the influence of drugs or has violated this policy. Circumstances which may constitute a basis for such a reasonable cause may include, but are not limited to:

- a. A pattern of abnormal or erratic behavior (e.g., hyperactivity, unexplained mood swings, paranoia, hallucinations);
- b. A prolonged, unexplained deterioration in performance or attendance;
- c. Information provided by a reliable and credible source;

- d. A work-related accident;
- e. Direct observation of drug use;
- f. Possession of drugs or drug paraphernalia; or
- g. Presence of the physical symptoms of drug use (e.g., glassy or bloodshot eyes, slurred speech, poor coordination and/or reflexes, needle marks/scar tracks on arms, etc., unusual perspiration or shakes, unusual drowsiness or sluggishness).

Managers or appropriate department heads are responsible for observing and monitoring their employees' behavior for signs or symptoms of drug use, and shall promptly report any such observations to the appropriate administrator. Generally, two managers should observe an employee engaging in conduct that creates a reasonable cause to believe that the employee has used a drug before requiring a drug test. However, if only one manager is available, then he or she alone may require that an employee submit to a drug test for reasonable cause. The manager(s) who orders a reasonable cause drug test shall document in writing the conduct giving rise to the reasonable suspicion of drug use within 24 hours of the observed behavior or before the results of the test are released, whichever is earlier.

This description of circumstances that may constitute reasonable cause for testing is not intended to limit in any way the discretion of the County in deciding that an individual should be tested.

Random Testing

Develop, maintain, and administer the method of random selection, chain of custody, and screening documentation.

Testing as a Condition of Participation in a Substance Abuse Program

submit to unannounced drug testing to assure compliance with the program. See paragraph 21.5 part c.

21.5 Effect of a Positive Test or a Refusal to Take a Test

- a. An applicant who tests positive for drugs on a pre-employment drug test will not be hired by the County.
- b. An employee who tests positive for drugs will be subject to discipline, up to and including discharge.
- c. An employee who tests positive for drugs under any of the circumstances described above who remains employed will be required to enter a substance abuse program and comply with any and all directions of the substance abuse program counselor. As part of such a program, an employee may be required to submit to unannounced testing to assure compliance with the program. Before returning to duty, such an employee will be required to pass a drug test. Failure to enter the program or refusal to comply with the Counselor's recommendations or directions will be grounds for immediate discharge.
- d. An employee who tests positive for drugs under any of the circumstances described above on a second occasion will be discharged immediately.
- e. A refusal to take a drug test will have the same effect as a positive test for all purposes under this policy, resulting in discipline up to and including discharge.

21.6 Prescription Drugs

An employee will not be subject to discipline if he/she tests positive for drugs but can prove, through clear and convincing evidence, that the positive test was the result of his use of a drug prescribed by a licensed medical

practitioner and consistent with legal drug use and consistent with safe performance of his duties. An employee who tests positive for drugs bears the burden of proving that the use was prescribed, lawful and safe.

21.7 Confidentiality of Test Results

The results of any drug or alcohol test that is performed pursuant to this policy shall be confidential and shall be made know only to the County Administration managers who are directly involved in any decision made as a result of such test results or in any grievance arising out of such decision.

21.8 Searches

To enforce the goals of this policy, the County reserves the right to search any employee, his personal vehicle on County property, baggage, clothing, toolbox, lunch box, locker, desk, office, and County-provided facilities or vehicles. Searches of an employee's person or clothing will only be conducted when the County has reasonable cause to believe that an employee has a drug in his possession or has violated any of the rules pertaining to drug use set forth in this policy.

The County will conduct searches with appropriate regard for the personal privacy of the employee. An employee's refusal to submit to a search may result in disciplinary action, up to and including discharge.

XXII. WORKPLACE VIOLENCE POLICY

A. Purpose:

Frederick County recognizes that violence at work, family violence, and any other violence can affect any employee=s work performance. The purpose of the policy is to reduce the possibility of death or injury as a result of workplace violence and to foster a work environment of respect and healthy conflict resolution. Nothing is more important to the County than the safety and security of its employees. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on Frederick County property will not be tolerated. Violations of this policy by employees will lead to disciplinary action which may include dismissal, arrest, and prosecution.

B. Definitions:

1. Violence is an action of physical force, harassment or intimidation.
2. Threat is the expression of an intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional or future.
3. Physical attack is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, throwing objects or using a weapon.
4. Property damage is intentional damage to property which includes property owned by the County, employees, visitors or vendors.
5. Harassment is to intimidate or annoy persistently.

C. Procedures:

Frederick County recognizes that an employee can be exposed to many different types of violence including between employees, between employee and supervisor, between employee and customer, or between an employee and a family member or former friend. It further acknowledges that many of its employees are exposed to violence by the very nature of their jobs. Frederick County asserts that any acts of violence are not acceptable and establish the following procedures to take preventative and/or corrective action:

1. Any employee who makes threats, exhibits threatening behavior, or engages in violent acts on County property shall be removed from the premises as quickly as safety permits, and shall remain off the premises pending the outcome of an investigation. Frederick County will initiate an appropriate response. This response may include, but is not limited to, disciplinary action and/or criminal prosecution of the person or persons involved.
2. The unauthorized possession or use of firearms or other weapons by employees on Frederick County property or during working hours is strictly prohibited. Violation of this shall result in suspension and/or discharge.
3. Similar situations could occur in employee contacts with the public. While Frederick County has a strong commitment to customer service, employees should not be subjected to abuse. A supervisor should be requested to intervene when a customer is abusive. If there is concern over the possibility of physical violence, it should be immediately called to the attention of a supervisor or another employee so measures may be implemented to reduce the threat and protect the employee. These include calling 911 or 9911 and/or removing the customer from the premises.
4. All employees who apply for or obtain a protective or restraining order which lists Frederick County locations as being protected areas, must provide to the Personnel Director and the Department Head a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent.
5. No existing Frederick County policy, practice, or procedure should be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring or a life threatening situation from developing.

6. All Frederick County personnel are responsible for notifying the Personnel Director or Department Head of any threats which they have witnessed, received, or have been told that another person has witnessed or received. Even without an actual threat, employees shall also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job related or might be carried out on a Frederick County controlled site, or is connected to Frederick County employment. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior. If the Personnel Director or Department Head is not available, employees shall report the threat to the supervisor. A Workplace Violence incident report is provided to employees at all work sites.
7. Any report of violence will be handled in a confidential manner, with information released only on a need-to-know basis. Employees who report real or perceived violent behavior or violations of this policy will not be retaliated against or subjected to harassment.

D. Program Components:

Frederick County shall insure the following components of an effective program of preventing workplace violence (as outlined in the US Department of Labor's OSHA Guidelines for Preventing Workplace Violence) are implemented and maintained:

1. Management commitment and employee involvement
2. Policy development and implementation
3. Work site security and records analysis
4. Hazard prevention, control, and workplace adaptation
5. Training and education
6. Evaluation of program

Proposed Policies

XX. HARASSMENT/SEXUAL HARASSMENT POLICY

Frederick County is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment.

Purpose:

To define Frederick County's position regarding ~~employee~~ harassment and/or sexual harassment, to maintain a working environment that is free of discriminatory harassment and/or sexual harassment in accordance with Title VII of the Civil Rights Act of 1964 and all other applicable laws, and to communicate Frederick County's actions to any such conduct.

Policy:

It is the policy of Frederick County that discriminatory harassment and/or sexual harassment of applicants and employees on the basis of race, religion, gender, national origin, age, marital status, veteran status and mental and physical handicap is unacceptable and will not be tolerated.

This policy ~~applies exists~~ to protect all County employees, applicants, customers, vendors, or other third parties with whom Frederick County has business dealings.

Harassment can occur as the result of a single incident or a pattern of behavior, including whenever: Sexual harassment has been defined generally as including unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature, whenever:

1. submission to the harassing conduct is either an explicit or implicit term or condition of employment;
2. an employee's reaction to the harassing conduct is used as a basis for employment decisions affecting that employee; or
3. the harassing conduct has the purpose or effect of interfering with the employee's work performance or creating an intimidation, hostile or offensive working environment.

Harassment encompasses a broad range of physical or verbal behavior which can include, but is not limited to the following:

1. physical or mental abuse;
2. racial insults;
3. derogatory jokes;
4. religious slurs;
5. unwelcome sexual advances.

Sexual harassment ~~has been~~ is defined generally as including unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature., ~~whenever:~~

No employee or applicant should be subjected to unsolicited and unwelcome sexual overtures. Nor should any employee or applicant be led to believe that an employment opportunity or benefit will in any way depend upon "cooperation" of a sexual nature.

Sexual harassment includes behavior which is not welcome and which is personally intimidating, hostile or offensive. It also may include such actions as:

1. sexually-oriented verbal teasing or jokes;
2. repeated offensive sexual flirtations, advances, or propositions;
3. continued or repeated verbal abuse of a sexual nature;
4. graphic or degrading comments about an individual or his or her appearance;
5. the display of sexually suggestive objects or pictures;
6. subtle pressure for sexual activity; and
7. physical contact or blocking movement.

~~Harassment can occur as the result of a single incident or a pattern of behavior whenever: where the purpose of effect is to create a hostile, offensive, or intimidating work environment. Harassment encompasses a broad range of physical or verbal behavior which can include, but is not limited to the following:~~

- ~~1. physical or mental abuse;~~
- ~~2. racial insults;~~
- ~~3. derogatory jokes;~~
- ~~4. religious slurs;~~
- ~~5. unwelcome sexual advances.~~

Procedure:

Any employee who feels that he or she has been the subject of any form of harassment or who has reason to believe that someone else has been the subject of any form of harassment has the obligation to notify the ~~Personnel~~ HR Director, his or her supervisor, or Department Head. The employee is expected to provide information the County requests, including a detailed account of the incident(s) complained of, related facts, witnesses (if any), dates, etc. The Director of Human Resources will make a prompt investigation of the matter, and will document, as appropriate, the contents of meetings, interviews, and related matters. The employee will be entitled to learn the conclusions and recommendations of the investigation, upon its conclusion. The County will attempt to resolve the matter.

Any employee found to have violated the County's policy against sexual harassment will be immediately subject to appropriate disciplinary action, including possible termination, depending upon the severity of the offense.

~~It is the policy of Frederick County to investigate such reports.~~

~~Frederick County prohibits retaliation against any individual who reports discrimination or harassment based on an honest perception of the events or who participates in an investigation of a complaint. It is the County's policy that no one will be retaliated against for making a complaint of harassment based upon an honest perception of the events or for participating in the investigation of a complaint. No one will be presumed to be in violation because an investigation is being conducted.~~

~~The County will attempt to resolve the matter. This may include a confidential investigation, discussion with the parties, and/or disciplinary action up to and including dismissal.~~

False and malicious complaints of harassment, discrimination or retaliation as opposed to complaints which, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action.

~~This policy may be revised from time to time as appropriate in the County's judgement.~~

XXI Drug and Alcohol Free Workplace Policy

21.1 Background

The County is firmly committed to the health and safety of our employees and the public, the quality of programs and services we provide, and the efficient operation of our organization. The County considers the influence of drugs and alcohol in the workplace to be detrimental to these goals and is committed to maintaining a drug and alcohol free workplace and to doing our part to eradicate substance abuse in our community.

Because of these commitments, the County adheres to the following policy on drugs. The County will comply with all regulations on drug testing established by the United States or the Commonwealth of Virginia. This program is designed to protect individual privacy, to ensure accountability and integrity of specimens and to provide for confirmation of all positive drug test results. In addition, this program provides for the confidentiality of test results and medical histories, and employs non-discriminatory testing methods. The goal of this program is to ensure a drug-free environment which, in turn, will reduce accidents and casualties in our operations. ~~This policy may be amended from time to time to conform with changes required by federal and state law or at the discretion of the County Administrator.~~

21.2 Policy

The use of drugs by County employees is a serious problem which endangers not only their safety, but the safety of the general public as well. Drug use by employees also reduces productivity and endangers property. The County is committed to providing a safe workplace and to promoting high standards of health and safety to protect its employees as well as the public.

Accordingly, the County has adopted the following rules regarding drug use:

- a. Employees are prohibited from using, possessing, selling, distributing, transporting or concealing drugs, equipment or paraphernalia on County property or on County time, with the exception of law enforcement employees in the lawful performance of their duties.
- b. Employees shall not have drugs in their systems, regardless of when and where the drugs were taken, while on County time, while acting as an agent or representative of the County or while on County property on any occasion associated with his role as an employee, agent or representative of the County. All employees must report to work in a substance free condition.
- c. An applicant who tests positive for any drug will not be hired. An employee who tests positive for any drug is subject to discipline up to and including discharge.
- d. A refusal to take a drug test will have the same effect as a positive test under the policy.
- e. As a condition of employment, each employee agrees to notify his supervisor of his arrest for any criminal drug statute, no later than five (5) days after such arrest.

An employee who violates these rules is subject to discipline up to and including discharge. This policy is not intended to address all circumstances when an employee's involvement with drugs warrants disciplinary action. Accordingly, nothing in this policy shall be considered as limiting the County's right to take disciplinary action, up to and including discharge, for an employee's involvement with illegal drugs not specifically addressed in this policy.

21.3 Definitions

Drug(s)

Includes both illegally-used controlled substances (illegal drugs or other controlled substances as defined under state or federal laws including narcotic and non-narcotic drugs, and prescription drugs used abusively), and non-controlled (over the counter) substances if they impair one's performance, including alcohol. In addition, the abuse of any substance for a non-therapeutic purpose will fall under the prohibition against use of drugs.

Possession

Includes the presence of drugs on the employee's person; in an employee's desk, office, or locker; in an employee's toolbox, lunch box, or personal automobile while it is located on County property; or in a County vehicle.

On County Property

Includes, but not limited to, land or property owned or leased by the County, including County parking lots, County vehicles, equipment, lockers, and recreational areas.

On County Time

Includes when an employee is on County property at any time associated with his role as a County employee, agent, or representative; during the employee's work day; or any time an employee is acting as an agent or representative of the County.

Workplace

The site for the performance of work and includes any County property, County-owned or County-approved vehicles used to transport employees and County-sponsored activity.

21.4 When Employees Will Be Tested

Pre-Employment Testing

All applicants who the County intends to hire into a safety-sensitive or security-related position shall be tested for drugs as a pre-qualification to employment.

Reasonable Cause Testing

The County also will require testing when there is reasonable cause to suspect an employee has used drugs or violated any other provision in this policy pertaining to drug use.

As used in this policy, reasonable cause simply means that there is an articulable suspicion based on specific facts, and reasonable inferences drawn from those facts, that a particular employee is under the influence of drugs or has violated this policy. Circumstances which may constitute a basis for such a reasonable cause may include, but are not limited to:

1. A pattern of abnormal or erratic behavior (e.g., hyperactivity, unexplained mood swings, _____ paranoia, hallucinations);
2. A prolonged, unexplained deterioration in performance or attendance;
3. Information provided by a reliable and credible source;
4. A work-related accident;
5. Direct observation of drug use;
6. Possession of drugs or drug paraphernalia; or
7. Presence of the physical symptoms of drug use (e.g., glassy or bloodshot eyes, slurred _____)

speech, poor coordination and/or reflexes, needle marks/scar tracks on arms, etc., unusual perspiration or shakes, unusual drowsiness or sluggishness).

Managers or appropriate department heads are responsible for observing and monitoring their employees' behavior for signs or symptoms of drug use, and shall promptly report any such observations to the appropriate administrator. Generally, two managers should observe an employee engaging in conduct that creates a reasonable cause to believe that the employee has used a drug before requiring a drug test. However, if only one manager is available, then he or she alone may require that an employee submit to a drug test for reasonable cause. The manager(s) who orders a reasonable cause drug test shall document in writing the conduct giving rise to the reasonable suspicion of drug use within 24 hours of the observed behavior or before the results of the test are released, whichever is earlier.

This description of circumstances that may constitute reasonable cause for testing is not intended to limit in any way the discretion of the County in deciding that an individual should be tested.

Random Testing for Commerical Driver's License Holders

As a regulation of the Department of Transportations' Federal Motor Carrier Safety Administration, the County will also require testing at random for employees required to obtain and maintain a commercial driver's license as a requirement of their position. The County Administrator and Director of Human Resources will develop, maintain, and administer the method of random selection, chain of custody, and screening documentation as per the federal regulations.

Testing as a Condition of Participation in a Substance Abuse Program

An employee who enters a substance abuse program as a condition of continued employment may be required to submit to unannounced drug testing to assure compliance with the program. See paragraph 21.5 part c.

21.5 Effect of a Positive Test or a Refusal to Take a Test

- a. An applicant who tests positive for drugs on a pre-employment drug test will not be hired by the County.
- b. An employee who tests positive for drugs will be subject to discipline, up to and including discharge.
- c. An employee who tests positive for drugs under any of the circumstances described above who remains employed will be required to enter a substance abuse program and comply with any and all directions of the substance abuse program counselor. As part of such a program, an employee may be required to submit to unannounced testing to assure compliance with the program. Before returning to duty, such an employee will be required to pass a drug test. Failure to enter the program or refusal to comply with the Counselor's recommendations or directions will be grounds for immediate discharge.
- d. An employee who tests positive for drugs under any of the circumstances described above on a second occasion will be discharged immediately.
- e. A refusal to take a drug test will have the same effect as a positive test for all purposes under this policy, resulting in discipline up to and including discharge.

21.6 Prescription Drugs

An employee will not be subject to discipline if he/she tests positive for drugs but can prove, through clear and convincing evidence, that the positive test was the result of his use of a drug prescribed by a licensed medical practitioner and consistent with legal drug use and consistent with safe performance of his duties. An employee who tests positive for

drugs bears the burden of proving that the use was prescribed, lawful and safe.

21.7 Confidentiality of Test Results

The results of any drug or alcohol test that is performed pursuant to this policy shall be confidential and shall be made know only to the County Administration managers who are directly involved in any decision made as a result of such test results or in any grievance arising out of such decision.

21.8 Searches

To enforce the goals of this policy, the County reserves the right to search any employee, his personal vehicle on County property, baggage, clothing, toolbox, lunch box, locker, desk, office, and County-provided facilities or vehicles. Searches of an employee's person or clothing will only be conducted when the County has reasonable cause to believe that an employee has a drug in his possession or has violated any of the rules pertaining to drug use set forth in this policy.

The County will conduct searches with appropriate regard for the personal privacy of the employee. An employee's refusal to submit to a search may result in disciplinary action, up to and including discharge.

XXII. WORKPLACE VIOLENCE POLICY

A. Purpose:

Frederick County recognizes that violence at work, family violence, and any other violence can affect any employee's work performance. The purpose of the policy is to reduce the possibility of death or injury as a result of workplace violence and to foster a work environment of respect and healthy conflict resolution. Nothing is more important to the County than the safety and security of its employees. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on Frederick County property will not be tolerated. Violations of this policy by employees will lead to disciplinary action which may include dismissal, arrest, and prosecution.

B. Definitions:

1. Violence is an action of physical force, harassment or intimidation.
2. Threat is the expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional or future.
3. Physical attack is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, throwing objects or using a weapon.
4. Property damage is intentional damage to property which includes property owned by the County, employees, visitors or vendors.
5. Harassment is to intimidate or annoy persistently.

C. Procedures:

Frederick County recognizes that an employee can be exposed to many different types of violence including between employees, between employee and supervisor, between employee and customer, or between an employee and a family member or former friend. It further acknowledges that many of its employees are exposed to violence by the very nature of their jobs. Frederick County asserts that any acts of violence are not acceptable and establish the following procedures to take preventative and/or corrective action:

1. Any employee who makes threats, exhibits threatening behavior, or engages in violent acts on County property shall be removed from the premises as quickly as safety permits, and shall remain off the premises pending the outcome of an investigation. Frederick County will initiate an appropriate response. This response may include, but is not limited to, disciplinary action and/or criminal prosecution of the person or persons involved.
2. The unauthorized possession or use of firearms or other weapons by employees on Frederick County property or during working hours is strictly prohibited. Violation of this shall result in suspension and/or discharge.
3. Similar situations could occur in employee contacts with the public. While Frederick County has a strong commitment to customer service, employees should not be subjected to abuse. A supervisor should be requested to intervene when a customer is abusive. If there is concern over the possibility of physical violence, it should be immediately called to the attention of a supervisor or another employee so measures may be implemented to reduce the threat and protect the employee. These include calling 911 ~~or 9911~~ and/or removing the customer from the premises.
4. All employees who apply for ~~or~~ and obtain a protective or restraining order which lists Frederick County locations as being protected areas, must provide to the ~~Personnel~~ HR Director and the Department Head a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining

- order which is made permanent.
5. No existing Frederick County policy, practice, or procedure should be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring or a life threatening situation from developing.
 6. All Frederick County ~~personnel~~ employees are responsible for notifying the ~~Personnel~~ HR Director or Department Head of any threats which they have witnessed, received, or have been told that another person has witnessed or received. Even without an actual threat, employees shall also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job related or might be carried out on a Frederick County controlled site, or is connected to Frederick County employment. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior. If the ~~Personnel~~ HR Director or Department Head is not available, employees shall report the threat to the supervisor. ~~A Workplace Violence incident report is provided to employees at all work sites.~~
 7. Any report of violence will be handled in a confidential manner, with information released only on a need-to-know basis. Employees who report real or perceived violent behavior or violations of this policy will not be retaliated against or subjected to harassment.

D. Program Components:

Frederick County shall insure the following components of an effective program of preventing workplace violence (as outlined in the US Department of Labor's OSHA Guidelines for Preventing Workplace Violence) are implemented and maintained:

1. Management commitment and employee involvement
2. Policy development and implementation
3. Work site security and records analysis
4. Hazard prevention, control, and workplace adaptation
5. Training and education
6. Evaluation of program



COUNTY OF FREDERICK, VIRGINIA

FIRE AND RESCUE DEPARTMENT

1080 Coverstone Drive
Winchester, VA 22602

William R. Bowmaster, Sr.
Deputy Chief
Operations Division

MEMORANDUM

TO: Paula Nofsinger, Director
Human Resource Department

FROM: Dennis D. Linaburg, Fire Chief
Fire and Rescue Department 

SUBJECT: EMS Billing Manager

DATE: May 1, 2013

With the EMS Expense Recovery Memorandum of Understanding in place, it is now time to move forward with the advertising and hiring of an EMS Billing Manager. This will be a new position to the County of Frederick within the Fire and Rescue Department.

This position will be responsible for the technical work planning, managing, organizing and directing of the County's EMS billing program. All of this while maximizing revenue and minimizing the impact on citizens. The job will include but not be limited to HIPPA compliance, coordination of patient care reporting, coordinate public and internal educational activities, and manage the contract for billing services. Position will perform auditing and compliance, supervise the preparation of reports, development and implement policies and procedures, and respond to inquiries and complaints from the public, insurance companies, etc. The Billing Manager will also work with the Finance Department to ensure all collection and disbursement of revenues associated with the program.

We recommend at this time the approval to move forwarding with the filling of this position. This will allow the EMS Expense Recovery to move forward. If you have any questions or comments, please do not hesitate to contact me.

DDL/jlc
Attachments: as stated
Cc: File

County of Frederick, Virginia

Position Details

Position Title: EMS Billing Manager		Date Position Created: April 2013
Department: Fire & Rescue Department		Reports To: Fire Chief/F&R Director
☐ Exempt ☒ Non-Exempt	Date Prepared: 4/25/2013	Prepared By: HR Generalist
Range:	Grade:	Salary:
G/L Line Item:		

Job Description

Job Purpose: Performs difficult, technical work planning, managing, organizing and directing the County's EMS billing program to maximize revenue while minimizing the impact on citizens. Work is performed under direct supervision of the Department Director or his/her designee.

Essential Functions

- Ensure HIPAA compliance throughout the EMS billing program;
- Coordinate and develop electronic patient care reporting and related operational services;
- Coordinate public and internal educational activities;
- Manage the contract for billing services;
- Perform auditing and compliance/program reviews of related Department regulations and procedures;
- Supervise the preparation of reports and other accounting aspects of the program;
- Develops and implements policies and procedures;
- Coordinate all aspects of contract oversight with billing vendor;
- Ensure efficient service is provided to customers and insurance companies, and all Medicare and Medicaid requirements are met, as well as private insurance requirements;
- Work with County's Information Technology Department to manage and oversee program information systems, database and statistical programs operations;
- Respond to inquiries and complaints from the public, insurance companies, lawyers, etc. while maintaining HIPAA compliance;
- Establish controls to be required of the vendor to ensure accurate accounting for ambulance fee payments;
- Work with the Finance Department to ensure all revenues are appropriately collected and posted to proper general ledger accounts.

Job Requirements:

Education: Associate's Degree in accounting or business administration is required; bachelor's preferred.

Experience: Minimum two years experience in a finance office or doing medical billing.

Knowledge/Skills: Thorough knowledge and use of the principles and practices of accounting; basic knowledge and use of the principles, underlying general laws and administrative policies governing municipal financial practices and procedures. Possess strong communication and leadership skills. Thorough knowledge and use of standard office practices and procedures. Experienced in the use of standard office and accounting equipment including general knowledge and use of data processing practices and data entry through a computer terminal. Ability to maintain a high level of confidentiality. Ability to establish and maintain effective working relationships with co-workers, departments, agencies and officials and possess professional telephone etiquette.

Working Conditions:

Physical Demands: Walking, talking, stooping, kneeling, bending, reaching, and gripping. Incumbent may be required on occasion to move and lift up to 30 lbs. (boxes, files, etc.); work long periods at a desk; walk over rough terrain on occasion. Must fully participate as required as a civilian member of an emergency response organization.

Supervisory Responsibilities:

Number of Employees Supervised: 0	Number of Subordinate Supervisors Reporting to Job: 0
Approvals:	
Department Director:	Date:
HR Director:	Date:
Finance Director:	Date:
County Administrator:	Date:
Board of Supervisors Approval:	Date:

Frederick County Board of Supervisor's

Human Resources Committee Charter

I. Organization

There shall be a committee of the Board of Supervisors ("Board") of Frederick County, Virginia ("County") known as the Human Resources Committee ("Committee"). The Committee shall be comprised of three (3) members of the Board of Supervisors who will be appointed by the Chairman of the Board, with one appointed as Chair, and three (3) citizen members as appointed by the Chairman of the Board. This Charter shall govern the Committee with regard to its duties and responsibilities. The goal of the Committee shall be to promote programs, policies, and practices that attract and retain qualified employees.

II. Purpose

The primary function of the Committee is to assist the Board in fulfilling its oversight responsibilities by reviewing and evaluating the human resources programs, policies, and procedures of the County. The Committee's primary duties and responsibilities are as follows:

- To serve as an independent and objective party to monitor the human resources programs and policies of the County.
- To review and appraise the County's efforts to attract and retain a qualified and productive employee workforce.

The Committee will primarily fulfill these responsibilities by carrying out the activities enumerated in Section IV of this Charter.

III. Meetings

The Committee shall meet at least twelve (12) times annually or more or less frequently as circumstances dictate. The Chairman of the Board, the Chair of the Committee, or a majority of the Committee members may call or cancel meetings of the Committee. The Chair of the Committee shall prepare or approve an agenda in advance of each meeting. The County Administrator and the Director or Directors with the responsibilities for human resources shall be invited to all meetings. Other management officials and counsel to the Board may be invited as necessary. With the exception of Directors, the Chair may excuse any non-Committee members from attendance at any meeting or portion of any meeting.

IV. Responsibilities

The Committee shall have the following duties and responsibilities:

A. Human Resources

1. Review and advise the Board of Supervisors and senior management of the County with respect to human resources initiatives, policies and procedures, including activities relating to recruiting, retention and training of employees, as well as employee relations in general.

2. Establish, review, and recommend the County's compensation strategy to ensure that rewards are commensurate with County success and the creation of value for its employees, and that the strategy supports the achievement of the County's objectives. Review and recommend salary grade structures and guidelines, incentive plans, and merit plans, including the cumulative effect of awards made pursuant to such plans. Report the results of the review and any recommended action by the Committee to the Board of Supervisors for final approval.

3. Review the unclassified compensation plans to ensure that the County attracts, retains and rewards qualified Directors and other key employees, and that their interests are aligned with the long-term interests of the County. Report the results of such review to the Board of Supervisors.

4. Review and approve the major benefit plans and programs of the County to ensure that they support the County's objectives. Report the results of such review and any recommended action by the Committee to the Board of Supervisors.

5. Obtain advice and assistance from internal or external accounting, legal or other consultants to provide advice to the Committee on matters under its purview, including an annual independent review of the County's compensation and benefit plans and programs. The Committee shall recommend to the Board the fees and terms of engagement of those rendering external advice to the Committee.

6. Review annually the County's results and compliance with employee grievances and equal opportunity claims, and report the results of such review to the Board of Supervisors.

B. Other Duties Related to Review, Reports and Improvement Procedures

1. Review and reassess annually the adequacy of this Charter, and conduct an annual self-assessment of this Committee's performance.

2. Prepare minutes of all meetings of the Committee, and report to the Board on the matters discussed at each Committee meeting, as appropriate.

3. Perform any other activities consistent with this Charter, the County's goals, objectives and governing law, as the Committee or the Board deems necessary or appropriate.