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Glossary of Terms/Definitions

Accident: An unplanned event in which damage or injury is sustained to persons or property.

Additional Information (*for purposes of OTL*): Used by some departments to designate the reason(s) an employee worked a particular type of hours, including reasons for overtime.

Adverse Weather: A term used to designate a weather condition that may impact such things as the assignment or pay of certain employees as determined by the County Manager (See Section 7.2 Emergency Closure Policy).

Agency: A department, division, or office as designated by the Board of Supervisors.

Agency Head: An employee responsible for the management and leadership of an agency. Titles are published on the "Agency Heads and Key Officials" listing in Appendix A.

Applicant: An individual who indicates a specific interest in a current vacancy or a type of work for which the County of Henrico is actively recruiting, provides required information on the County of Henrico's official on-line Employment Application Form and electronically submits that application. Vacancy lists are found on the Internet by visiting www.henricojobs.com.

Appointing Authority: The County Manager is the appointing authority. He may delegate this authority to an agency head for use in that agency.

Appraiser: Any employee who evaluates the performance of a subordinate (usually the employee's supervisor/manager).

Assignment (formerly job): A specific group of duties that are assigned to a specific job classification and assignment category.

Assignment Category (formerly jobstat): A designation identifying the type of assignment and the specific policies which are applicable, including but not limited to such things as hours worked, benefits and leave accrual.

Authorized Absence: An absence approved by the employee's supervisor after proper notification is given to the supervisor of the reason for absence and estimated length of absence.

Authorized Position: A position listed in the Personnel Complement and approved by the Board of Supervisors or the County Manager. Employees in authorized positions are eligible for benefit coverage based on the approved full-time equivalent.

Behavioral Anchors: Characteristics of the competencies that define performance capabilities needed to demonstrate knowledge, skills and abilities. They can be modified by managers to match the criteria for specific positions.

Benefits: A part of compensation made available to certain eligible employees as determined and approved by the Director of Human Resources.

Career Development Advancement: Movement from one job title to another job title having a higher grade following the individual's successful completion of the requirements of an approved career development

program. In career development transactions the change in the rate of pay is treated as a promotion. Career development movement, both up and down, is accomplished at the discretion of the agency head, based on the approved career development program, policies and practices, and with the final approval of the Director of Human Resources.

Classified Position: A position authorized by the Board of Supervisors or the County Manager that provides a full range of County benefits to the eligible employee. Employees assigned to classified positions are also eligible to use the County's grievance procedure except where otherwise exempted.

Close Family Member: An employee's parents, grandparents, great-grandparents, grandchildren, great-grandchildren, spouse, children, brothers, and sisters; or the spouse's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters; or the employee's step and half-relatives (or a person who is legally acting in one of the preceding capacities); or other relative who maintains his primary residence in the employee's household.

Compensation: Payment made for services rendered which may include pay and/or benefits as approved by the Director of Human Resources.

Compensation Plan: The official compensation plan includes job classification titles and their corresponding grade and FLSA overtime designation.

Competencies: Identified behaviors, knowledge, skills, and abilities that directly and positively impact the success of employees and the organization.

Complement: The official authorized list of positions as approved by the Board of Supervisors or the County Manager, as the case may be, and maintained by the Department of Human Resources.

Complement	Funding	Eligible for Grievance Procedure
I	All County funds	Yes
II	Some County funds	Yes
III	All outside funds	Yes
IV	All funding sources	No

Conditional Employee: An employee who is either notified that improvements must be made in certain areas of job performance or who receives discipline. Current employees who move from one position to another (for example, promotion, demotion, and transfer) are also required to complete a 12-month conditional period. Conditional employees have no right to an expectation of continued employment in that position.

Continuous County Employment/Service: The total length of time an employee has been employed with the County. Continuous County employment/service is defined as beginning with the employment date as defined below and continues until the employee's separation from County employment. It does include any time spent in approved leave without pay status, as well as any temporary or part-time employment with the County immediately prior to employment in an authorized position as defined in this Glossary.

Criminal History Record Check: A review of the Central Criminal Record Exchange (CCRE) to determine 1) the past criminal conduct of persons offered conditional employment in County authorized positions and/or hourly safety-sensitive positions and 2) whether such conduct is compatible with the nature of their employment. The Department of Human Resources administers all criminal history record checks pursuant to an ordinance adopted by the Board of Supervisors.

Contractual Worker: See Independent Contractor.

Demotion: Transfer from one class of position to another of a lower grade in which the employee meets the minimum qualification. Demotion may be disciplinary or non-disciplinary and carries with it a reduction in pay. Employees in an approved career development plan may be demoted to a lower level. A demotion can be rescinded with the approval of the Director of Human Resources for good cause.

Discharge: See Dismissal.

Discipline: Action taken against an employee ranging from a written reprimand to dismissal depending on the severity of the employee's misconduct.

Dismissal: An involuntary termination of an individual's employment with the County.

Earnings Policy: Earnings policies are used in the HRMS/STEP system to designate an employee's eligibility for overtime, holidays, and are required for the employee to fill out their electronic timecard.

Eligible Employee: An employee who meets specific requirements that enable the employee to earn certain benefits.

Emergency Closure: A partial or complete closure or curtailment of County operations by the County Manager, necessitated by an emergency event (such as adverse weather, a natural disaster, or an act of terrorism. (See Section 7.2).

Employee: An individual who, in consideration of salary or wages, is hired by and performs services for the benefit and under the control of the County of Henrico General Government.

Employee Direct Access: The ability of an employee to electronically access and/or update such things as personal, employment, and time reporting information.

Employee Category: Determines areas of OTL for an employee such as the timecard approval styles and other various timecard preferences. It is used to assign a specific Hours Type that an employee can choose on their timecard.

Employment: Placement of an individual into a vacant position as approved by the Director of Human Resources. Offers of employment may be rescinded with the approval of the Director of Human Resources.

Employment Date: The date a new employee reports to work. (See Hire Date)

Equal Employment Opportunity Plan: The statement and a plan of action whereby the County of Henrico will promote and maintain a policy of nondiscrimination in recruitment, selection, hiring, pay, promotion, or any other personnel action affecting its employees.

Essential Employees: Those employees, as determined by each agency head, required to perform their normal, routine duties regardless of adverse weather conditions or other exceptional situations. Adverse weather conditions are declared and defined by the County Manager (see Section 7).

Exempt: Employees who, as classified by the Director of Human Resources in accordance with the required guidelines of the Fair Labor Standards Act, are exempt from overtime pay and who may receive compensatory leave for hours worked above their standard hours.

Extraordinary Merit Increase: A merit increase, approved by the County Manager, based on specified criteria relating to extraordinary circumstances.

FMLA Leave: Leave governed by the Family Medical Leave Act (FMLA) that places eligible employees in a job protected status when they take FMLA leave for certain specified family and medical reasons and for qualifying exigencies.

Full-Time Employee: An employee hired in an authorized position who works at least 40 hours per work week and who is eligible for full coverage of benefits.

Gatekeeper: A person designated by the agency head who is responsible for overseeing/reviewing the time entry, submission and approval of electronic timecards submitted through Direct Access.

Goal: A mutually agreed upon measurable level of output established through discussion between an employee and appraiser. Goals must be measurable, understandable, controllable, achievable, and related to specific time frames.

Grade: A number assigned to a group of steps in a defined grade ladder which represents a salary range.

Grade Ladder (formerly payplan): Identifies the salary rates associated with each grade on the ladder. In addition, it is used to determine the rules for grade/step progression (how an employee progresses from one grade (or step) to the next).

Grade Scale: A sequence of steps valid for a grade, where each step corresponds to one point on a pay scale.

Hire Date: The date a new employee reports to work.

Hours Type (formerly work/leave codes): Designates the type of hours worked (including overtime and regular pay) as well as leave types.

Hourly Employee: An employee who is hired and paid on an hourly basis, who is not covered by any benefits, who has no right to continued employment or expectation of any coverage of benefits or change in level of compensation, and who may not work or be scheduled for more than 35 hours per work week.

Human Resource Management System: The information management system used in the Human Resources Department and County-wide.

Immediate Family: An employee's spouse, children, parents, grandparents, brother, sister; or other close family member who maintains his primary residence in the employee's household.

Independent Contractor: An individual or business entity, that provides goods or services specified in a contract or oral agreement and who controls the manner and method of delivery of personal services to the County. Independent Contractors are not employees of the County.

Injury Leave: See Section 8.11.

Job Specification: A formal written statement of a job which defines the general character and scope of the duties and responsibilities of positions that share a job classification. This statement is usually supplemented by examples of work, enumerates knowledge, skills, abilities and other requirements for successful performance of the work and states minimum experience and education requirements as well as education and experience equivalencies for positions in the class. (See Section 3.3)

Job Classification: A title representing a single position or a group of positions sufficiently similar in duties performed, degree of supervision exercised or required, minimum requirements of education, experience or skill, and such other characteristics that the same or similar class title, the same or similar tests of fitness, and

the same schedule of compensation may be applied. The classification of a position is determined by the Director of Human Resources.

Key Official: The County Manager; a member of the County Manager's staff; the head of a separate County department, agency, division, or office; constitutional officers; clerk of a court; or an appointive position such as a school superintendent or judge. (See Appendix A)

Latest Hire Date: The effective date that a former County employee returns to County employment.

Leave Accrual Date: The date that determines when the accrual rate of annual leave changes. The date is computed from the employment date minus any time in a non-paid status, and includes employment in part-time assignments (20 hours or more per payperiod) immediately preceding full-time employment if leave was earned during part-time assignment.

Manager Declared Emergency: In certain situations (for example, a natural disaster) when it is important to gather time reporting information for the specific situation the County Manager may declare an emergency. Adverse weather is not considered a manager declared emergency.

Manager Direct Access (MDA): The method used by a supervisor/manager to electronically review and approve timecards submitted by the employees they supervise and other specific employment related information for their employees. This information includes but is not limited to contact information, current and past employment history, leave and earnings information, timecards, and performance appraisals.

Merit Increase: A *merit increase* is a one-step progression (currently set at 2.372%) in the pay scale grade that recognizes an employee's performance and increased knowledge, skills and abilities as well as their added value to the organization.

Minimum Qualifications: Those minimum requirements set by the Director of Human Resources that an applicant or employee must possess to be considered qualified and eligible to be considered for a position with the County.

Nonessential Employees: Those employees, as determined by the agency head, who are not required to perform their normal, routine job duties during adverse weather conditions. Adverse weather conditions are declared and defined by the County Manager (see Section 7).

Nonexempt: Employees who, as classified by the Director of Human Resources in accordance with the required guidelines of the Fair Labor Standards Act, are eligible to receive compensation at a rate of time and one-half for any hours actually worked in excess of 40 hours in a workweek (Saturday through Friday).

Non-probationary Employee: A full-time or part-time employee who works a regular schedule, is in an authorized position, is eligible to receive County benefits, and has successfully completed his initial probationary period by receiving an acceptable or better performance appraisal.

On-Call Pay: (See Section 4.6).

Oracle Time & Labor (OTL): The module in the HRMS/STEP system which handles time reporting rules and policies.

Overtime: Hours actually worked by a non-exempt employee above 40 hours in a workweek (Saturday through Friday). Note: The County has different rules for determining eligibility for overtime for its fire suppression and law enforcement employees. See Section 4.4(B).

Overtime Pay: Pay at a rate of one and one-half times a non-exempt employee's normal hourly rate for all overtime hours worked.

Organization: An agency, department, division, or office.

Paid Leave: Leave of absence with pay as defined in Section 8.

Part-time Employee: A person employed in an authorized position who works standard hours less than 40 hours per work week and who is eligible for certain limited County benefits and pro-rated leave as defined in Section 12.

Payperiod: A payperiod is considered two standard, consecutive workweeks and begins on a Saturday and ends on a Friday.

Performance Appraisal Date: The effective date on which an employee is evaluated for job performance as a County employee. For employees in Steps 1-25, an acceptable or better annual evaluation may carry with it a merit increase to the next step of their grade. All employees are evaluated annually but may be evaluated more frequently.

The annual performance appraisal date is established by the County Manager and will be the same for all employees assigned to an authorized position. A special evaluation date may be assigned if the supervisor and agency head wish to evaluate or re-evaluate the employee's performance at a time other than (but not in lieu of) the scheduled annual performance appraisal date (see Section 13). The annual evaluation may be extended or disapproved based on the Supervisor's assessment of performance and the Agency Head's approval.

Performance Standards: Benchmarks set by the appraiser to define the desired level of employee performance. These are developed and combined with the criteria for each competency.

Personnel Complement: A listing of all authorized positions that are eligible for employee benefits, carry with them a unique position number, and included in any one of four categories subject to funding level. With the exception of positions assigned to Complement IV, such employees may be eligible to use the County's Grievance Procedure.

Personnel Record: The official central file of information pertaining to each employee maintained in and safeguarded by the Department of Human Resources.

Position Description: A detailed written description of the duties, operations, methods, working conditions, equipment and/or material used, line of authority, and other essential facts about a particular position.

Position Number: A unique number and job classification assigned by the Department of Human Resources to each position authorized by the Board of Supervisors or County Manager and listed in the personnel complement.

Probationary Employee: (See Section 6.6).

Probationary Evaluation Date: The date on which an employee is evaluated for job performance after completing his probationary period. This date may be extended by the agency head. A special evaluation date may be assigned if the supervisor and Agency Head wish to reevaluate the employee's performance at a time other than (but not in lieu of) the scheduled annual performance appraisal date. After a successful probationary evaluation, employees are evaluated at least annually.

Promotion: Transfer from one job classification to another of a higher grade in which the employee meets the minimum qualification standards and which carries with it an increase in pay. The term “promotion” shall not include movement within an approved career development program. A promotion may be rescinded with the approval of the Director of Human Resources for good cause.

Provisional Employee: An employee hired with certain restrictions or provisions spelled out as conditions of employment that may not be applicable to other County employees.

Reclassification: The change of a position from one job classification to another as determined by the Director of Human Resources.

Rehire: When an ex-employee returns to an active status. This may be designated as a reemployment or reinstatement as defined in Sections 6.5 — 6.7.

Reemployment: A reemployment occurs when an employee is rehired by the County after being gone for 6 months or more from the effective date of his separation. See Sections 6.5 and 6.7.

Regrade: A change in the assigned grade of a class based on labor market conditions or County organizational restructure approved by the County Manager. No change in pay is provided for an employee whose position has been regraded unless he falls below the entry step of the new pay scale.

Reinstatement: A reinstatement occurs when an employee is rehired by the County after being gone for less than 6 months from the effective date of his termination. See Sections 6.5 and 6.7.

Resignation: An employee's voluntary termination of employment.

Retirement: For purposes of these Rules and Regulations, retirement refers to an action or status of an employee who is eligible for, applies for, and is approved by VRS for retirement benefits and who leaves County employment for that reason.

Retirement Credit Date: The date contributions to the Virginia Retirement System began on behalf of a full-time eligible employee. Total service for retirement purposes begins with this date and continues until retirement minus any time spent in a leave without pay status. Service for retirement includes only service in a full-time assignment category.

Reviewer: The supervisor/manager of the rater who will review the performance evaluation after the rater has completed it. The use of a reviewer is optional.

Salary Range: A range of pay associated with a grade which includes a minimum rate and a maximum rate of pay.

Seasonal Employee: An employee hired for a specific period of time, program, or project of a defined duration and not covered by any benefits.

Secondary Employment: Employment or work (within or outside of the County) other than the employee's primary job assignment with the County requiring advance review and approval by the agency head.

Separation/Termination: The cessation of employment of an employee either voluntarily or involuntarily (see Sections 10 and 14).

Serious Health Condition: an illness, injury, impairment, or physical or mental condition that involves either:

- Inpatient care (for example, an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (for example, inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; or
- Continuing treatment by a health care provider which includes:
 1. A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes:
 - treatment two or more times by or under the supervision of a health care provider (for example, in-person visits, the first within 7 days and both within 30 days of the first day of incapacity); or
 - one treatment by a health care provider (for example, an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (for example, prescription medication, physical therapy); or
 2. Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; or
 3. Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; or
 4. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or
 5. Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

Service Date: The date used to calculate service time for purposes of service awards and includes time in continuous county employment/service.

Standard Workweek: See definition of workweek below.

Step: A number between 1 and 26 (inclusive) assigned to an increment within a grade. Movement from one step to another within a grade is valued at 2.372% and is governed solely by merit and is based upon performance.

Streamlining Technology and Empowering People (STEP): A slogan, often referred to as the acronym STEP and used in conjunction with the Human Resource Management System (HRMS), that embraces a new way of administering the County's human resources information system.

Supervisor Hierarchy: The relationship between employees and their supervisor/manager which defines the access to and flow of information for the HRMS/STEP workflow and approvals (such as time reporting, leave, performance appraisals, etc.).

Supervisor/Manager: An employee who has the responsibility for directing and evaluating the work of other employees, including but not limited to: assigning and scheduling work, recommending or taking disciplinary action, providing on-the-job training, approving leave requests, and/or recommending hiring or dismissal.

Supplemental Pay: Payment of supplemental compensation authorized by the County Manager as acknowledgment of an employee or group of employees earning and maintaining certain required certifications or credentials.

Suspension: A disciplinary action which results in loss of pay and may also result in loss of benefits depending on the length of suspension.

Temporary Employee: An individual employee hired by the County for a designated time period not to exceed 90 days and who is not covered by any benefits. Temporary employment must be approved by the Director of Human Resources and may be extended beyond 90 days at the discretion of the Director of Human Resources on a case-by-case basis. The term "temporary" employee does not include independent contractors.

Termination: See Separation.

Timecard: A method (electronic or paper) used to enter the number of hours worked, leave earned or leave taken for each day during a specific payperiod or pay cycle.

Timekeeper: A person designated by the agency head who enters timecard information into the HRMS/STEP for employees or groups of employees. The timekeeper also assists in overseeing/reviewing the time entry, submission and approval of electronic timecards submitted through Employee Direct Access.

Transfer: The movement of an employee for any reason from one position to another in the same or different grade. If an employee moves to a position with a higher grade, it is considered a promotion; if an employee moves to a position with a lower grade, it is considered a demotion. A transfer may be rescinded for good cause with the approval of the Director of Human Resources.

Volunteer: An individual who is registered as a volunteer with the County's Volunteer Services Program and provides services to any agency within the County without compensation.

Unclassified Position: A position that does not have access to the County's grievance procedure. The County Manager in his sole discretion determines what positions are considered unclassified, a listing of which is maintained by the Director of Human Resources.

Wage Adjustment: An increase in pay given to incumbent employees to offset the increase in inflation, as measured by a myriad of economic indicators such as the Consumer Price Index (CPI). Factors such as labor market data and internal equity (including compression) are also considered when determining the necessity and amount of a wage adjustment.

Workday: A regularly scheduled duty day for an employee. For purposes of these rules, workday is an 8-hour day, 8:00 a.m. to 4:30 p.m., Monday through Friday.

Workflow: The route that a transaction entered in the HRMS/STEP system follows for approval or notification.

Workers' Compensation Leave: Paid leave occasioned by an on-the-job injury or occupational disease that arises out of and in the course of employment. See Section 8.11 for additional details.

Workplace: "Workplace" is defined to mean any site where an employee performs their work, including but not limited to any County building or premise; any County-owned vehicle; any building or premise used by the County for County business; and any non-County property during any County-sponsored or County-approved activity, event, or function. "Workplace" also includes all County-owned property such as, but not limited to: offices, desks, computers, lockers, safes, file cabinets, and toolboxes.

Workweek: A regularly scheduled 40-hour week, Saturday through Friday, unless otherwise specified in these rules or by the County Manager.

SECTION 1: General Provisions

1.1 Adoption of Rules and Regulations

These Personnel Rules and Regulations supersede all previous Personnel Rules and Regulations and, having been originally adopted by the Board of Supervisors and approved by the County Manager, apply to all County General Government employees except those specifically excepted.

1.2 Purpose of Rules and Regulations

- A. To provide common terms and definitions for human resources administration.
- B. To provide equitable conditions of employment for employees of the County.
- C. To establish and maintain uniform standards of human resources and payroll administration.
- D. To aid supervisors in dealing with their personnel in a fair and responsible manner.

1.3 Scope of Application of Rules and Regulations

These rules shall apply to all agencies, positions, and employees of the General Government of the County of Henrico but may not apply to those employees whose personnel regulations are specifically prescribed by other governmental units or to those who have a special employment status. Any rule herein that is inconsistent with the Federal Merit System standards will not apply to the Capital Area Training Consortium.

The terms "he", "his", or "him" used in these Rules and Regulations are used in a general sense and are not intended, and should not be interpreted, to exclude the feminine gender.

The term "County" as used in this document refers to the General Government of the County of Henrico, Virginia.

1.4 Amendment of Rules and Regulations

The Board of Supervisors through Board resolution has delegated to the County Manager the authority to adopt, amend, and maintain these Personnel Rules and Regulations to carry out sound personnel policies and practices.

1.5 Compliance

Agency heads and key officials shall take necessary and prompt action to insure compliance with these Rules and Regulations within their respective agencies. An agency head may delegate his approval authority to appropriate staff within his agency where noted in these Rules and Regulations.

Circuit, General District and Juvenile and Domestic Relations Court Judges are exempt from the Personnel Rules and Regulations as are the Clerks' office of the General District Court and Juvenile and Domestic Relations Court, and the Offices of the Magistrate and the Health Department, in that their employees or appointees are not considered County employees.

1.6 Availability of Rules and Regulations

The Personnel Rules and Regulations shall be maintained by the Director of Human Resources and are available to all employees electronically through the Internet and the Intranet.

These rules and regulations are also available for any employee to review by appointment through the Department of Human Resources.

1.7 Forms

Most Human Resources Forms for employee and departmental use can be found on-line at <http://www.co.henrico.va.us/hr/forms.html>.

SECTION 2: Administration

2.1 Chief Personnel Officer

The County Manager shall be the Chief Personnel, or Human Resources, Officer for the County. The County Manager shall direct the administration of the Personnel Rules and Regulations and may delegate to the Director of Human Resources such of his duties that he may deem appropriate in connection with the administration of these Rules and Regulations.

2.2 Vision, Mission and Code of Ethics of the Department of Human Resources

The vision of the Department of Human Resources is "Partnering a world class workforce for a world class community." The mission is to "provide innovative and exceptional Human Resource services to support, develop and inspire our employees in their service to our citizens and customers."

Our Code of Ethics is: "To earn the trust and confidence of our customers we will: Respect the dignity and diversity of all individuals; Act with integrity and honesty in our work and relationships with others; Hold as confidential all information accepted in trust; Ensure equitable, professional and legal application of the principles of Human Resource Management; Respond to the specific needs and requirements of our customers. In pursuing these goals and keeping these commitments, we will maintain the highest standards of professional and personal conduct."

2.3 Responsibilities of the Director of Human Resources

The Director of Human Resources, who reports directly to the County Manager, is charged with writing, administering and interpreting these Personnel Rules and Regulations and all other human resource management responsibilities including, but not limited to, those imposed by policy and by law.

- A. The Director of Human Resources shall interpret and apply these Rules and Regulations to provide orderliness, fairness, and equity among employees.
- B. The Director of Human Resources shall advise the County Manager in matters concerning personnel management in the County and, shall recommend to the County Manager such amendments to these Personnel Rules and Regulations as he deems appropriate.
- C. The Director of Human Resources shall maintain all centralized personnel records and personnel files relating to County employees and positions.
- D. The Director of Human Resources shall insure that personnel or human resources administration is accomplished through sound merit principles.
- E. The Director of Human Resources is responsible for such broad areas as advertising, recruiting, employment, internships, classification, and pay, position control, compensation, benefits, human resources management system, employee development and training, career development, organization development, fitness training, succession management, leadership development, employee health and wellness services, personnel records maintenance, personnel and payroll

transactions, employee relations, diversity, employee discipline, drug testing, equal employment opportunity, employee and supervisory communications, volunteer services, policy interpretation, legislative review of personnel matters, and other functions of personnel or human resource administration and management.

- F. The Director of Human Resources may delegate his approval authority specified in these rules and regulations to appropriate staff in the Human Resources Department in situations he deems appropriate. In addition to the duties described herein, the Director of Human Resources shall perform such other duties as the County Manager may assign.

SECTION 3: Classification and Management of Positions

3.1 Job Classification Plan

The Classification Plan provides for the grouping of all positions in job classifications based upon classification factors determined by the Director of Human Resources. The plan consists of:

- A. The written specifications of the job classifications of positions with their titles, and
- B. Provisions for the allocation of each position to its appropriate job classification.

3.2 Amendment to the Job Classification Plan

The Classification Plan may be amended by the Director of Human Resources.

3.3 Job Specifications

The Director of Human Resources may write or amend the written specifications of the jobs in the Classification Plan. Each job specification shall describe the essential nature of the work, characteristics of positions of the same job and also shall include a statement of minimum qualifications and the knowledge, skills, and abilities necessary to perform the duties assigned as well as licensure and other requirements for the job classification. The job specifications shall be considered as descriptive rather than restrictive and shall be used to indicate the kinds of positions that should be allocated to the respective jobs. The job specification does not prescribe the duties or responsibilities of a specific position, and does not modify the power of an agency head or supervisor to assign duties, or to direct, control, or evaluate the work of any employee.

3.4 Job Title

The job title of a position shall be used as the official title of the position wherever such position is designated in any payroll, budget estimate, or other official records or reports. The official job title is assigned by the Director of Human Resources. Agency heads may assign informal or working titles to as they deem appropriate and necessary.

3.5 Maintenance of Job Classifications

The Director of Human Resources shall from time to time, as necessary, review the duties, responsibilities, and qualification requirements of all classified positions. Whenever there are significant changes in the position itself, it is the responsibility of the agency head to request a classification review or study by submitting an updated position description and request through JOBS@work.

The Department of Human Resources shall examine the duties of all positions and determine the proper classification. Any classification action shall require approval by the Department of Human Resources, and is subject to the availability of funding.

If a request to change the job classification or grade of a position is submitted, the request should not be shared with the affected employee prematurely to avoid an employee relations or morale problem in the event the request is altered or denied.

3.6 Definition of Personnel Complement

The Personnel Complement is a listing of all authorized positions approved by the Board of Supervisors or the County Manager that may be eligible for benefits. Each position is assigned a unique position number and is included in one of four categories.

Complement	County Funding	Outside Funding	Eligible for Grievance Procedure
I	All	None	Yes
II	Some	Some	Yes
III	None	All	Yes
IV	All funding sources		No

3.7 Authorized/Established Positions

The Director of Human Resources shall maintain the County's official record, both current and historical, of all authorized positions contained in the Personnel Complement and established under the provisions of these Rules and Regulations. Agency heads shall also maintain a record of authorized positions for their respective agencies.

3.8 Establishment of Positions

When requesting a new position or reclassification of an existing position, the agency head shall submit an updated position description and request to the Department of Human Resources through the online JOBS@work system. No person shall be hired, promoted, demoted, transferred, or paid in any position until the position has been approved by the Department of Human Resources and the County Manager.

Additional authorized positions funded in whole or in part by the County may be established only with the approval of the Board of Supervisors and may be reallocated and redistributed within and among departmental complements.

3.9 Discontinuance of Positions

It is the responsibility of the agency head to notify the County Manager, through the Department of Human Resources, whenever a position is no longer needed. The position shall be removed from the list of approved positions by the Director of Human Resources.

3.10 Unfunded Positions

The County Manager may require, or an agency head may request, the unfunding of authorized positions for all or part of a fiscal year. In either case, the Department of Human Resources and the Budget Office must be notified by memorandum of such unfunding for budgetary reasons and for purposes of maintaining position control.

3.11 Position Descriptions

It is the responsibility of each supervisor/manager to maintain through the online JOBS@work system up to date position descriptions for each position that he supervises that accurately reflect the duties of the specific position. Position descriptions are used when reviewing requests for position classification actions submitted to the Department of Human Resources as well as when recruiting for vacant positions. The agency head or the Director of Human Resources may require periodic review and updating of these position descriptions.

3.12 Independent Contractors

On occasion, the County may contract with an individual or company to provide specified services within a certain timeframe. When the County does not control the manner in which the services are to be performed and only contracts for the result, the service provider may be deemed to be an independent contractor. Independent contractors are not employees of the County, are not subject to tax withholding and are not entitled to employee benefits. Payments to independent contractors are reported on IRS Form 1099 by the Department of Finance.

The Internal Revenue Service presumes that individuals providing personal services are employees, not independent contractors, and requires that taxes should be withheld from their compensation. Agency heads wishing to use independent contractors to perform regular duties in their department must first consult the Director of Human Resources. Agencies wishing to treat individuals as independent contractors should consult with the County Attorney's Office in advance to ensure proper tax treatment.

SECTION 4: Compensation of Employees

4.1 Compensation Plan

- A. The Compensation Plan for the authorized positions in the service of the County shall consist of:
1. Job classification titles,
 2. Grade ladder,
 3. Grades with corresponding salary scales spanning 26 steps with a 2.372% differential between each step, and a 4.8% differential between each grade, and
 4. FLSA (Fair Labor Standards Act) overtime designation for each job.
- B. Provisions for fixing the rates of pay for individual employees within a grade are the responsibility of the Director of Human Resources.
- C. Persons employed in an authorized position will be paid at a grade and step determined by the Director of Human Resources.
- D. The grades and steps determined by the Director of Human Resources represent the total salary for a position without regard to participation by any other entity. Usually, in cases where the salary allowance set forth by such entity is lower than that allowed by the County's Compensation Plan, the salary allowed by the County's Compensation Plan shall govern.

4.2 Amendment to the Compensation Plan

The Compensation Plan may be amended by the County Manager or Board of Supervisors as appropriate.

4.3 Interpretation and Effect on Employee's Rate of Pay

The Director of Human Resources shall have the final determination regarding the appropriate grade and step for all employees unless otherwise noted in this section. The effective date of changes to an employee's assignment or position will be recommended by the agency head and subject to approval by the Director of Human Resources.

A. Entrance Rate

Except as provided below in this subsection, the normal entrance rate payable to a newly hired employee for any position of any class shall be Step 1 of the appropriate grade. An entrance rate below Step 1 may be paid during a training period when the appointee is not fully qualified or when there is no other suitable, fully qualified applicant. The Director of Human Resources shall make the final determination regarding the appropriate grade and step for all new employees.

B. Promotion

A promotion occurs when an employee moves from one job classification to a job classification assigned to a higher grade. When this occurs, a change in pay occurs as outlined below.

Difference in Grades	Impact on Employee's Pay (step increase)	
	If new assignment is non-supervisory	If new assignment is supervisor/manager
0	0	1-step increase
1	2-step increase (or first step of higher grade)	2-step increase
2	2-step increase (or first step of higher grade)	3-step increase
3 grades	3-step increase (or first step of higher grade)	4-step increase
4 or more grades	4-step increase (or first step of higher grade)	5-step increase
In special circumstances, the Director of Human Resources may determine a different rate of pay for a promotion.		

Promotions do not affect annual performance appraisal dates. Continuation of an employee in a position to which he has been promoted is subject to the employee's satisfactory performance. Upon promotion, employees are placed in a conditional status for a period of at least 12 months. A close family member shall not be placed into a direct supervisory or subordinate relationship with the promoted employee.

C. Demotion

If an employee moves from one job classification to a job classification assigned to a lower grade, the employee's rate of pay will be reduced. A demotion may be either voluntary or involuntary.

A **voluntary demotion** shall be treated as the reverse of a promotion and shall follow Section 4.3B in determining the proper rate of pay. In special circumstances, the Director of Human Resources in his sole discretion may determine a different rate of pay for a demotion. In all cases a demotion carries with it a corresponding decrease in pay.

If the demotion rescinds a recent promotion, the employee's rate of pay at the time of the demotion will be treated as if the earlier promotion had never taken place. If the new rate of pay would be higher than Step 26 of the lower job classification, the employee will be placed in Step 26 of the lower job classification.

For **involuntary demotions** or for an employee no longer meeting the minimum qualifications of the job classification, the rate of pay shall be reduced from the higher grade to the lower grade on a step-for-step basis. For example, someone in Grade 25/Step 7 being demoted to Grade 21 will move to Grade 21/Step 7. An employee may be involuntarily demoted to a position for which he qualifies, if a determination is made that he is no longer meeting the minimum qualifications of their job.

For career enrichment purposes, an employee may move from one job classification to a job classification assigned to a lower grade; in such cases, there will be a corresponding decrease in pay. Length of service in the higher level position and other special circumstances may be considered when determining the proper step subject to approval by the Director of Human Resources.

Upon any type of demotion, employees are placed in a conditional status for a period of at least 12 months. Demotions do not affect annual performance appraisal dates. Continuation in that position is subject to continued satisfactory performance. Agency heads should advise affected employees of the effect on pay in the case of a demotion.

A non-disciplinary demotion may occur due solely to the employee's inability to perform the job or less-than-satisfactory performance as documented and approved by the agency head.

The Director of Human Resources shall make the final determination regarding the appropriate step in the scale for all demotions.

D. Transfer

When an employee moves from one position to another of the same grade, the employee will be placed in the same step or a lower step which appropriately reflects training and experience for the new position. If an employee moves from one position or job classification to another at the same pay grade and assumes supervisory duties, the equivalent of a 1-step increase shall be granted. If these supervisory duties are removed, the equivalent of a 1-step decrease shall be administered.

Upon transfer, employees are placed in a conditional status for a period of at least 12 months. Upon satisfactory job performance during this 12-month period, the employee will be removed from this conditional status. Transfers that involve a lateral move or a decrease in grade may be made without a competitive process as approved by the Director of Human Resources.

A non-disciplinary transfer may occur due solely to the employee's inability to perform the job or less-than-satisfactory performance as documented and approved by the agency head.

E. Reclassification of Position

If a position is reclassified upward and the incumbent is assigned to the higher level position, salary is treated as a promotion (see Section 4.3B). If a position is reclassified downward and the incumbent is assigned to the lower level position, salary is treated as a demotion. However, the rate of pay for the employee shall not be any higher than step 26 of the new classification. Movement under a reclassification is not step-for-step. The Director of Human Resources shall make the final determination regarding the employee's rate of pay.

When a position is reclassified, the incumbent in that position must meet all minimum qualification requirements for the reclassified position. It is advisable that the request not be shared with the affected employee prematurely in the event the request is denied to avoid an employee relations or morale problem.

F. Merit Increases

Merit increases are normally awarded annually to eligible employees based upon their acceptable performance documented in the annual performance appraisal. All merit increases are subject to the Board of Supervisors' approval of funding in the Annual Fiscal Plan.

New employees hired (or re-employed) after April 30 will not be eligible for a merit increase in the next fiscal year. New employees hired (or re-employed) on or before April 30 may be eligible for merit increases in the next fiscal year. Merit increases shall take into consideration the employee's eligibility and performance and shall not be awarded solely as a result of completing the required period of service. The employee's performance shall be evaluated based on the County's core competencies and reported following the County's performance appraisal procedure.

The supervisor/manager or agency head can disapprove or delay a merit increase if the employee's performance is not at an acceptable level. The supervisor/manager or agency head may also withdraw a previously approved merit increase if the required level of performance has not been maintained. The final authority with respect to performance appraisal and merit increase shall rest with the agency head. No performance appraisal shall be final unless and until the appraisal is approved by the agency head. A supervisor/manager's evaluation of an employee's performance may be amended by the agency head. If an employee desires a signed copy of the completed performance evaluation, he may request it and a copy shall be provided.

It is possible for an employee to receive a merit increase based on acceptable performance during his probationary period and still not meet an overall satisfactory level to qualify as a non-probationary employee. In such cases, the employee's probationary period may be extended or employment may be terminated.

1. Steps 1-25

To receive a merit increase, an employee in steps 1-25 must receive an acceptable or better rating on their annual performance appraisal. Retention of a merit increase is predicated on continued acceptable or better job performance.

2. Extraordinary Merit Increases

An agency head may request authorization for an extraordinary merit step increase for an employee in his agency under extraordinary circumstances. Such request shall be subject to the review and approval by the Director of Human Resources and the County Manager.

G. Increases If Hired Above Step 1

Employees hired at Step 2 or a higher step, as approved by the Director of Human Resources shall be eligible to receive a merit increase to the next higher step within the job assignment grade in accordance with Section 4.3F above. Such employees still must satisfactorily complete the probationary period with a performance appraisal rating of acceptable or better.

H. Extraordinary One-Time Payment

There may be times when an employee is recognized with special remuneration for exemplary performance related to single or multiple extraordinary incidents or events or for extended and unusual outstanding service. The key consideration in granting these one-time payments is that

the rewarded performance is unique and identifiable as an act or series of closely related acts which directly achieved or significantly helped to achieve important organizational goals.

A request for such a monetary reward must be supported by timely and thorough documentation and shall be approved by the Director of Human Resources in consultation with the County Manager. An employee may not receive such an extraordinary payment more frequently than once every 12 months. Agency heads requesting such a payment must use wise and careful discretion and limit such requests to only unique and well-deserving cases.

Agency heads are to submit a memo (including the employee's name) and supporting documentation justifying the request for any extraordinary one-time payment in advance of the requested effective date. It is advisable that the request not be shared with the affected employee prematurely in the event the request is altered or denied to avoid an employee relations or morale problem. If the extraordinary payment is approved, the Department of Human Resources will authorize the payment and deliver the check confidentially to the agency head so that it may be properly and appropriately awarded by the agency head to the employee. Such payments should remain confidential.

I. Rates of Pay

All annual rates in the grade ladder are those authorized for full-time employment for 12 months with due allowances for holidays and approved leaves of absence with pay (for example, annual leave). Because there are multiple County payplans, employees and supervisors should be especially careful when reviewing to insure they are accessing the correct payplan.

J. Temporary Reassignment

Agency heads, at their discretion, may temporarily reassign any existing employee for a period not to exceed 90 calendar days to perform other duties in that agency without regard to grade, job classification or level of assignment. Agency heads are required to report any reassignments that exceed 90 days and concurrently submit a memo explaining and justifying the changes to the position along with a detailed listing of current job duties to the Department of Human Resources for study of that position.

For employees temporarily assigned to supervisory positions or to highly technical positions, see Section 4.7.

4.4 Overtime Pay

The County will administer its overtime policy in accordance with applicable law, including the Fair Labor Standards Act and the Code of Virginia.

- A. Non-exempt employees, other than non-exempt fire protection and law enforcement employees, may be required to work more hours than they are normally scheduled to work in a workweek. Such non-exempt employees will receive overtime pay – which is pay at a rate of one and one-half times their normal hourly rate – for all hours actually worked in excess of forty (40) hours per workweek. Non-exempt employees are not eligible to earn or use compensatory leave.
- B. Special overtime rules apply to non-exempt fire protection and law enforcement employees. In accordance with Section 7(k) of the Fair Labor Standards Act, the County has established a 21-day

cycle for determining eligibility for overtime pay for non-exempt fire protection employees and a 28-day cycle for determining eligibility for overtime pay for non-exempt law enforcement employees.

Non-exempt fire protection employees will receive overtime pay (pay at a rate of one and one-half times their normal hourly rate) for all hours in a paid status in excess of 159 hours per 21-day cycle. Non-exempt law enforcement employees will receive overtime pay (pay at a rate of one and one-half times their normal hourly rate) for all hours in a paid status in excess of 160 hours per 28-day cycle.

- C. Overtime must be authorized by the agency head, or his designee, and should be authorized for only emergency, seasonal, occasional peak load needs, or hours critical to public safety needs. It should not be authorized for accomplishing regular services that can be provided during a regular work schedule.
- D. To be eligible for overtime pay, the non-exempt employee, other than non-exempt fire protection and law enforcement employees, must actually have worked more than 40 hours in a workweek. Any hours not actually worked (for example, hours not worked because of sick leave, County or floating holiday leave, or other paid or unpaid leaves of absence) will not be counted as hours worked in a workweek for purposes of calculating overtime pay.

Calculation of Overtime Pay When Leave Is Taken in the Same Workweek that the Overtime Is Worked	
Type of Leave Taken	Leave taken considered as hours actually worked*
Administrative	No
Adoption	No
Annual	No
Bereavement	No
Bone Marrow/Organ Donation	No
Civil	No
Conference	Yes
Educational	No
Extended Leave Pool	No
Family and Medical Leave	No
Holiday	No
Injury	No
In-service Training	Yes
Leave Without Pay	No
Military	No
Sick	No
Suspension	No
Workers' Compensation	No
*Unless the agency head declares the hours to be exception overtime	

When exceptional occasions necessitate the rendering of direct citizen services (for example, snow removal) and when those services cannot wait to be administered during normal daily scheduling of personnel, exception overtime may be awarded and paid at a time and one-half rate to an eligible non-exempt employee even though the employee has not actually worked the requisite number of hours that would normally entitle him to overtime pay. The agency head is authorized

by the County Manager to declare such occasions as “exception overtime” and is responsible for documenting and maintaining a record of the situation and the personnel required to meet the County’s needs. See Section 7 for the proper handling of pay for employees during adverse weather conditions or other declared emergency situations.

- E. Hours for which a non-exempt employee is authorized to take paid conference leave (see Section 8.12) will be counted as hours actually worked for purposes of computing a non-exempt employee’s entitlement to overtime pay. Non-exempt employees will not receive overtime pay for hours spent voluntarily attending lectures, training programs, conferences, or courses of instruction.
- F. Travel time associated with paid conference leave, special one-day assignments in another locality and authorized overnight travel may, under certain circumstances as authorized by the Director of Human Resources, be counted as hours actually worked for purposes of computing a non-exempt employee’s entitlement to overtime pay.
- G. Non-exempt employees may volunteer their time to work in the agency where they are employed (or another County agency) and not be eligible to receive overtime pay as long as the volunteer work is substantially different from work the employees normally perform in their paid job. Otherwise, the agency may be required to pay overtime for that volunteer work. The Director of Human Resources should be consulted before an employee is allowed to work as a volunteer for the County.
- H. Non-exempt employees may not work more than one job with the County if the total hours per workweek exceed 40 hours without prior written approval by the agency head and the Director of Human Resources. Any employee working more than one job with the County must submit a Secondary Employment Request and be approved for secondary employment by his agency head and the Director of Human Resources.
- I. Exempt employees are not eligible for overtime. Exempt employees may not work a second or additional duty job for the County if the second or additional job is classified as non-exempt.

4.5 Compensatory Leave {SEE SECTION 8.13}

4.6 On-Call Pay

On-call pay is compensation for certain full-time, non-exempt employees who are specifically designated and required to be available and ready to work when needed for a seven consecutive day period to handle exceptional situations occurring outside of standard working hours. On-call status is not to be confused with “call-back” status—the latter simply being an occasion where an “on-duty” employee is asked to stay beyond his normal shift or an “off-duty” employee is called back to work.

- A. When conditions warrant, an agency may schedule an eligible employee to be on-call for a designated 7-day period to handle exceptional situations that may occur outside of standard working hours.
- B. Individuals should be scheduled to be in an on-call status on a rotating basis.

- C. An employee would be considered to be in an on-call status when he is not required to remain at his work station but is free to engage in his own pursuits, subject only to his being available by phone, and reporting promptly, when needed, as specified by the agency head.
- D. An employee will receive pay in an amount equal to 4 hours of his regular rate of pay for each 7-day period he is designated to serve in an on-call status. Additionally, when an on-call employee is actually called to work outside of normal working hours, payment will be made for the actual time worked, portal-to-portal, or two hours straight time, whichever is greater. Once an employee has responded to a call, any additional calls received before the employee returns home are treated as part of the original call and the time spent on subsequent calls is added to the original call.
- E. Employees shall be considered to be in an on-call status only when so designated in advance in writing by the appropriate authority, a copy of which designation shall be forwarded to the official employee file located in the Department of Human Resources.
- F. Any future changes in compensation or any future changes in the number of guaranteed hours will be determined by the County Manager.
- G. Should state or federal law conflict with the foregoing policy, those state or federal law(s) will govern.
- H. Exempt employees are not eligible to receive on-call compensation. Compensatory leave for actual hours worked may be earned.
- I. Questions about eligibility for on-call pay shall be directed to the Director of Human Resources or his designee.

4.7 Pay for Serving in Acting Capacity

Whenever an exempt or non-exempt employee is required by his supervisor/manager to work in the capacity of a higher-level supervisory position or a highly technical position for a period exceeding one full payperiod, such employee may be paid additionally for assuming those duties. This is not an entitlement. Such assumption of duties must be approved by the agency head and the Director of Human Resources. A person acting in the capacity of a higher-level position when the temporary vacancy is created by the incumbent using annual, compensatory, or paid military leave is excluded from this policy. Pay for serving in an acting capacity is not to exceed six payperiods without approval by the Director of Human Resources.

Difference in Grades	Impact on Acting Employee's Pay
3 or less grades	2-step increase
4 or more grades	4-step increase

Departmental requests for "acting pay" shall be made in writing and in advance to the Director of Human Resources who shall provide the review and necessary approval and processing. During the acting period, the employee is ineligible to receive additional pay for the first full payperiod. Eligibility for acting pay shall start at the beginning of the second full payperiod. Retroactive requests will not be considered. Exceptions to this policy may be made by the Director of Human Resources.

4.8 Employee Benefits

The County offers a comprehensive benefit package to full-time employees and certain limited benefits to part-time employees as specified in the chart below. Specific plan information is available through the Department of Human Resources and available online (<http://www.co.henrico.va.us/hr/benefits>).

Assignment Category	Eligible for Benefits	Paid Leave Accrual	Other Conditions
Full-time	Full	Yes	
Part-Time	Limited	Pro-rated	
Temporary, hourly or seasonal	No	No	See Section 5.1.B

4.9 Information Due Seriously Ill Employees

If an employee (or his designee) reports that he has developed a life-threatening health condition, the agency must notify the Benefits Division of the Department of Human Resources immediately. The Department of Human Resources shall also provide that employee written notification of all relevant benefit options and programs available to him within 10 days of the date that the County received notice of the life-threatening health condition by the employee or his designee. The Department of Human Resources shall also provide appropriate forms to the employee so that the employee can communicate any election of benefit options to the Department of Human Resources in writing on the forms.

4.10 Payments Due Deceased Employees

The death of an active employee shall be reported to the Director of Human Resources as soon as the employing agency becomes aware of the death. All payments due the deceased employee shall be made payable "to the estate of" said employee. This includes compensation for hours worked, annual leave, and any refunds or reimbursements due the employee.

4.11 Workers' Compensation

All County employees are covered under the provisions of the Virginia Workers' Compensation Act for accidental injuries or occupational diseases that arise out of and in the course of County employment. Workers' Compensation is managed by Risk Management, a division of the Department of General Services. The amount of benefits and other aspects of the coverage are specified in the Act. Benefits may consist of medical expenses and partial reimbursement of wages. The County provides supplemental benefits to full-time and part-time employees in authorized positions as defined in the Glossary. The supplement is equal to the difference between the employee's regular net pay and the amount of reimbursement from the Act after deducting the amount of refunded Social Security taxes withheld during the period of covered injury leave. The employee will not be charged sick leave during this period if the illness or injury is considered compensable. If a determination is made that the illness

or injury is not compensable, then paid injury leave is to be recouped by charging the employee sick or annual leave. In any case, the employee must pay back to the County any amount that has been overpaid to the employee.

At the end of 90 calendar days of disability, each individual case will be reviewed and evaluated by the agency head to determine whether or not willful misconduct was indicated in the original incident. If none is noted, the supplement may be continued. If willful misconduct is indicated, future supplements will be pro-rated against accumulated sick, annual, compensatory, or holiday leave. In either case as early as possible (but certainly no later than six months,) the case will be reviewed to determine whether or not permanent disability, a transfer to a different position, or a prognosis of return to full employment is foreseeable. Based on this information, the agency head must then evaluate the options available and make a decision regarding the course of action to be taken that is in the best interests of the County, the taxpayers, and the employee. Assistance is available from the Department of Human Resources and the division of Risk Management in order to have closure on a particular absence or employment status.

4.12 Errors in Pay

If an employee receives an incorrect paycheck resulting in his being underpaid, overpaid, and/or inaccurate amounts deducted from his paycheck or direct deposit, he is obligated to promptly report this to the Department of Human Resources. The Department of Human Resources will reconcile the error or correct the error. If the error causes an overpayment, the resulting debt must be repaid by the employee. Special repayment considerations may be made in certain circumstances by the Director of Human Resources.

4.13 Docking of Pay

A. It is the County's policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. Exempt employees will generally receive their full salary for any workweek in which work is performed and this salary will not be subject to deductions for variations in the quantity of the work performed. However, in accordance with federal law, an exempt employee's salary can be docked for the any of the following reasons:

1. Full day absences for personal reasons, including vacation.
2. Full day absences for sickness or disability.
3. Full day disciplinary suspensions for infractions of safety rules of major significance (including those that could cause serious harm to others).
4. Family and Medical Leave absences (either full or partial day absences).
5. To offset amounts received as payment for jury and witness fees or military pay.
6. Unpaid disciplinary suspensions of one or more full days for significant infractions of major workplace conduct rules set forth in written policies.
7. The first or last week of employment in the event the employee works less than a full week.

- B. An exempt employee's salary will not be reduced for any of the following reasons:
1. Partial day absences for personal reasons, sickness or disability.
 2. Absences because the facility is closed on a scheduled work day.
 3. Absences for jury duty, attendance as a witness, or military leave in any week in which any work is performed.
 4. Any other deductions prohibited by state or federal law.
- C. An employee who believes that his wages have been subject to any improper deductions or that his pay does not accurately reflect all hours worked should immediately contact his department and the Department of Human Resources.

SECTION 5: Assignment Categories

5.1 Categories of Employee Assignments

Employee assignments are categorized based on, among other things, the number of hours, duration of the assignment, and eligibility for benefits. The following describes the primary assignment categories used:

A. Eligible for Benefits:

1. **Full-time:** An employee hired in an authorized position who is scheduled to work and works at least 40 hours per workweek and who is eligible for full coverage of benefits.
2. **Part-time:** An employee hired in an authorized position who is scheduled to work and works standard hours less than 40 hours per workweek and who is eligible for certain limited County benefits and pro-rated leave as specified in Section 12.

B. Assignment Categories Not Eligible for Benefits:

Assignments of a temporary nature are broken down into several specific assignment categories. Employees hired in these assignment categories do not earn paid leave, are not eligible for benefits, will be paid an hourly rate of pay set by the Director of Human Resources, and should not expect continued employment or increases in their rate of pay.

Time spent in one of these temporary assignment categories shall not be used to meet requirements for benefits afforded employees in authorized positions. Continuous temporary or hourly employment immediately preceding employment in an authorized position in the same job classification where duties are identical may be used in determining level of compensation, as determined by the Director of Human Resources.

Employees hired in these temporary assignment categories may be discharged with or without cause.

The following chart identifies these temporary assignment categories and specific conditions relevant to the category.

Category	Other Conditions
Consumer	MH/MR sheltered workshop participants
Emergency Hire	Must be approved by the Director of Human Resources
Regular Hourly	Limited to 35 hours per workweek and may work for an extended period of time
Seasonal	Hired for a specific program or project for a defined period of time
Special Programs	Limited to conditions of special programs, including funding availability
Temporary	Hired for a designated period of time, limited to no more than 90 days unless approved by the Director of Human Resources
<i>Other assignment category designations have been assigned to facilitate system requirements</i>	

5.2 Changes in Assignment Category

If an employee moves from one assignment category to another that provides for benefits, the move is viewed as a change in assignment category and is not necessarily a promotion or demotion.

If a temporary employee moves to an authorized position, it is the supervisor's responsibility to coordinate with the Department of Human Resources to insure that the employee attends New Employee Orientation and that all appropriate forms are submitted, including the Form P-3. If the agency submits erroneous information and the employee comes to the Department of Human Resources for an explanation, the employee will be referred back to his own agency for clarification and resolution.

SECTION 6: Filling of Vacancies

6.0 Equal Opportunity Employer

It is the policy of the County to obtain the best qualified applicants available for each position vacancy without regard to sex, race, color, religion, national origin, age, disability, or other non-merit or non-job-related factors. The County's Equal Employment Opportunity Plan (Appendix B) is a part of these Personnel Rules and Regulations. Copies of the EEO Plan are available online and upon request from the Director of Human Resources.

6.1 Hiring and Promotion Practices

The Department of Human Resources has the responsibility for centralized recruitment and hiring of all employees for the County. The Director of Human Resources will review all requests to fill vacant positions to determine the necessity for, the type of recruitment and appropriate method of attracting qualified applicants for the vacant, or soon to be vacant, position.

All posted position vacancies can be viewed online 24 hours per day, 365 days per year at www.henricojobs.com.

No person will be hired or promoted into a position unless that position is a funded vacant position and is classified by the Department of Human Resources. Final commitments on offering a job or promotion, beginning salary, and starting date are made only by the Department of Human Resources.

Agencies needing to fill a position on a temporary or hourly basis, including to augment staff resources on a temporary or hourly basis, must submit a Personnel Requisition through the County's online recruiting system. Such requests must be approved by the agency head and include justification of the need to fill the vacancy.

- A. Testing:** All tests administered, screening processes utilized, and selection devices used as a condition of employment or to aid in making a selection shall be approved by the Director of Human Resources prior to their use.
- B. Types of Recruitment:** An agency head may request any type of recruitment effort; however, the Director of Human Resources will make the final determination on the type of recruitment effort to be conducted. The County Manager will make the final determination when a vacancy is to be filled for agency head or Deputy County Manager positions. Appropriate testing, advertising and selection procedures will be followed as determined by the Director of Human Resources.
 - 1. **Internal Recruitment:** This permits only current County employees (full-time or part-time) in authorized positions to apply for a posted internal vacancy. Job postings for internal recruitment positions may be limited to incumbents of selected classes or positions, to specific departments or to specific work settings (see Section 6.3) as determined by the Director of Human Resources.

2. **External Recruitment:** This allows any interested individual (including County employees) to apply for posted position vacancies according to normal procedures. Position announcements will be posted electronically through henricojobs.com, and may appear in other media instruments such as newspapers, professional and trade magazines, cable television, and other Internet sources at the sole discretion of the Director of Human Resources).

6.2 Role of the Director of Human Resources in Recruitment, Selection, Advancement and Placement Activities

The Director of Human Resources:

- A. Shall review all requests to fill vacant positions to determine the necessity for, the type of recruitment effort (internal or external) needed and the appropriate method of attracting qualified applicants.
- B. Shall be responsible for receiving, processing, and maintaining all applications for County employment.
- C. Shall determine the methods by which recruitment, selection, advancement, and placement is conducted.
- D. Shall determine prior to their use the proper testing and selection methods in evaluating candidates—both internal and external applicants.
- E. Shall determine if an individual meets the qualification requirements for the position. This applies to new hires, promotions, demotions, transfers, career development advancements or administrative placements and includes a criminal history record check, when appropriate, as defined in the Glossary.
- F. May veto an agency selection decision for good cause.
- G. May abandon a recruitment effort if in his judgment such action is deemed appropriate.
- H. Shall set the rates of pay for all current and new employees.

6.3 Procedures for Filling Vacant Positions

For the purposes of this section, a vacant position is defined as any position for (1) which funding exists, (2) which is not presently occupied (or soon to be vacated) and (3) for which a Personnel Requisition has been submitted by the agency head and approved by the Director of Human Resources.

- A. By approving a Personnel Requisition, an agency head is certifying that the position description provided is accurate and up to date and that funds are available in the proper budget code and personnel complement for the position requested. An agency head may indicate on the Personnel Requisition a preference for either an internal or external recruitment, subject to approval by the Director of Human Resources.
- B. The Director of Human Resources will review the request to fill a vacant position.

- C. Once a sufficient number of applicants has been determined to be available and qualified for employment, the Director of Human Resources will refer to the agency only those applicants who are determined to be the best qualified.
- D. After the agency has given full consideration to the applicants referred, a recommendation by the agency is provided to the Department of Human Resources so that the best or most suitable of the referred applicants can be offered employment.
- E. After reviewing the agency's recommendations for employment, the Director of Human Resources will determine the terms and conditions of employment, including rate of pay and eligibility for benefits and will make the appropriate offer of employment.
- F. No appointments to a position will be made without adherence to the procedures outlined above.
- G. This procedure is subject to change per County Manager's directive (for example, hiring freeze).

6.4 Employment of Relatives

The circumstances under which a spouse, relative, or dependent of a current County employee may be employed are governed by the State and Local Government Conflict of Interests Act, Title 2.2, Chapter 31, of the Code of Virginia. Generally, the Act does not prohibit employment of a member of a current employee's immediate family, as that term is defined in the Act, provided the current employee does not exercise any control over the employment or the employment activities of the member of his immediate family and the current employee is not in a position to influence those activities. Questions concerning the interpretation or application of this or any other provision of the Act should be directed to the Office of the Commonwealth's Attorney or the County Attorney.

6.5 Employment Date

Employment shall become effective as of the date on which the employee officially begins the performance of the duties of the position. This shall include new employee orientation and training. So far as is practical, effective dates shall be established at the beginning of a regular payperiod. Exceptions to this may be made only by the Director of Human Resources.

6.6 Probationary and Conditional Status

- A. **Probationary Status:** All County employees must satisfactorily complete a 12-month probationary period immediately following their initial employment or their reemployment. The Director of Human Resources may extend the probationary period for certain job categories primarily in the areas of public safety. In addition, when warranted by unusual circumstances, the agency head may extend the probationary period for certain employees with the approval of the Director of Human Resources.

The probationary period should be used to train new employees and to determine whether the employee is suited for the job. While in probationary status, an employee has no expectation of continued employment with the County and the employee's employment may be terminated at any time, with or without cause and without any recourse through the County Grievance Procedure.

At the end of the probationary period, the employee will be given a probationary evaluation. (Interim evaluations during the probationary period are encouraged but not required.) If the

employee's performance during the probationary period [is less than acceptable], the probationary period may be extended by the agency head (with the approval of the Director of Human Resources) and the employee will be re-evaluated. After a successful probationary evaluation, employees are evaluated at least annually.

- B. **Conditional Status:** Current employees who move from one position to another (for example, promotion, demotion, or transfer) are automatically placed in a conditional status. All such employees will serve at least 12 months in a conditional status. Employees who are disciplined are automatically placed in a conditional status for 12 months. Interim evaluations are encouraged but not required. Conditional periods may be extended.

Current employees in a conditional status shall have no expectation of continued employment in that position unless the employee receives an acceptable or better performance appraisal at the end of the period.

Should the probationary or conditional period be insufficient to determine whether the employee effectively can perform at an acceptable or better level in the new position or assignment, this period may be extended by the agency head with the approval of the Director of Human Resources.

6.7 Reinstatement and Reemployment

- A. **Reinstatement:** An employee in an authorized position will be considered to be reinstated when he returns to work from an authorized leave without pay status or leaves County employment and subsequently returns within 6 months. Any hourly, temporary or incidental work performed during this 6-month period will have no effect on meeting the definition of reinstatement. When reinstated, the employee is treated as if on leave without pay for the time he was away from the County. The employee's leave balances for which payment has not been made are returned to the same level that existed immediately prior to moving into the nonpaid status. The employee's service date is not affected by the nonpaid status. The leave accrual date is delayed by the period of time the employee is in a nonpaid status.
- B. **Reemployment:** When an employee separates and is subsequently employed again with the County, this is termed "reemployment." Should a former employee be reemployed within 6 months from the effective date of the termination, the reemployment may be considered to be a reinstatement. If the employee has been gone longer than 6 months from the effective date of his separation before being employed again, the reemployed person is treated as a new employee.

6.8 Seasonal Employee

This section covers seasonal employees who are hired for a specific period of time, program, or project of a defined duration. Once employed, they may remain on payroll until such time as the program or project is concluded or the agency no longer desires their services. If the performance of the employee has been acceptable, the employee wants to remain as a seasonal employee, and the agency elects to retain the employee, the agency may suspend the employee's assignment until such time as his services are again desired for the previous position or similar position in the same job classification. Seasonal employees have no right to or expectation of continued employment.

The agency may terminate the employee during or at the end of the original appointment or any subsequent appointment if the agency no longer desires the services of the employee, the employee's performance is unacceptable, or the employee no longer desires seasonal employment. Thereafter,

the terminated employee would need to submit a new application for future employment consideration with the County.

6.9 Job Sharing

An agency head may recognize the need to fill one full-time authorized position with more than one part-time employee as long as the total hours worked do not exceed the hours authorized for the single position. Although this arrangement in work schedules is allowable, the County's needs must be considered first before an employee's desires. In such cases, agency heads shall request in writing approval from the Director of Human Resources for any job sharing arrangements.

6.10 Emergency Hiring

There may be instances where circumstances and conditions necessitate the hiring of personnel outside of the normal procedure for filling vacancies. Authority to hire on an emergency basis shall be requested of the Director of Human Resources. No employment under this provision can be committed prior to the approval of the Director of Human Resources. Commitments on offering the job, beginning salary, eligibility for benefits and starting date are made only by the Director of Human Resources.

6.11 Provisional Hiring

The hiring of personnel on a provisional basis may be accomplished with the recommendation of the agency head and approval by the Director of Human Resources. A provisional hire is the employment of an individual with certain provisions spelled out as a condition of employment that may or may not adhere strictly to the County Personnel Rules and Regulations regarding, for example, employment, classification, compensation, or benefits. All employees hired into positions where funding is dependent on outside sources, in whole or in part, also shall be considered to be hired provisionally and have no right to or expectation of continued employment. Provisional employees are not entitled to use the County's Reduction in Workforce policy.

6.12 Hiring of Henrico County School Board Employees

Appendix D outlines how employees of Henrico County Public Schools who transfer to Henrico County General Government will be handled.

6.13 Temporary Employment Agencies

There may be times when a County agency needs additional staff for a short duration. If the County agency determines that this need can best be filled by a temporary employment agency, the County agency may place an order with the appropriate temporary agency under contract with the County for either clerical or industrial temporary help.

The job title requested must be under the existing County contract. If a job title requested is not covered by the existing contract, the County agency shall contact the Department of Human Resources for direction and assistance. Each County agency is to work directly with the temporary employment agency regarding timekeeping and billing. It is the responsibility of the agency head to insure that funds are available and are in the proper budget accounts (account code 50230) at the time the request is made.

6.14 Higher Education Requirements

Where a college degree, coursework, credits, semester hours, or the like is required for a position, including hires, promotions, demotions, transfers, career development advancements and placements, such degree, coursework, credits, semester hours, or the like, or a transcript or other document evidencing the same, must be from a college or university appropriately accredited by one of the accrediting associations recognized by the Council on Higher Education (CHEA).

The County does not accept and does not recognize for any purpose (1) documents purchased over the Internet or elsewhere which claim to be degrees or transcripts, or (2) documents which claim to be degrees, transcripts, or other evidence of coursework, credits, semester hours, classes taken, or grades earned, or the like, produced or conferred by entities which claim to award degrees or transcripts to persons for “what they already know,” for “personal/work/life experience,” or on a similar or comparable basis.

SECTION 7: Hours of Work

7.1 Hours of Work

- A. The County Manager has established the standard County workday as 8:00 a.m. to 4:30 p.m. and Saturday through Friday as the County's standard workweek. Standard hours per workweek for all full-time employees are 40 hours and for firefighters are 56 hours. This does not preclude the establishment of specified hours other than 40 or 56 in a given workweek for other employees if approved by the County Manager. (For questions about the Overtime Policy, see Section 4.4).
- B. Compensable hours begin once the employee begins performing assigned duties and end when the employee ceases to perform assigned duties.
- C. Agency heads may allow up to two 15-minute rest breaks per day which are normally included within the total required hours of work. These paid breaks are considered a benefit and not an entitlement. They may be used in conjunction with a 30-minute meal break, as long as the total does not exceed 60 minutes per workday. Such breaks may not accumulate from one shift or one day to another. Certain employees as approved by the County Manager have their meal break(s) included as a part of their regularly scheduled workday.

The meal break and rest break(s) may not be used to permanently alter an employee's daily work schedule; however, an employee may, with the advance approval of his supervisor, forego his 30-minute meal break on an occasional basis in exchange for a 30-minute late arrival or a 30-minute early departure. If approved by his supervisor, an employee may occasionally extend a meal break and make up the additional time by flexing their work schedule to advance their start time or extend their end time for that day.

- D. Agency Heads may consider flexible scheduling, job rotation and telecommuting if conditions warrant. Flexible work scheduling within the standard workweek, Saturday through Friday, may be considered and approved by the Department Head or his designee so long as the standard hours within a workweek are not altered. Some examples are:
 - Arrive earlier in the morning and leave earlier in the afternoon.
 - Arrive later in the morning and leave later in the afternoon.
 - Work four 10-hour days.
 - Work four 9-hour days and one 4-hour day.
 - Work some other similar permanent or seasonal scheduling option(s).
 - Add time to meal break and arrive earlier and leave later.

Other temporary or occasional flexible work schedules may include some combination of altered start and stop times to allow employees to have medical appointments or take care of personal business during work hours without being charged leave. An agency head may approve flexible work schedules or compressed workweeks on an ongoing basis only after consultation with the Director of Human Resources. Likewise, job rotation and telecommuting may be approved only after consultation with the Director of Human Resources. In agencies where normal service requires permanent work schedules other than 8:00 a.m. to 4:30 p.m., work schedules shall be recommended to the Director of Human Resources for his consideration and approval. Examples

might be found in agencies requiring 24-hour coverage or 7-day coverage. In all cases work schedules will adhere to the Saturday through Friday workweek.

- E. If an employee is unable to report for work or expects to be late, the employee must contact his supervisor as soon as possible but no later than the beginning of his scheduled work period, giving the reason for his absence or tardiness. Paid leave may or may not be approved. If an employee has difficulty reaching his supervisor, he should leave a message reporting his absence but continue to attempt to contact his supervisor. The responsibility to notify a supervisor(s) about absences or about tardiness always rests with the employee.
- F. Hours of work, schedules, and duty assignments of short duration of individual employees or work units may be altered under authorization of the agency head or his designee within the established workweek and schedule of the agency as conditions warrant.
- G. Absences of employees from their regular stations to attend approved meetings or to perform other duties related to their work shall not be treated as absences from duty within the meaning of this rule and, therefore, no leave needs to be charged.

7.2 Emergency Closure Policy

A. Purpose of Policy

This policy outlines procedures for closing or otherwise curtailing County operations in case of an emergency event (such as adverse weather, a natural disaster, or an act of terrorism). It is designed to balance the need for safety of employees and the public with the need for continuity of County services to the public. This policy will be administered to comply with the FLSA and other applicable wage and hour laws.

B. Decision Making Authority

The County Manager is responsible for making decisions regarding the closing or curtailing of County operations during an emergency event. This responsibility may be delegated to Deputy County Managers, as appropriate.

C. Complete or Partial Closure

Depending on the nature of the emergency, the County Manager (or his authorized designee) may elect to close or otherwise curtail County operations on a complete or partial basis as follows:

1. **Closed:** All County agencies will be closed. County agencies are closed from 8:00 a.m. to 4:30 p.m. unless specifically stated otherwise.
2. **Partial Closure:** Only selected agencies whose operations are specifically affected by the emergency will be closed.
3. **Early Dismissal:** County agencies, or specific units within, will close before regularly scheduled operating hours.
4. **Late Arrival:** County agencies, or specific units within, will open after regularly scheduled operating hours.

D. Designation of Employees.

All County positions are designated as either “essential” or “non-essential” to County operations. In addition, the nature of the emergency event may dictate who is designated as essential or non-essential.

1. **Essential Employees:** Essential employees are required to report for duty as regularly scheduled during an emergency regardless of any decision that has been made to close County agencies or alter their hours of operation.
2. **Non-Essential Employees:** Non-essential employees are not required to report for duty as regularly scheduled during an emergency. Non-essential employees should follow the protocols outlined below in subsection E regarding reporting to work and taking leave.
3. On occasion, the County Manager or agency head may require non-essential employees to report to work to meet operational needs (for example, to process payroll) during an emergency. In such instances, those non-essential employees who are required to report to work will be treated as “essential employees” for purposes of leave and pay, and will be notified by their supervisor of their change in status for this specific emergency.

E. Employee Pay/Leave

1. The following rules apply when County operations are completely or partially closed due to an emergency or when County agencies, or specific units within, operate on an early departure or late arrival basis:
 - a. **Essential employees:**
 - (1) Must report to work as scheduled. Failure to report to work will subject an essential employee to disciplinary action.
 - (2) Will be paid at their regular rate of pay for all hours worked and will be eligible for overtime pay in keeping with Section 4.4. In instances where exception overtime is authorized by the agency head, the essential employee will be eligible for exception overtime in keeping with Section 4.4.
 - (3) Agency heads are authorized to require essential employees to report to work before their regularly scheduled work hours or remain on duty after their regularly scheduled work hours. Agency heads may also call into service those essential employees who were not otherwise scheduled to work or who had been previously approved to take leave.
 - (4) Due to the specific emergency, agency heads may deem employees who are otherwise “non-essential” to become “essential” for this specific emergency. Such employees will be notified by their supervisor.

- b. **Non-essential employees:**
 - (1) Non-essential employees are not required to report to work when their County agency, or specific unit within, is closed due to an emergency event.
 - (2) When County agencies, or specific work unit, operate on a late arrival or early departure basis, non-essential employees are required to report to work or remain at work for those hours that their agency, or specific work unit, is operating.
 - (3) Non-essential employees who were scheduled to work during the hours that the County, or specific work unit, is not in operation and who do not work those hours may be treated as having worked those hours (up to 8 hours).
 - c. **Employees on approved leave:** If an employee has been approved to take paid or unpaid leave at the time that the County agency, or specific work unit, is closed due to an emergency event, the employee will be charged the approved leave.
2. The following rules apply when County operations are open for operation but an emergency condition (such as adverse weather) causes an employee to be absent to work, to arrive to work late, or to leave work early:
- a. Essential employees must report to work as scheduled. Failure to report to work will subject an essential employee to disciplinary action.
 - b. Non-essential employees:
 - (1) Must use available annual or floating holiday leave or, if applicable, compensatory leave to cover any time that they are absent from work. Sick leave may not be used to cover such absences.
 - (2) Employees are expected to notify their agency of their absence and agency heads are expected to grant leave liberally in such cases.
- F. Questions regarding the Emergency Closure Policy shall be directed to the Director of Human Resources.

7.3 Holidays

- A. **County Holidays:** All full-time employees are entitled to ten and one-half County holidays per year plus two floating holidays. Part-time employees earn pro-rated holiday accruals based on their standard work hours.

In lieu of these County holidays, certain personnel designated by the agency head and approved by the Director of Human Resources may have these holidays added to their annual leave accrual.

The ten and one-half County holidays authorized to be observed are as follows:

New Year's Day.....	January 1
Lee-Jackson Day.....	Friday preceding the Third Monday in January
Martin Luther King, Jr. Day.....	Third Monday in January
Memorial Day.....	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day.....	Fourth Thursday in November
Day after Thanksgiving.....	Day after Thanksgiving
Christmas Eve.....	December 24 (one-half day)
Christmas Day	December 25

Most employees are granted time off with pay for any days designated as County holidays. Such holiday accrual shall not exceed 84 hours annually.

As far as practical, eligible employees shall be released from working on holidays and shall be paid for each holiday. Each agency head shall determine the necessary staffing to insure essential services are maintained on County holidays.

Whenever a holiday falls on a scheduled off duty day for shift workers, another day may be given to the employee unless otherwise covered in this section. Holiday leave is not considered as hours actually worked in a workweek for purposes of calculating a non-exempt employee’s overtime.

- B. **Floating Holidays:** All full-time employees in authorized positions are credited with 16 hours of floating holiday leave at the beginning of each fiscal year (payperiod B01). Such leave not used by the end of each fiscal year will be forfeited. New employees hired (or re-employed) after April 30 of the fiscal year do not earn floating holiday leave at the time of their employment but must wait until the beginning of the following fiscal year (July) to be credited with 16 hours of floating holiday leave.
- C. In order to be eligible for pay for any paid County holiday, an employee must be in a paid status for all of the last regular working day preceding the holiday.
- D. When a separation/termination date immediately precedes a holiday, the employee will not be paid for the holiday.
- E. **Observance of holidays:**
 - 1. Whenever a holiday falls on a Saturday, the holiday will be observed on the preceding Friday for employees entitled to such a holiday. Whenever a holiday falls on a Sunday, the holiday will be observed on the following Monday.
 - 2. When December 24 falls on a Friday, a 4-hour holiday will be observed beginning at 12:00 noon and ending at 4:30 p.m. on Thursday. When December 24 falls on a Saturday or Sunday, a 4-hour holiday will be observed beginning at 12:00 noon and ending at 4:30 p.m. on the preceding Friday. In all instances, December 24 is observed as a 4-hour holiday except when it falls on a Monday, at which time it will be observed as a full 8-hour holiday on Monday.

3. Whenever a holiday falls on a regularly scheduled work day for shift workers, employees should be paid for the holiday or given another day in place of the holiday.

7.4 Daylight Savings Time and Eastern Standard Time

Employees who work a shift that spans the hour when we go from Eastern Standard Time (EST) to Daylight Savings Time (DST) or DST to EST will be paid for the number of hours they actually work during that shift. For time reporting, employees must report the total number of hours actually worked for that shift and not start/stop times.

SECTION 8: Leaves of Absence

8.1 Grants of Leaves of Absence

All leaves of absence (both paid and unpaid) may be granted by the agency head or his designee(s). Annual, sick, or compensatory leaves of absence may be granted to eligible employees only up to the employee's current accumulated leave balance. Leave to be subsequently earned may not be anticipated except for leave granted as Extended Leave Pool.

Leave shall be requested and approved in advance either online through the HRMS/STEP system or in writing using an alternate method approved by the agency head in consultation with the Director of Human Resources. However, where an absence cannot be predicted in advance and where conditions warrant, the absence may be authorized orally by the immediate supervisor/manager followed by a written (paper or online) request by the employee. The County Manager may approve an alternate approval process for agency heads and above.

Leaves of absence shall be granted at the times desired by the employee subject first to the needs of the agency. In any agency where it is impractical to grant leave according to the normal leave provisions, the agency head shall arrange the leave schedules in such a manner to insure that each employee will be granted the leave in an equitable manner.

Employees may request an amendment to approved annual leave (before that leave is taken) to sick leave or bereavement leave, if appropriate. Proper verification and approval by the employee's agency head or his designee(s) will be required.

Attendance is an essential function. Employees are expected to regularly, consistently, and predictably work their assigned work schedule and not have leave usage regularly reduce their presence on the job.

8.2 Kinds of Leaves of Absence (See also, §16 for Time Reporting)

The following types of leaves of absence (paid and unpaid) may be granted to full-time employees:

Administrative Leave (8.18)	Extended Leave Pool (8.14)
Adoption Leave (8.17)	Family and Medical Leave (8.19)
Annual Leave (8.5)	Holiday Leave (7.3)
Civil Leave (8.6)	Injury Leave (8.11)
Compensatory Leave (8.13)	In-service Training Leave (8.15)
Conference Leave (8.12)	Leave Without Pay (8.7)
Bone Marrow/Organ Donation Leave (8.20)	Military Leave (8.8)
Bereavement Leave (8.10)	Sick Leave (8.4)
Educational Leave (8.9)	Suspension (8.16)
	Workers' Compensation Leave (8.11)

The specific workflow that is required for approval of these types of leave requests can be found on the HRMS/STEP website:

<http://myhenrico.org/resources/>

8.3 Eligibility for and Accrual of Leaves of Absence

Eligibility: Full-time employees are eligible for paid and unpaid leaves of absence as outlined in this section provided appropriate approval is obtained in accordance with these rules. Part-time employees are eligible for pro-rated leave based on their standard hours per payperiod .

Accruals: Sick and annual leave accrues on a payperiod basis. The maximum accruals specified in this section are for sick and annual leave for full-time employees in authorized positions.

In order to accrue sick or annual leave, an eligible employee must be in a paid status for at least seven-eighths (7/8) of their standard hours in a payperiod. For example, an 80-hour employee must be in a paid status for 70 or more hours and a 112-hour employee must be in a paid status for 98 or more hours. Leave for eligible part-time employees is computed on a pro-rated basis. No employee shall be credited with sick or annual leave for any overtime hours or compensatory hours worked, or while on a leave without pay status.

Employees whose balances exceed the maximum annual leave accrual amount found in the chart in Section 8.5 will have their annual leave balance reduced to the appropriate maximum after the last payperiod of each fiscal year.

Annual, holiday and sick leave shall be charged on an actual usage basis, rounded to the nearest quarter hour. Leaves of absence with pay shall not be used until sufficient leave is accrued.

Retention of a position for employees absent for extended periods of time due to illness, injury, or pregnancy is not assured except under certain provisions of the Family and Medical Leave Act. Each case will be decided on its own merits by reviewing the pertinent medical information and the personnel needs of the agency as determined by the agency head in consultation with the Director of Human Resources.

Leave balances for active employees who move from Henrico County Public Schools to General Government employment will be transferred as outlined in Appendix D.

Section 12 outlines how leave balances are transferred when an employee changes from a full-time to part-time assignment category.

8.4 Sick Leave

Leave taken under this section may need to be coordinated with the Family and Medical Leave Act.

A. Sick leave shall accrue at the rate of 4 hours per payperiod without a limit on accumulation and may be taken in 15-minute increments.

B. Sick leave may be used for authorized absences necessitated by reason of:

1. **Personal Sick Leave:** Illness or injury incapacitating the employee and preventing the employee from performing assigned duties, doctor or dental appointments during working hours, and exposure to contagious disease such that the employee's presence on the job would jeopardize the health of co-workers and/or the public.

2. **Family Sick Leave:** Illness or injury in the immediate family, including doctor and dental appointments, requiring the attendance of the employee. Use of sick leave by an employee for this purpose may not exceed 48 hours in one fiscal year. For firefighters working a 112-hour schedule, use of sick leave for this purpose may not exceed 67.2 hours in one fiscal year. Immediate family is defined in the Glossary.

Exceptions to this policy may be considered on a case-by-case basis if recommended by the agency head and approved by the Director of Human Resources.

- C. An employee who is absent from work for more than one calendar week due to a medical condition must provide his agency head a note from a health care provider that (a) verifies that the absence was due to a medical condition and (b) states when the employee is expected to return to work. A copy of this note must be forwarded to the Human Resources Department. The County may also request a health care provider's verification when an employee is absent from work for less than one calendar week.
- D. All medical information will be considered confidential and will be made a part of the employee's medical records. An employee may view this file by appointment.
- E. With supervisory approval, an employee may use accrued annual, floating holiday and/or compensatory leave in lieu of sick leave and, if necessary, may be placed on leave without pay by the agency head. An employee with a serious health condition may also be eligible FMLA Leave.
- F. An employee who will be absent from work for a prolonged period due to medical reasons related to child-birth must provide a certificate from her health care provider verifying the need for leave, the beginning date for such leave and the expected duration of leave before any leave is authorized. Eligible employees must also apply for FMLA leave. Sick leave may continue only until the date the doctor approves for returning to work. Should an employee desire to be away longer than the doctor prescribes, the employee may apply for other paid leave, if available, or leave of absence without pay with approval of her agency head.
- G. Sick leave is granted at the discretion of the agency head or his designee(s) and may be disapproved if, in the judgment of the agency head, it is not justified. An employee should not assume that sick leave will be approved simply because he has an accumulated sick leave balance. Sick leave is a benefit and not an entitlement.
- H. The maximum duration of absences shall be determined by the agency head paying particular attention to any leaves of absence (with or without pay) exceeding 90 calendar days.
- I. Employees are not paid for accumulated sick leave upon termination except upon separation from the County due to retirement. However, sick leave accumulations may be transferred for an employee who transfers from the Henrico County School System to the County's General Government System and vice versa.
- J. **Light or Modified Duty Assignments:** In order for modified work or light duty assignments to be considered for approval, a written request must be initiated by the employee and recommended by the Agency Head or designee to the Director of Human Resources. Employees will not be offered modified work or light duty assignments, even if authorized by the attending physician or health care provider, without review and approval in writing by the Director of Human Resources. Any decision on a request for modified work or light duty shall be made by the Director of Human

Resources at his sole discretion. This pertains to both work-related and non work-related illnesses and injuries.

If a request for a modified work or light duty assignment is directly related to a claim for Workers' Compensation which has been timely filed with the County's Division of Risk Management, the written request for a modified work assignment shall be reviewed by the Director of Human Resources in consultation with the Risk Manager. All modified work assignments shall be in the best interest of the County, shall be temporary, and shall be within the limitations prescribed by the treating workers' compensation physician. Risk Management will be notified if the employee's agency is unable to accommodate a request for modified or light duty work. The Director of Human Resources and Risk Management will attempt to coordinate a modified work or light duty assignment in another agency. If a modified work or light duty assignment is located within another agency, the employee may be returned to his primary agency upon release by the workers' compensation treating physician to his pre-injury job.

Modified work or light duty assignments may be terminated at any time at the discretion of the agency head and Director of Human Resources. If the employee is unable to return to his pre-injury job, or otherwise becomes unemployed, workers' compensation benefits, if applicable, will be paid in accordance with the Virginia Workers' Compensation Act.

The Agency and Risk Management shall periodically review the employee's work status and will confer with the Director of Human Resources regarding available options.

- K. If an employee dies while in service or retires from County service and is approved by VRS to receive a VRS benefit, payment will be made for all unused credited sick leave based on \$4.00 per hour with the lump sum payment not to exceed \$8,000. This benefit payment may not be provided, however, if an employee has 1) been dismissed from County employment, 2) resigned in lieu of dismissal, 3) resigned while on suspension, or 4) resigned (or been dismissed) and later applies for or receives VRS retirement benefits. Retirement, for the purposes of administering these Rules and Regulations, is defined in the Glossary.

8.5 Annual Leave

- A. Eligible employees with less than five years of continuous service in an authorized position shall accrue annual leave at the rate of four hours per payperiod. For certain classifications, holiday leave may be combined with annual leave for purposes of leave accrual.
- B. Annual leave may be used as vacation or to attend to an employee's personal or family appointments, errands, or other personal needs which require time away from the employee's assignment. Such time shall be approved in advance by the agency head or his designee who is responsible for working out a schedule in which the first concern is for the conduct of public business and the second concern is the desire of the employees of his agency. Annual leave is charged on an hour-for-hour basis.
- C. Upon separation, an employee shall be entitled to payment for all unused accrued annual leave based on the employee's current rate of pay within one month of separation. In the event of the death of an employee, the employee's estate shall be entitled to payment for the employee's unused annual leave balance at the time of death. Non-probationary employees shall also be entitled to payment of any unused floating holiday leave balance at the time of separation. Probationary employees are not entitled to payment of any unused floating holiday leave balance.

- D. Annual leave accruals vary based on years of service as shown in the following chart. All annual leave balances are reduced to the maximum shown below at the end of the last payperiod in the fiscal year. Also included in the chart is the leave accrual for eligible 56-hour firefighters who have their holiday and annual leave accrual rates combined and multiplied by a 1.4 factor given that they work a 56-hour workweek, which is 1.4 times greater than a normal 40-hour workweek.

Years of Service	Accrual Rate Per Payperiod (hours)					Maximum Allowance Annual Leave Accrual Balance (Annual accrual X 2)
	Annual Leave	Holiday Leave (for 10 ½ holidays)	Combined Annual and Holiday Leave	For 56 hour Firefighters: x 1.4 factor	Total Leave	
FOR ELIGIBLE FULL-TIME EMPLOYEES (40 hours per week)						
Less than 5 years	4	--	--	--	4	208 hours/(26 days)
5 but less than 10 years	5	--	--	--	5	260 hours/(32 ½ days)
10 but less than 15 years	6	--	--	--	6	312 hours/(39 days)
15 but less than 20	7	--	--	--	7	364 hours/(45 ½ days)
20 but less than 25	8	--	--	--	8	416 hours/(52 days)
25 or more years	9	--	--	--	9	468 hours/(58.5 days)
FOR ELIGIBLE FULL-TIME FIRE SUPPRESSION (56 hours per week)						
Less than 5 years	4	3.23	7.23	X 1.4	10.12	291.20 hours
5 but less than 10 years	5	3.23	8.23	X 1.4	11.52	364.0 hours
10 but less than 15 years	6	3.23	9.23	X 1.4	12.92	436.80 hours
15 but less than 20 years	7	3.23	10.23	X 1.4	14.32	509.60 hours
20 but less than 25	8	3.23	11.23	X 1.4	15.72	582.40 hours
25 or more years	9	3.23	12.23	X 1.4	17.12	655.20 hours
See Section 12 for annual leave accruals for eligible part-time employees						

8.6 Civil Leave

- A. Any employee 1) who is summoned to serve on jury duty, or 2) (except a defendant in a criminal case), who is summoned or subpoenaed to appear in any court of when a case is to be heard, or 3) who, having appeared in court, is required in writing by the court to appear at a future hearing, shall be granted civil leave with full pay as a result of his absence from employment due to such jury duty or court appearance, upon giving reasonable notice to his supervisor of such court appearance or summons. The hours of absence must be accounted for by the employee.
- B. No employee who is summoned and appears for jury duty for four or more hours, including travel time, in one day shall be required to start any work shift that begins on or after 5:00 p.m. on the day of his appearance for jury duty or begins before 3:00 a.m. on the day following the day of his appearance for jury duty.
- C. Any person who serves as an officer of election as defined in § 24.2-101 of the Code of Virginia 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 service, provided he gave reasonable notice to his employer of such service.

No employee who serves for four or more hours, including travel time, on his day of service shall be required to start any work shift that begins on or after 5:00 p.m. on the day of his service or begins before 3:00 a.m. on the day following the day of his service.

- D. An employee shall be granted civil leave with full pay for any absence necessary for taking required tests for fitness including required physical exams, recruitment interviews, tests for County-required certification, and tests associated with promotions, demotions, or transfers within the County (including both Henrico County Government employees and School Board employees), upon giving reasonable notice to his supervisor of such absence.
- E. All supervisors' questions regarding eligibility for civil leave shall be directed to the Office of the County Attorney. A copy of the summons, hours of absence, work hours of employee, etc. shall be provided.

8.7 Leave without Pay

When an employee is in a nonpaid status for more than five workdays, the agency is required to notify the Department of Human Resources using the Form P-3. In situations of five workdays or less, the agency should maintain the appropriate documentation and insure that the appropriate leave without pay hours type is reported on the employee's timecard.

- A. For absences from duty, the agency head or his designee(s) may authorize leave without pay; however, such leave usage is not guaranteed. If absence is for medical reasons, provisions for returning to work under Section 8.4C should be followed.
- B. The maximum duration of such absences shall be determined by the agency head paying particular attention to any leaves of absence (with or without pay) exceeding 90 calendar days.
- C. The leave accrual date of any employee returning from a leave without pay status shall be adjusted based on the number of days absent.
- D. No annual or sick leave shall be accrued by an employee who is in a leave without pay status. An employee on leave due to suspension based on a criminal investigation will have annual, holiday and sick leave balances restored in full if the employee is fully reinstated.
- E. Health care, dental, short-term disability and group life insurance coverage may be continued by the employee paying the total premiums. All other benefits shall not accrue during the period of leave without pay but shall be reinstated upon return in accordance with these Rules and Regulations. This subsection E does not apply to employees on approved family and medical leave without pay or military leave without pay.
- F. The performance appraisal date may be extended if the agency head determines that the employee has not worked a sufficient amount of time to adequately evaluate the employee's performance.

Retention of a position for an employee on leave without pay cannot be guaranteed unless the employee is on approved Family and Medical Leave or military leave. If the position cannot be held until the employee's return and the employee desires to return to County employment, the County will attempt to locate a position comparable to that held by the employee as of the date of leave approval provided the employee meets all qualifications. In such cases, return to County employment shall be treated as a reinstatement.

8.8 Military Leave

- A. The County administers its military leave policy in accordance with applicable law, including the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and the Code of Virginia. From time to time, the County Manager may authorize leave benefits that are more generous than those afforded by law.

The County will grant a military leave to employees who require leave in order to perform service in the uniformed services, including service as a member of the organized reserve forces of any of the Armed Services of the United States, National Guard, or Naval Militia.

- B. **Compensation while on Military Leave:** The County will pay former members of the armed forces or members of the organized reserve forces of any of the armed services of the United States, National Guard, or naval militia up to 15 workdays (120 hours) of leave per federal fiscal year (October 1 – September 30) or per tour of federally funded duty while on federally funded military duty. The 15-workday period of paid leave is normally meant to be consecutive, but may be fragmented or nonconsecutive if supported by military orders.

The County will also pay former members of the armed forces or members of the organized reserve forces of any of the armed services of the United States, National Guard, or naval militia when they are called forth by the Governor pursuant to Virginia law.

For employees scheduled to work other than 80 hours per biweek, military leave will be paid in proportion to their respective work schedule. For example, if the employee's standard hours in a payperiod are 112 hours, his available military leave equals 168 hours per federal fiscal year (1.4 times the standard 80 hours per payperiod).

All other periods of military leave are unpaid, unless otherwise authorized by the County Manager. For unpaid periods of military leave, employees may – but are not required to – use any accrued annual leave or compensatory leave balance.

Employees returning from reserve duty may take an 8-hour rest period between their return home and reporting to work. Where such employee returns from federally funded military duty and the eight-hour rest period required by USERRA overlaps such employee's scheduled work shift, the employee shall receive paid military leave to the extent of such overlap, not to exceed 8 hours per occurrence.

- C. To apply for military leave, the following procedures should be followed:

1. The employee requests military leave in writing.
2. The employee submits to the agency head copies of his orders, once they are available, indicating his active duty status and the duration of such active duty.

- D. During military leave without pay status, the same provisions governing sick and annual leave accrual as set forth in Section 8.7 (Leave Without Pay) shall apply. While on military leave, an employee is entitled to continued health benefit coverage and may be eligible to continue other benefits. The employee should make arrangements with the Department of Human Resources to continue applicable benefits before going out on leave. Continuation of benefits requiring payment of premiums must be initiated by the employee.

- E. Upon completing service in the uniformed services, the employee must notify the Department of Human Resources of his intent to return to work. Generally, if military service was less than 30 days, the employee must report to work no later than the first regularly scheduled workday following completion of service. Generally, if military service is more than 30 days, but less than 181 days, the employee has 14 days from military discharge to submit an application for re-instatement. Generally, if service exceeds 180 days, the employee has 90 days to submit an application for re-employment.

After release from active duty, provided the employee can provide proof of satisfactory completion of active duty training by certificate, discharge or release to inactive reserve status, the employee shall be entitled to reinstatement in the job that he would have attained with reasonable certainty if he had not been absent due to military leave (usually, his former, or similar, position) provided the employee is qualified to perform the duties of that position. If the employee's previous position has been abolished, the employee shall be given first consideration for other vacancies for which the employee is qualified.

Employees selected to fill vacancies created by persons on military leave shall be employed on a provisional basis. For all other purposes, the same provision as outlined under Section 8.7 will govern. Return to County employment shall be treated as a reinstatement.

- F. No part of these rules and regulations shall supersede applicable state and/or federal law regarding military leave.
- G. The County Manager may authorize supplemental benefits to employees on military leave. In order for an employee to receive such supplement, he must place his request in writing to the Director of Human Resources. Likewise, if his military status (or pay) changes, it is incumbent on the employee to promptly notify the Director of Human Resources in writing of such changes.

8.9 Educational Leave

The purpose of educational leave is to encourage employees to improve themselves and to enhance their possibilities for career opportunities. Educational leave may be authorized either with or without pay.

- A. **Educational Leave without Pay:** Educational leave without pay is limited to a maximum of up to one continuous year for pursuing a course of study in a field directly related to the employee's position and one which will increase the employee's usefulness to the County. This educational leave will be provided under the following terms and conditions:
1. Requests for educational leave without pay may be considered by the agency head, but approval is not automatic and is not guaranteed.
 2. The maximum duration of such absences shall be determined by the agency head.
 3. The leave accrual date of any employee returning from educational leave without pay shall be adjusted by the number of days absent.
 4. No annual or sick leave shall be accrued by an employee who is in an educational leave without pay status. Applicable unused leave balances may be restored in full upon return to County employment.

5. No other benefits shall accrue during the period in which an employee is in an educational leave without pay status. Those benefits shall be reinstated upon return to work in accordance with these Rules and Regulations.
 6. Although an employee may be considered for promotion while in an educational leave without pay status, the date of promotion cannot become effective while the employee is in that status.
 7. The agency head may extend the performance evaluation date if the agency head determines that the employee has not worked a sufficient amount of time to adequately evaluate the employee's performance.
 8. Retention of a position for the employee cannot be guaranteed. If the employee desires to return, the County will attempt to locate a comparable position to that held by the employee as of the date of leave approval (and for which the employee meets all qualifications). Return to County employment, if appropriate, shall be treated as a reinstatement.
- B. **Educational Leave with Pay:** It is the policy of the County to permit educational leave with pay to take a course which will benefit both the employee and the County. The total leave with pay is not to exceed absence from work for more than four hours per workweek regardless of the number of courses taken. Such leave may be granted only when it can be demonstrated that the course is not available to the employee on off duty time with the County and when the agency head believes that the granting of such leave will be beneficial to the County. Such leave shall only be granted for one semester at a time. Emergency conditions may require the agency head or designee to cancel this approval for attendance at a given classroom meeting. The employee shall submit an online leave of absence request for consideration and approval by the agency head prior to course registration. The employee and the agency are responsible for recording these hours on the employee's timecard as educational leave with pay.

8.10 Bereavement Leave

A full-time employee may be granted up to 24 hours of Bereavement Leave for the death of a close family member. Close family member is defined in the Glossary. Bereavement Leave may be used consecutively or intermittently. If the employee desires, Bereavement Leave may be augmented by Annual Leave or Floating Holiday Leave with the supervisor's approval. Bereavement Leave does not accumulate. Part-time employees in authorized positions are eligible for Bereavement Leave on a pro-rated basis.

8.11 Workers' Compensation and Injury Leave

All leave in this section, if appropriate, must be coordinated with the Family and Medical Leave Act. Workers' compensation leave is leave occasioned by an on-the-job injury or occupational disease that arises out of and in the course of employment. It is the responsibility of the agency head to assess the impact of any employee inactivated by injury or illness on the agency's operations and to contact the Director of Human Resources early on as to the options available.

Until the workers' compensation claim is approved by the County's Risk Manager, the employee's absence should be recorded on their timecard as injury leave. Once an approval is obtained, the agency will be notified. Upon such notification, hours previously charged as injury leave shall be converted to workers' compensation leave.

If the claim is not approved and, therefore, is not compensable under workers' compensation, the employee will be required to pay back monies received from the County while on injury leave. Where the individual has appropriate leave balances (for example, annual, sick or compensatory), an adjustment to their leave balances should be submitted to cover the time charged to injury leave. Should insufficient or no leave balances be available, the agency, after consultation with the Department of Human Resources, should coordinate arrangements with the employee for promptly paying back the amount owed.

8.12 Conference Leave

Conference leave is leave with pay to attend a meeting, conference, or seminar normally requiring hours in excess of a normal workday (for example, a meeting requiring overnight or extensive travel) that is related to the employee's job. Such leave must be requested through the online leave of absence request (or written paper request) and approved in advance by the agency head or his designee(s). The Department of Human Resources will assist agency heads in clarifying the differences between conference leave and in-service training activities on a case-by-case basis. For exempt employees, conference leave hours and any related travel time may not be counted as compensatory leave time. For non-exempt employees, conference leave hours will be counted as hours actually worked for purposes of computing overtime pay. Thus, when approving conference leave for a non-exempt employee, the agency head should follow the overtime policy and procedures set forth in Section 4.4 and clearly communicate to the employee any restrictions on the use of overtime hours.

8.13 Compensatory Leave

Exempt employees can earn compensatory leave for hours actually worked in excess of their standard work hours, if such work is approved by the agency head or his designee. Compensatory leave is earned on an hour-for-hour basis in (15 minute increments) and must be used within 26 payperiods of being earned. If not used within 26 payperiods, the compensatory leave will be forfeited. Any consideration for reinstatement of previously forfeited compensatory leave balances must be approved by the County Manager. Compensatory leave is not an entitlement and may be denied at the agency head's discretion. Employees will not receive compensation for any unused compensatory leave balance at the time of separation.

Exempt employees may not earn compensatory leave for any hours worked for which they receive other forms of paid leave, including conference leave, unless approved by the County Manager. In addition, no compensatory leave is earned for travel time associated with conference leave.

8.14 Extended Leave Pool

Use of extended leave pool leave for an employee's own serious health condition or to care for an employee's spouse, child, or parent with a serious health condition must be coordinated with the Family and Medical Leave Act.

- A. A full-time employee may request to borrow paid leave against the County's extended leave pool if all applicable leave has been exhausted, an undue financial hardship would result, and conditions listed in C below are met. Leave may be granted under the following circumstances:
1. The employee incurs a non-service connected injury or illness.
 2. The employee incurs a service-connected injury or illness which is not compensable under the Workers' Compensation Act.

3. The employee or a close family member is faced with a severe or catastrophic medical situation. Close family member is defined in the Glossary.
 4. The employee has encountered a severe or catastrophic event that is not medically related.
- B. The employee may borrow up to a maximum of two hours per payperiod for each payperiod of service in an authorized position. Employees with less than two years of service may borrow up to 13 days against their sick leave.
- C. Leave may be granted if the following criteria are met:
1. The employee submits an online leave of absence request or a written paper request to the agency head.
 2. The employee must be away from the job due to an injury or illness for 15 consecutive calendar days and all other applicable leave exhausted before this leave pool may be used, if applicable.
 3. A health care provider's certificate must be presented to the employee's supervisor stating the earliest approximate date of return to work, and advising on the ability of the employee to perform his regular duties, if applicable.
 4. An employee with a sick leave usage rate at least the same or less than the average usage in the County at the time of the request will be given preference.
 5. If the leave requested is due to a severe or catastrophic event that is not related to an employee's illness, a written request is required with the details supporting the request from the employee.
 6. Written recommendation by the agency head that includes consideration of the employee's job performance.
 7. Written approval of the County Manager after review and approval by Director of Human Resources.
- D. Any leave granted and used is to be repaid in one of the following ways:
1. At the rate of two hours per payperiod until all borrowed leave used is repaid in full. This payback will come from the employee's accrued sick leave. The employee may also request to expedite the repayment of this leave by using annual leave. In those cases where extended leave is approved due to a qualified close family member's illness, repayment is to be accomplished either by a cash method or from the employee's accrued annual leave.
 2. If the employee terminates employment prior to full restitution of borrowed leave used, a cash payment equal to the employee's current rate of pay times the remaining balance will be deducted from the final paycheck, if appropriate, or will be repaid by the employee or the employee's estate, in the event of death. The terms and conditions of repayment shall be determined and communicated by the Director of Human Resources. In the event of undue hardship, the County Manager may consider waiving all or part of the repayment.

8.15 In-Service Training Leave

In-service training leave is leave with pay to attend conferences, workshops or seminars- which provides job related training that occurs within the regular work period. Such training does not require overnight travel (for example, training sponsored by the Department of Human Resources, and workshops that are held in the Richmond metropolitan area). If necessary, the Department of Human Resources will assist agency heads in clarifying the difference between conference leave and in-service training activities on a case-by-case basis.

8.16 Suspension Leave

The suspension leave category is used to record all time an employee misses due to a suspension, which may or may not be a result of disciplinary action. All suspensions require submission of the electronic Personnel Action Form (P-3) to the Department of Human Resources. All suspensions shall be without pay.

8.17 Adoption Leave

Adoption leave must be coordinated with the Family and Medical Leave Act. Paid adoption leave is available to a full-time non-probationary employee for the purpose of caring for a newly and legally adopted child. A maximum of 20 consecutive workdays or 160 consecutive work hours, whichever comes first, may be granted. If both parents are employees of the County, they may use up to a combined total of 20 consecutive workdays or 160 consecutive work hours between them at the parents' discretion.

To request adoption leave, an online leave of absence request or written paper request must be submitted to the agency head or his designee(s) in advance of the adoptive placement in the employee's home by a government or a licensed child placing agency. The request is to include the amount of leave requested, starting and ending dates to the extent known at the time of the request, and evidence of adoptive placement. The Director of Human Resources shall review for final approval. Retroactive requests will not be considered without exceptional circumstances as determined by the Director of Human Resources.

8.18 Administrative Leave

Administrative leave may be granted by the County Manager to employees who work when County offices are closed pursuant to the Emergency Closures policy or in other exceptional situations. Administrative leave earned and not used within 26 payperiods will be forfeited.

8.19 Leave Under Family and Medical Leave Act (FMLA)

The Family and Medical Leave Act (FMLA), which became effective on August 5, 1993, entitles eligible employees to take unpaid job-protected leave for certain specified family and medical reasons. The National Defense Authorization Act (NDAA) expanded the FMLA to allow eligible employees to take job-protected leave (a) for any "qualifying exigency" arising out of the fact that a covered service member has been called to active duty; and (b) to care for a covered service member with a serious injury or illness.

As described in more detail below, the County's FMLA policy is more generous than the FMLA and the NDAA in that the County provides up to 13 weeks of leave for specified family and medical reasons and for qualifying exigencies. In all other respects, the County administers its FMLA policy in accordance with the FMLA and the NDAA. Questions by employees and/or supervisors shall be directed to the Department of Human Resources.

The FMLA contains provisions on employer coverage, employee eligibility for benefits, entitlement to leave, maintenance of health benefits during leave, job restoration after leave, notice and certification of the need for FMLA leave, and protection for employees who request to take FMLA leave.

- A. In order to receive pay while on FMLA leave, the employee must have an available balance of paid leave (for example, annual, compensatory, floating holiday, or sick, if applicable). For limitations on paid family leave see section 8.4. In no instance will an employee receive pay under the FMLA if no appropriate leave balance is available.
- B. An employee who has been employed by the County for at least 12 months and has actually worked at least 1,250 hours in the 12-month period prior to the use of any FMLA leave may be eligible to take up to 13 weeks (or 520 hours) of FMLA job-protected leave in a 12-month period for one or more of the following reasons:
- to care for a spouse, child, or parent with a serious health condition;
 - to care for the employee's own serious health condition;
 - for the birth and care of a newborn child of the employee;
 - for placement with the employee of a son or daughter for adoption or foster care; or
 - for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active military duty.

In addition, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member of the Armed Forces (including the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness, is entitled to up to 26 weeks of unpaid leave during a single 12-month period to care for the service member. An eligible employee is limited to a combined total of 26 weeks of leave for any FMLA-qualifying reason during a single 12-month period. Only 13 of those 26 weeks may be for a FMLA-qualifying reason other than to care for a covered service member.

- C. Spouses employed by the County are jointly entitled to a combined total of up to 13 weeks of FMLA leave for the birth and care of the newborn child, for placement of a child for adoption or foster care, and to care for a parent who has a serious health condition. Spouses employed by the County are jointly entitled to a combined total of up to 26 weeks of FMLA leave if leave is to care for a covered service member with a serious injury or illness. Leave for birth of and care for a child, or placement for adoption or foster care must conclude within 12 months of the birth or placement.

- D. Under some circumstances, employees may take leave intermittently—which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule.
- If leave is used for the birth and care of a newborn or the placement of a child for adoption or foster care, use of intermittent leave is subject to the approval of the Director of Human Resources.
 - Leave associated with FMLA may be taken intermittently when medically necessary to care for a family member with a serious health condition, to care for the employee's own serious health condition, or to care for a covered service member with a serious injury or illness. Intermittent leave may also be taken for a qualifying exigency arising out of the active duty status or call to active duty of a covered military member.
 - When intermittent leave is needed for planned medical treatment for an employee's own serious health condition or for a covered family member with a serious health condition, the employee must try to schedule treatment so as not to unduly disrupt the County's operation(s).

E. **Notice and Certification**

In the case of illness, a certification from the attending physician or other health care provider will be required. Leave under this policy should be requested 30 days in advance. Where leave is not foreseeable, or in cases where 30-days advance notice is not possible, the employee must provide notice as soon as practical.

Employees may also be required to provide:

- second or third medical opinions (at the employer's expense) and periodic re-certification;
- periodic reports during FMLA leave regarding the employee's status and intent to return to work; and
- A fitness-for-duty certification to show that an employee who took FMLA for his own serious health condition is able to resume working.

F. **Maintenance of Health Care Benefits**

When on unpaid FMLA leave, the employee's health care coverage may continue. The employee is to submit payment for his share of the health care premium to the Department of Human Resources. If the employee fails to return to work, unless it is for a medical disability, the employee is to reimburse the County for its portion of the premium paid. All other benefits will be treated the same as an employee on approved leave without pay.

Additional information such as definitions, forms, and FAQ's on FMLA can be found at:

<http://www.co.henrico.va.us/hr/er/fmla.html>

8.20 Bone Marrow/Organ Donation Leave

Full-time non-probationary employees may be granted paid leave for the period that is medically necessary for donation of bone marrow or an organ and subsequent recuperation. In any calendar year, leave may be granted for up to 30 consecutive work days or 240 consecutive work hours,

whichever comes first. Employees who are on disciplinary suspension are not eligible for this type of leave. Requests for Bone Marrow/ Organ Donation Leave must be submitted using the online leave of absence form (or written paper form) to the agency head prior to the proposed effective date. The request

must include 1) the proposed effective date, 2) the expected duration of the leave, and 3) evidence satisfactory to the Director of Human Resources regarding the donation of bone marrow or an organ.

Retroactive requests shall not be considered except under extenuating circumstances as determined by the Director of Human Resources in his sole discretion.

SECTION 9: Employee Training

9.1 Orientation of New Employees

An orientation-training program shall be conducted by the Department of Human Resources with each new County employee normally during the first day of employment. The goal of this training is to introduce the new employee to the County organization, benefits, rights, privileges, responsibilities, expectations, and other matters related to their employment.

Each agency is responsible for orienting new employees on specific issues and policies that are specific to that agency.

An orientation for new supervisors/managers is provided to all new County supervisory employees and includes an online assignment provided soon after an employee has been hired or promoted into a supervisory position. This assignment requires participants to review information about the various divisions of the Department of Human Resources as they relate to their role as supervisors. In addition, new supervisors attend a class conducted by the Department of Human Resources held at least twice each year. Those persons who have been promoted into supervisory positions from within the County, as well as all persons hired from outside the County who have supervisory responsibilities in their new position, are to be included in this special orientation program. The goal of this orientation is to assist all newly appointed supervisors/managers in becoming aware of the functions, forms, and policies of the County and the Department of Human Resources and how these relate to the duties of the supervisors/managers.

9.2 Training

- A. Each agency head, in coordination with the Department of Human Resources, shall be responsible for developing both on-the-job and off-the-job training programs as required with emphasis on the training of new employees.
- B. Agency heads and supervisors shall evaluate periodically the knowledge, skills, and abilities of each employee in terms of the duties and responsibilities of their position and suggest informal or formal programs aimed at improvement or preparing the employee for career opportunities including the use of individualized learning plans. Persons in leadership positions should consider Succession Management when approving training. Management employees reporting to upper management positions (assistant department heads, department heads, deputy county managers and the county manager) periodically are asked to complete an individualized learning plan as part of the County's Succession Management initiative.
- C. The agency head may permit or require an employee or group of employees to attend training courses when such training is in the best interest of the County in accordance with Sections 8.12 and 8.15.
- D. The County offers a voluntary Leadership Development Program available to any County supervisor or manager to help develop and enrich their leadership skills. Any County employee, with supervisor's approval, may participate in the voluntary Customer Service Certification Program designed to help develop and enrich customer service skills. The Department of Human

Resources offers various workshops and seminars as well as individual consultations to assist employees in developing their skills and abilities in the areas of leadership and customer service.

9.3 Tuition Reimbursement

Tuition Reimbursement is not considered educational assistance as defined in the Internal Revenue Code, but rather is a reimbursable expense and therefore constitutes a tax-free reimbursement program. The County, pursuant to 26 CFR-§1.162-5 may reimburse an employee on a tax-free basis for courses taken, including approved career development programs, under the following terms and conditions:

- A. Courses taken are directly related to employee's present position or courses taken are part of an undergraduate or graduate program where the degree program is job related.
- B. Funds are available as determined by the County Manager.
- C. State and Federal law does not cap this benefit.
- D. All tuition reimbursement requests must be submitted to the agency head in advance for approval. These submissions must be received by the agency head within a reasonable period and prior to the day the class starts. Failure to timely submit the request may cause it to be denied at the discretion of the agency head.
- E. The employee and the agency head must be able to demonstrate that taking the course or degree program will maintain or improve the skills required for the employee's current job or meet express requirements of the agency that are a condition of continued employment.
- F. Reimbursement is not available if the course is being paid by another source (for example, VA benefits). Reimbursement is limited to tuition only and/or to those tests for certification which are required before the employee can receive a passing grade (as determined by the institution) in the course.
- G. Auditing of courses does not qualify for reimbursement.
- H. Reimbursement is contingent upon receiving an acceptable (as defined by the educational institution) grade and credit for the course.
- I. For reimbursement to occur, a copy of the grade earned and proof of course payment must be received by the Finance Department, Accounting Division, upon successful completion of the course.
- J. Reimbursement is not available to employees in an educational leave without pay status.
- K. Strict adherence to the provisions of this section is required to avoid the value of this benefit from becoming income taxable to the employee.
- L. No part of these Rules and Regulations under this section shall supersede applicable state and/or federal income tax laws.

9.4 Personnel Records

Upon completion of County-sponsored training or educational course work, the appropriate information is recorded in the employee's personnel record and is available through the HRMS/STEP system. Responsibility rests with the employee and his agency in alerting the Department of Human Resources of employee training and educational accomplishments.

9.5 Career Enrichment

The County offers career-related services to employees in order to help develop and enrich their careers. The Department of Human Resources offers various workshops and seminars as well as individual consultations to assist employees in developing their skills and in making informed career decisions. Employees and supervisors/managers can contact the Department of Human Resources to use various career-related resources and materials.

Employees may also contact the Department of Human Resources to make appointments to discuss their career and may receive individual career guidance. Employees can also receive assistance in developing plans to improve their skills, abilities, and education. All career-related consultation received through the Department of Human Resources' Career Enrichment Program will be kept strictly confidential.

SECTION 10: Separations

10.1 Resignations

An employee desiring to resign from the County in good standing shall submit a letter to the agency head, or designee, setting forth the reason for leaving and giving no less than two weeks notice. Agency heads, assistants, or division heads desiring to resign from the County in good standing shall submit a letter to the County Manager, or appropriate official, setting forth the reasons for leaving with no less than four weeks notice. The employee may contact the Benefits Division of the Department of Human Resources to have specific benefits questions answered. The Employee Relations Officer may also be contacted by the employee to discuss the employee's work experience via an exit interview.

10.2 Dismissals

The Director of Human Resources, or his designee, must be contacted prior to the dismissal of any employee. Before dismissal, a non-probationary employee must be given an explanation of the evidence justifying the dismissal and an opportunity for the employee to present his side of the story. Most non-probationary employees who are discharged may seek redress through the County's Employee Grievance Procedure (see Appendix E). Probationary employees, as well as those employees who are placed in Personnel Complement IV, may be dismissed with or without cause and are not eligible to use the County's Employee Grievance Procedure. A non-probationary employee may be dismissed by his agency head for cause (see Section 14.1).

10.3 Final Settlement

- A. When an employee terminates, he shall receive his final pay on the next regular payday. Payment for any applicable leave balances will be made to the employee as soon as possible thereafter, but within 30 days of his separation from payroll. The final paycheck may not be released to the terminating employee until all County furnished equipment (for example, County vehicles, materials, uniforms, I.D. cards, badges, debt, safety equipment, work tools, equipment and/or supplies, and any other similar items) has been returned to or accounted for by the affected agency and all financial accounts with the County have been settled. The Director of Human Resources shall be consulted for clarification or any variation from this policy.
- B. When an employee retires from the County, he is responsible for notifying his department head of the retirement date. The final paycheck may not be released to the retiring employee until all County furnished equipment (for example, County vehicles, materials, uniforms, I.D. cards, badges, debt, safety equipment, work tools, equipment and/or supplies, and/or supplies, and any other similar items) has been returned to or accounted for by the affected agency and all financial accounts with the County have been settled. Any and all of these items shall be returned to the County prior to the employee's date of separation. The Director of Human Resources shall be consulted for clarification or any variation from this policy.

10.4 Payments due Deceased Employees

The death of an active employee shall be reported to the Director of Human Resources as soon as the employing agency becomes aware of the death. All payments due the deceased employee, including compensation for hours worked, annual leave, and any refunds or reimbursements, shall be made payable "to the estate of" said employee. The Benefits Division of the Human Resources Department will work closely with the agency in coordinating appropriate benefits.

10.5 Separation Process

When an employee's employment is terminated regardless of reason, the employing agency shall submit the online Personnel Action Request form (P-3) as soon as the termination is known. Complete information surrounding the reasons for separation should be included. The same procedure should be followed to notify the Department of Human Resources of suspensions and leaves of absence. When requesting termination of acting pay, the agency must submit the online Personnel Action Request form (P-3) immediately to avoid overpayment to the employee.

When submitting a termination for an employee who is a supervisor, the agency should designate on the P-3 the position number of the person who will be responsible for approving HRMS/STEP timecards and other transactions while the position is vacant.

10.6 Separation Date

When an employee separates from County service, the effective date is typically the last day that the employee actually works. The County will not be liable for matters affecting the employee following his physical absence from the job. Pay for annual and holiday leave balances to eligible employees shall be paid on a lump sum basis.

If an employee is on approved sick leave, injury leave, workers' compensation leave, or leave without pay when separated, the effective date of separation may be the actual date of separation as given by the employee and approved by the agency head and not necessarily the last day actually worked.

When the effective separation date immediately precedes a holiday, the employee shall not be paid for the holiday since he is no longer considered an employee.

In all cases, the Director of Human Resources shall determine the official separation date.

10.7 Disability Separation

If an employee will be leaving the County due to an illness or injury, which keeps the employee from performing the essential functions of the job, the employee should contact the Benefits Division of the Department of Human Resources to discuss benefit options. This could include long-term disability and/or disability retirement. The separation needs to be coordinated with workers' compensation benefits if the illness or injury is work related and has been ruled as compensable. Workers' compensation benefits are managed by Risk Management, a division of the Department of General Services.

10.8 Reduction in the Workforce (Layoffs)

The County Manager has the right and obligation to manage the workforce to the best interest of the County and may require implementation of this reduction in workforce procedure. The following procedure shall apply to a reduction in the workforce of the County caused by adverse economic conditions, reorganization by and within the County, lack of sufficient work, abolishment of positions fully funded by the County, or by other related incidents directly and solely caused by the County. The following procedure shall not apply where the reduction in the workforce involves positions not fully funded by the County (employees in Complements II and III positions) as employees in such positions do not have a right to or expectation of continued employment. Unless specific instructions to the contrary are received from the County Manager, the following will serve as the general procedure for a reduction in workforce for positions funded in total by the County. No reduction in the workforce shall occur without it first being discussed or coordinated with the Director of Human Resources.

- A. The County has provided procedures for the removal of employees for unsatisfactory performance and for disciplinary reasons; therefore, it will be assumed that all employees, unless otherwise noted, are serving in a satisfactory manner. The length of continuous County service will provide

the basis for determining the order of layoff in order to provide for a uniform, fair, equitable, and effective base for the determination of layoffs.

Circumstances may cause other considerations to be the basis for determining order of layoff as approved by the County Manager. Such considerations may include, but are not necessarily limited to, past performance.

- B. A reduction in the workforce will be managed on an individual agency basis. The agency head, unless otherwise directed by the County Manager or his designee, will have the responsibility for the identification of organizational sections, job classifications, positions, and individuals affected. Additionally, the agency head will determine the order for layoff by job classification. Once that order has been determined, if there is more than one person in this classification, the employee with the least amount of continuous County employment will be the first to be laid off unless the County Manager approves an alternate plan.
- C. In all cases where a reduction in the workforce necessitates the actual lay off of personnel within a specific job classification(s), the following order of priority will be strictly adhered to within the specified classification unless an exception is granted by the County Manager:
1. Temporary and seasonal employees, including employees in special programs and emergency hires.
 2. Regular Hourly employees.
 3. Provisional employees in authorized positions.
 4. Part-time employees in authorized positions.
 5. Probationary employees.
 6. Full-time non-probationary employees in authorized positions.
- D. Insofar as practical, subject to availability of funding, all employees to be laid off will be provided with a minimum of two weeks written notice.

- E. Additionally, such affected employees will be given first preference consideration in any reinstatement or reemployment should a vacancy occur in the same classification within the same agency they left. This preference for reemployment or reinstatement shall be limited to six months from the official date of layoff.

- F. If an employee who is in the process of another administrative procedure (for example, a grievance) is laid off, he will be entitled to continue to pursue the administrative procedure if he so chooses. However, it will not change the impact of the layoff.

SECTION 11: Personnel Records

11.1 Personnel Records

The Director of Human Resources shall maintain the County's official central personnel records for all County employees. These personnel records include information and official records to document the employee's employment history with the County as well as information required to make these personnel rules effective. It is the intent of the County to safeguard each employee's personal information.

An employee has the right to review his personnel record maintained by the Department of Human Resources during normal County work hours by contacting the Department of Human Resources and scheduling an appointment. If the employee finds information that he believes is inaccurate, the employee may request in writing that this be changed or purged appropriately. In addition, should an employee disagree with information in his official personnel record, he is encouraged to write a rebuttal for inclusion in his personnel record. An employee is also encouraged to provide information (for example, letters of commendation or certifications) to the Department of Human Resources for inclusion in his personnel record. Purging of any information in the official personnel record may be done only with the approval of the Director of Human Resources.

Agency heads and supervisors may review the personnel record of any employee or prospective employee under their supervision by contacting the Department of Human Resources.

The HRMS/STEP system enables current employees to generate a verification of their employment that can be submitted electronically to outside sources as necessary. Agency supervisors/managers may not provide any information, personal or otherwise, regarding their employees or former employees to other individuals, businesses, or outside agencies. All requests for references should be forwarded to the Department of Human Resources for action. Exceptions to this may be approved on a case-by-case basis only by the Director of Human Resources. Requests from former employees for verification of employment may be submitted to the Department of Human Resources as long as a signed authorization to release the information is provided.

In exceptional situations where additional information beyond the standard electronic verification is required, the employee should submit the request along with a signed release form to the Department of Human Resources.

11.2 Employee Identification

Full-time and part-time employees require identification through use of an identification card that is provided at no expense to the employee. The I.D. card will be issued by the Department of Human Resources on or about the new employee's hire date. Amendments or changes to an already issued I.D. card shall be initiated by the agency on behalf of the employee. Upon termination, the I.D. card is to be returned to the employee's supervisor, who in turn shall return it promptly to the Department of Human Resources.

Employees may be issued certain items such as badges, uniforms, equipment, and tools. These items are considered the property of the County and must be returned to the employee's immediate supervisor upon termination or movement into another position. Payment for such equipment may

be withheld from the employee's final pay if settlement is not resolved prior to the date of the final paycheck.

11.3 Personal Information

It is the employee's responsibility to update their personal information in Oracle when changes occur. Changes to information such as name, mailing address, telephone number, marital status, disability status, residency, name of person to contact in case of emergency, must be made in the HRMS/STEP system. Name changes and/or corrections to Social Security numbers must include a copy of the employee's Social Security card with the name and Social Security number matching what is submitted. This information should be attached as "Additional Information" when submitting the change through the HRMS/STEP system.

Since the County, at times, sends information to an employee's home through the United States Postal System, it is imperative that home mailing addresses be kept up to date by the employee. Any problems occasioned by the County's use of out-of-date information are the responsibility of the employee if corrections or updates have not been initiated by the employee.

SECTION 12: Part-Time Employees

12.1 Part-time Employees

The Personnel Rules and Regulations set forth in this section are for the administration of part-time employees hired in authorized positions. Part-time employees are persons employed to regularly work for less than 40 hours weekly.

A. Compensation

Persons employed on a part-time basis in an authorized position as defined in the Glossary will be placed in the part-time compensation plan with a pay grade equal to that of full-time employees in same or similar classifications. Their pay will be prorated based on the standard hours worked each week. Persons employed on a part-time basis may not work more than 40 hours per workweek.

B. Benefits

Eligible part-time employees may elect County health care coverage at group rates at their own expense. If part-time employees work 30 or more hours per workweek, the County contributes toward health care premiums as if they were permanent full-time employees. Part-time employees working 20 or more hours per workweek may also elect to participate in dental, short-term disability/income protection, pre-tax, or deferred compensation programs. Employees who have worked at least 1,250 in the past 12 months may be eligible for protections available under the Family and Medical Leave Act (see Section 8.19).

Additional information about benefits for part-time employees can be found on the Department of Human Resources' website (http://www.co.henrico.va.us/hr/benefits/pt_benefits.html).

C. Eligibility for Leave

- Persons on a part-time basis in authorized positions are eligible to earn annual and sick leave in proportion to their actual scheduled hours of duty. The rate of accrual for annual leave is based on years of service in the same manner as eligible full-time employees.

Years of Service	Hours Worked per Payperiod*								
	40 to 59 hours			60 to 79 hours			80 hours		
	Annual	Max	Sick	Annual	Max	Sick	Annual	Max	Sick
Less than 5 years	2.0	104	2	3.0	156	3	4.0	208	4
5 but less than 10	2.5	130	2	3.75	195	3	5.0	260	4
10 but less than 15	3.0	156	2	4.5	234	3	6.0	312	4
15 but less than 20	3.5	182	2	5.25	273	3	7.0	364	4
20 but less than 25	4.0	208	2	6.0	312	3	8.0	416	4
25 or more years	4.5	234	2	6.75	351	3	9.0	468	4

**Part-time employees working less than 20 hours per week do not accrue annual or sick leave.*

2. Part-time employees are eligible for other types of leaves of absence on a pro-rated basis provided they meet all requirements for the particular leave. The chart below identifies these. Section 8 provides further information relevant to each of these leave types.

Type of Leave	Eligible
Administrative Leave	Yes
Adoption Leave	No
Annual Leave	Yes
Bereavement Leave	Yes
Bone Marrow/Organ Donation Leave	No
Civil Leave	Yes
Compensatory Leave	Yes
Conference Leave	Yes
Educational Leave	Yes
Extended Leave Pool	No
Family and Medical Leave	Yes
Holiday Leave	Yes
Injury Leave	Yes
In-service Training	Yes
Leave Without Pay	Yes
Military Leave	Yes
Sick Leave	Yes
Suspension	Yes
Workers' Compensation Leave	Yes

12.2 Transferring from Full-time to Part-time

If an employee transfers from a full-time assignment to a part-time assignment, the employee should receive a full explanation of how the change may impact their hours or benefits. In all situations, the manager/supervisor, in consultation with the Department of Human Resources, should insure that the employee understands the impact of the change in benefits and leave prior to requesting the change. The agency must submit an online P-3 requesting that the change be made.

- A. Employees eligible for paid leave who transfer from a full-time to a part-time assignment category will be treated in the following manner:
1. All annual, holiday, sick, and compensatory leave balances will be transferred in proportion to the number of hours that the part-time position carries (for example, those employees whose part-time position is scheduled at 20 hours per week, or 1/2 time, will carry over 1/2 of their accumulated leave balances; or those working 30 hours, or 3/4 time, will carry over 3/4 of their accumulated leave balances).
 2. Any remaining annual leave not transferred will be paid to the employee at the time of the change in status. Unused holiday leave not transferred will be paid to non-probationary employees.
 3. Any remaining sick or compensatory leave not transferred will be forfeited and stricken from the records.

4. If the employee should transfer back to a full-time status within 90 days, the forfeited sick and compensatory leave balances will be reinstated.
- B. The employee should be advised of applicable changes in benefits, including but not limited to, the following:
1. In order to continue health care coverage, the employee must pay the total premium if their standard work schedule is at less than 30 hours per work week.
 2. The employee will no longer be covered under the Virginia Retirement System (VRS).
 3. The employee will no longer have life insurance under VRS.
 4. The accrual of sick, annual, and holiday leave will change.
 5. The employee will be paid the applicable prorated annual leave balance and will forfeit any applicable prorated sick and compensatory leave balances.

SECTION 13: Performance Appraisal

13.1 Purpose of Performance Appraisals

The performance appraisal system is designed to serve as an assessment tool for the employee's past performance; to provide employees with specific and clear goals they must attain to receive an *Acceptable* or better performance rating; and to encourage and improve communication between employees and their supervisors.

13.2 Performance

Supervisors/managers have the responsibility of evaluating employees on the County's competencies and behavioral anchors. It is recommended that these competencies and behavioral anchors be discussed with the employee at the beginning of the evaluation period. After the evaluation period is completed, it is the supervisor/manager's responsibility to evaluate the employee's performance based on these competencies and behavioral anchors and to discuss the evaluation with the employee. Employees who have reached step 26 of the pay range will continue to be evaluated at least annually for performance only. Agency heads shall ensure each employee in his agency is evaluated at least annually using the County's Performance Appraisal System.

13.3 Types of Performance Appraisal

Every employee must be evaluated at least annually. There are five types of performance appraisals that are used with employees depending on various circumstances:

- A. **Annual**—covers approximately 26 payperiods. These evaluations normally occur during the months of March, April, and May of each year.
- B. **Conditional**—covers the 12-month period after a promotion, transfer, demotion, disciplinary action, or documented performance problems.
- C. **Extended**—used to lengthen an evaluation period until a later date.
- D. **Interim**—This evaluation is recommended at any point during an evaluation period, but is not required.
- E. **Probationary**—covers the initial probationary period for a new hire in any position. Probationary evaluations may be extended by the agency head (with approval of the Director of Human Resources).

13.4 Competencies

All employees are evaluated on the following competencies:

- 1. **Communication:** Developing and maintaining positive relationships
- 2. **Results Driven:** Understanding and attaining organizational goals and objectives
- 3. **Serving Customers:** Anticipating and fulfilling the needs of internal and external customers

4. **Leading and Influencing:** Motivating, persuading, and supporting others to accomplish team and organizational goals
5. **Technological Literacy:** Ability to use, understand, and manage technology appropriate for job function
6. **Understanding the Business of Henrico County:** Recognizing and aligning actions with Henrico County's purpose and mission
7. **Personal Accountability:** Planning, organizing, and managing your own time and work. Behaving in an ethical, honest, and trustworthy manner
8. **Managing and Transferring Knowledge:** Effectively sharing ideas, knowledge, or experience with others in order to meet organizational goals
9. **Functional Expertise:** Knowledge and skills necessary to perform a particular type or level of work activity.

The behavioral anchors for both employees and supervisors associated with each of the competencies for both employees and supervisors can be found on the Department of Human Resources' website at <http://www.co.henrico.va.us/hr/edt/competencies.html>.

13.5 Eligibility for Merit Increase

All performance appraisals conducted require the use of the County's core competencies. Employees must receive an acceptable or better rating on their annual performance appraisals in order to be eligible for a merit increase. Employees hired after April 30 will not be eligible for a merit increase in the next fiscal year.

13.6 Review and Approval of Performance Appraisals

The appraisal is not considered complete until 1) the supervisory chain of command, including the agency head, has approved it, and 2) the employee has reviewed the appraisal, had the opportunity to make any comments about the appraisal, and has had a face-to-face meeting with their supervisor regarding the appraisal. The employee's completion of the electronic performance appraisal process does not necessarily indicate agreement with the appraisal—it just completes the process. Employees may include comments within the appraisal itself or in a memorandum form.

The final authority with respect to performance appraisal shall rest with the agency head. No performance appraisal shall be final unless and until the agency head approves the appraisal. A supervisor's appraisal of an employee may be amended by the agency head in his sole discretion.

13.7 Performance Issues

If an employee is having performance problems, the supervisor/manager should alert him of such difficulties and discuss ways for improvement. This counseling/coaching is not considered disciplinary, but merely is a means to advise an employee of a performance problem so that it may be corrected.

- A. **Probationary Employees:** All new employees serving a probationary period are considered to be in a "learning capacity." During the probationary period, supervisors/managers should take special notice of progress made in learning duties and responsibilities of the position. Interim evaluations

may be used. The probationary evaluation of the employee will be carried out near or at the end of the probationary period.

An employee may be discharged at any time, with or without cause, during the probationary period. Prior to dismissing a probationary employee, the agency head shall discuss with the Director of Human Resources or his designee the proposed dismissal and the reason for the proposed dismissal.

If the employee's performance during the probationary period [is less than acceptable], the probationary period may be extended by the agency head (with the approval of the Director of Human Resources). Such an extension is typically granted only when there is a reasonable expectation that the additional period will result in acceptable or better performance.

- B. **Non-probationary Employees:** Even with the required acceptable probationary period behind them, some employees will occasionally fail to meet or sustain acceptable standards of performance and behavior. If the supervisor/manager determines and the agency head agrees that the employee is not performing satisfactorily, the employee will be considered to be in a conditional status. The performance appraisal may also be extended with the expectation that acceptable or better performance will be realized. Protracted less than acceptable performance may be cause for dismissal.

If the supervisor determines, with the agency head's support, that the employee is not performing at an acceptable or better level or not making good progress in his job duties, the employee may be dismissed. Prior to dismissing an employee, the agency head shall discuss with the Director of Human Resources the proposed dismissal and the reason for the proposed dismissal.

SECTION 14: Employee Relations

14.1 Discipline

It is the responsibility of each supervisor to endeavor to maintain consistent, fair, and high standards of discipline. There are several acceptable disciplinary actions below which can be used in a progressive manner depending on the nature and seriousness of the problem. Before an employee may be disciplined, the agency head or his designee shall provide the employee with an explanation of the County's evidence and an opportunity to present the employee's side of the story.

- A. **Written Reprimand:** A reprimand reduced to writing documenting the offense and recommending a disciplinary course of action. A copy must be given to the employee and a copy sent to the Department of Human Resources for inclusion in the employee's official personnel record. In addition, copies of the written disciplinary action also should be retained by the supervisor/manager. A Departmental Status Report may be used for this purpose.
- B. **Suspension:** The removal of the employee from job duties for a specified period of time. Suspensions must be documented in the official central personnel record, recommended by the immediate supervisor/manager, and reviewed and approved by the agency head, or designee.

Prior to suspending an employee, the agency head shall notify the Director of Human Resources, or his designee, of the proposed suspension and the reason for the proposed suspension.

All suspensions are without pay and require submission of the electronic Personnel Action Request form (P-3) to the Department of Human Resources. The County reserves the right to stop an employee's direct deposit following a disciplinary situation. The length of the suspension will depend on the seriousness of the offense; however, in no case shall an employee be suspended for a period in excess of one (1) year. A suspension can be immediate or scheduled when it will be most effective. For example, a Tuesday may have greater disciplinary effect than a Friday.

Suspensions of more than 10 hours in a given payperiod will result in the loss of the accumulation of sick and annual leave for that payperiod. Other benefits will continue if sufficient income is received to cover deductions.

Exempt employees may be suspended for less than one full workweek in certain situations. Employees may be suspended without pay pending the outcome of an administrative investigation of the facts underlying the suspension. Where the employee is charged with a criminal act, the outcome of the criminal case will not necessarily affect the outcome of the administrative investigation or the employment status of the employee.

- C. **Reduction in Pay:** Movement to a lower step within the same grade as approved by the agency head and the Director of Human Resources.
- D. **Demotion:** Movement from one job classification to another with a lower grade approved by the agency head and the Director of Human Resources. If the demotion is specified as temporary, the length of the demotion shall be given.

If a demotion occurs due solely to the employee's less-than-satisfactory performance as documented in the annual or special performance appraisal, then such demotion is considered non-disciplinary.

- E. **Dismissal:** Prior to dismissing an employee, the agency head shall notify the Director of Human Resources, or his designee, of the proposed dismissal and the reasons for the proposed dismissal.

Examples of reasons for dismissal include, but are not limited to, the following:

1. **Neglect of Duty:** Includes flagrant or repeated poor performance; noncompliance with applicable rules, laws and regulations; loafing or sleeping on the job; misuse or abuse of time during work hours, job abandonment or working a secondary job without advance written approval.
2. **Unauthorized or Excessive Absences:** The use of paid or unpaid hours away from the workplace which are so frequent, numerous and/or irresponsible as to impair the agency's functioning (See Section 14.2 D).
3. **Drugs/Alcohol:** Refusal of testing or testing positive for illegal drugs or alcohol.
4. **Intoxicated/Drugged:** Reporting to work under the influence of intoxicants or drugs; possession or use of intoxicants or drugs while on duty—including the period between the time when the employee initially reports to work to the time when the employee finally leaves work at the end of his shift—inclusive of all breaks and meals, without regard to whether the break and/or meal is taken in or outside of the workplace.
5. **Insubordination:** Examples: Delayed action or refusal to perform assigned duties, delayed action or refusal to comply with a direct order of a superior, use of physical violence or offensive/profane language to a superior, co-worker, or the public, or open defiance.
6. **Gross Violation of Acceptable Behavior:** Any activities disrupting job duties or normal work routine; creating a risk of danger to the safety of others; provoking, instigating, or participating in a fight on duty or on County property; failure to promptly report receipt of an overpayment and/or failure to reconcile a debt of the employee to the County; failure to be truthful and honest either by commission or omission; failure to display responsible behavior or act responsibly in the workplace.
7. **Misuse of County Property:** Negligence in the care and handling of County property, unauthorized or inappropriate use of County property or equipment, intentional abuse or destruction of County property, theft of County property, or of another employee's property.
8. **Misuse or negligence concerning personal information:** Negligence in the care, handling, dissemination, and destruction of, or the misuse of, personal information including but not limited to names, addresses, phone numbers, e-mail addresses, dates of birth, social security numbers, driver's license numbers, credit card numbers, bank account numbers, and alien registration numbers, of employees or members of the public.
9. **Falsification of Information:** Falsification of personnel records, timecards, or any other County or employee record or report.
10. **Incompetence:** Incompetence in the performance of required job duties.

11. **Conviction:** Of a felony, sex offense, offense involving moral turpitude, serious misdemeanor or other related offenses, or failure to notify supervisor/manager within 5 calendar days after such conviction.
 12. **Physical or Mental Capacity:** Failure to perform prescribed duties in an adequate manner.
 13. **Changes in Position Requirements:** Which make it impossible for the employee to perform his job duties.
 14. **Unlawful Discrimination:** Sexual harassment or any other unlawful discriminatory conduct, actions or words, inconsistent with sound merit principles.
 15. **Weapons:** The possession of any weapon(s) by an employee is prohibited in the County workplace. This does not apply to those sworn law enforcement officers, correctional personnel, or security personnel who are specifically authorized by their respective agencies to possess weapons to fulfill their duties.
 16. **Conduct Unbecoming a County Employee.**
 17. **Violating the Public Trust—including breach of confidentiality.**
 18. **Civil or Criminal Offense:** Where merits of the case are reviewed and point to guilt.
 19. **Extended Absences:** Either with or without pay (unless required by the FMLA or ADA).
 20. **A record of less than “Acceptable” performance.**
 21. **Operating County vehicular equipment without a valid operator’s license.**
 22. **Any acts of misfeasance, malfeasance or nonfeasance.**
- F. **Miscellaneous:** A supervisor/manager should consult with his Agency Head, or his designee, prior to disciplining an employee. The Director of Human Resources, or his designee, should be contacted in advance of any employee suspension or dismissal, providing him with the proposed discipline and the reason for such discipline.

Following any disciplinary action, except dismissal, the employee is automatically placed in a conditional status for twelve months.

Any written material will not be included in an employee's official file unless the employee is provided with a copy or otherwise is knowledgeable, or should have been knowledgeable, of its existence.

14.2 Job Practices

- A. **Secondary Employment:** Without prior written approval, no employee shall engage in any other employment or work either within or outside of the County or to an extent that affects, or is likely to affect, his usefulness as an employee of the County. This includes, but is not limited to, employment or work with any and all private or public businesses or organizations including Henrico County. Secondary employment also includes selling and or delivering services or products during work hours. The maximum number of hours allowed for all secondary employment is 30 hours per week for full-time employees. Some County agencies may limit total secondary employment to a lesser maximum. The County Manager has the authority to make exceptions.

Any employee wishing to engage in secondary employment shall submit a request to his agency head in advance of such employment using the County's Secondary Employment Request Form. Failure to do so may be cause for disciplinary action up to and including termination. Once approved, secondary employment approvals may be rescinded by the agency head or Director of Human Resources for good cause. Copies of forms, approved or denied, shall be sent to the Department of Human Resources for inclusion in the employee's official personnel file.

When illness or injury prevents an employee from performing fully his or her duties and responsibilities, approval of the secondary employment is automatically rescinded until the employee returns to work on his primary job. Requests for secondary employment while recuperating will be evaluated by the Director of Human Resources or designee. When the employee is not meeting performance expectations such as attendance or competency in the performance of duties, approval of secondary employment may be rescinded.

- B. **Hatch Political Activity Act:** Under the Hatch Political Activity Act, 5 U.S.C. §§1501 through 1508, officers and employees of a local government (such as the County) whose principal employment is in connection with an activity financed in whole or in part by loans or grants made by the United States or a federal agency are prohibited from using their influence to affect the result of an election, attempting to coerce or advise another County employee to make a political contribution, or being a candidate for public office in a partisan election. For additional information, contact the Department of Human Resources or the County Attorney's Office.
- C. **County vehicles, materials, uniforms, badges, equipment and/or supplies, or other items** used by or assigned to a County employee are for official County business only. Any unauthorized or inappropriate usage is strictly prohibited and will be dealt with as County policy and/or the law provides. Any and all of these items shall be returned to the County prior to the employee's date of separation.
- D. **Attendance:** Attendance is an essential function. Employees are expected to regularly, consistently, and predictably work their assigned work schedule. Leave (both paid and unpaid) is not intended for use of the employee to regularly reduce their work schedule.

14.3 Employee Service Awards

The intent of the County's Employee Service Awards Program is to recognize employees for their dedicated service to the County and its residents; to impress upon each employee that his service to the County plays an important role in achieving the overall goals of County government; and to encourage career employment in public service with the County of Henrico.

A. **Eligibility:** Employees in all authorized positions as defined in the Glossary (full-time and part-time) and who are paid through the County's HRMS/STEP system are eligible for the County's employee service awards program.

B. Computation

1. Awards shall be made based on continuous service with the General Government of Henrico County. Employees who have transferred from Henrico County Schools must meet the same criteria prior to and after the transfer in order to receive continuous service recognition. Employees who have transferred from the Henrico County Public Schools should refer to Appendix D.

2. Employees will be eligible to receive awards after the completion of each 5-year interval of service beginning with year 10 (for example, 10 years, 15 years or 20 years).
3. Effect of reinstatement on continuous service: Employees returning to the County's service shall be credited for prior eligible County service provided they are reinstated within 6 months from their date of separation and provided the separation was voluntary and not due to retirement.
4. Effect of transfers on continuous service: Transfers made within the various County General Government agencies or divisions shall have no effect on an employee's service date provided there is no break in service.

C. Termination of Service

1. Any break in service for a period longer than 6 months shall eliminate continuous service credit up to the effective date of the break unless such break in service is caused by an authorized leave of absence. Service credit for service awards eligibility shall be given for any approved leave of absence whether with or without pay.
2. Credit for previous service shall not be granted to any employee who is terminated from the County either voluntarily or involuntarily and who is away from the County's service in excess of 6 months.

D. Types of Employee Service Awards

The Director of Human Resources, with the concurrence of the County Manager, will determine the appropriate service award given to employees.

E. Administration

1. Eligible employees will be recognized during ceremonies sponsored by the County Manager and planned/arranged by the Department of Human Resources.
2. The Department of Human Resources shall maintain records of those persons eligible to receive service awards. It shall be the responsibility of the agency head to keep the Department of Human Resources timely informed of any conditions affecting an employee's service credit.

14.4 Gratuities and/or Gifts to County Employees

All employees are required to comply with the State and Local Government Conflict of Interests Act, Chapter 31 of Title 2.2 of the Code of Virginia, as amended, which prohibits County employees from accepting "any money, loan, gift, favor, service, or business or professional opportunity that reasonably tends to influence him in the performance of his official duties." Questions concerning the interpretation or application of this or any other provision of the Act should be directed to the Office of the Commonwealth's Attorney or the County Attorney. Employees who are offered any money, loan, gift, favor, service, or business or professional opportunity should refuse such.

14.5 Equal Employment/Nondiscrimination

A. Equal Employment Opportunity Policy

Henrico County is an equal opportunity employer and is firmly committed to complying with all applicable equal employment opportunity laws. No employee or applicant for employment shall be discriminated against because of race, color, age, religion, gender, national origin, disability or any other characteristic protected by law (except where such is a bona fide occupational qualification). This policy applies to all terms and conditions of employment including recruitment, hiring, promotion, training, assignment, compensation, discipline and termination. As detailed below, this policy also bans harassment. For additional information on the County's EEO policy, see Appendix B (Equal Employment Opportunity Plan).

The County will provide reasonable accommodation consistent with the law to otherwise qualified employees and applicants with a disability and to employees and applicants with needs related to their religious observance. What constitutes a reasonable accommodation depends on the circumstances and thus will be addressed by the County on a case-by-case basis.

B. Policy Against Harassment

It is the policy of the County that all employees enjoy an environment that is free from all forms of discrimination and harassment, including sexual harassment. The County will not tolerate conduct that constitutes or could lead or contribute to harassment.

"Harassment" may include, but is not limited to, offensive comments, gestures, or slurs, email messages, jokes, posters, cartoons, pictures, or drawings that are based on an individual's race, color, gender, religion, age, national origin, or disability or any other characteristic protected by law. Harassment does not require the intent to offend. Thus inappropriate conduct meant as a joke, prank, or even a compliment can lead or contribute to harassment.

"Sexual harassment" is a specific type of harassment that may include, but is not limited to, touching another individual in a sexually suggestive or offensive manner, making sexually suggestive remarks or jokes, making comments about an individual's body, displaying sexually suggestive objects or pictures in the work place or otherwise creating a sexually charged atmosphere in the work place. Sexual harassment also may include threatening or insinuating, either explicitly or implicitly, that another employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that individual's employment.

Additional rules apply to individuals with supervisory authority at the County. No one with a supervisory role may at any time: (1) threaten or imply that an individual's submission to or rejection of a sexual advance will in any way influence a decision regarding that individual's employment, evaluation, advancement, compensation, assignment, discipline, discharge or any other term or condition of employment; or (2) make an employment decision concerning an individual on such a basis.

C. Complaint Procedure

If you believe that you or another individual has been subjected to any conduct of the type described in subsections A or B of this policy, you are urged and expected to report promptly to the County all

relevant facts. You should call 501-7149, which is the number the County has established for responding to such complaints. You may also direct such complaints to Henrico County Employee Relations Manager at 501-4273 or 501-5321.

You should report the conduct regardless of the offender's position at the County and should also report the conduct even if the offender is not employed at the County (for example, an intern, visitor, or vendor). Your prompt reporting is very important so that the County can take action to stop the conduct before it is repeated.

All reports will be followed up on promptly, with further investigation conducted where needed to confirm facts or resolve disputed facts. In conducting its investigations, the County will strive to keep the identity of the individual(s) making the reports as confidential as possible. All participants in the investigation, including the individual making the report and the alleged harasser, must keep the facts and results of any investigation confidential, except as may be needed for investigative or disciplinary purposes. All County employees are required to cooperate in investigations and provide truthful information and evidence.

Appropriate disciplinary action (up to and including termination) will be taken against County personnel found to have violated this Section 14.5.

As an alternative to this complaint procedure, reports of violations of this policy may be raised and handled through the Henrico County Employee Grievance Procedure provided that (1) the reporting party is eligible to file a grievance and (2) the subject matter of the report is grievable, as defined by the Grievance Procedure. (See Appendix E).

D. Policy Against Retaliation

The County will not tolerate threats or acts of retaliation against individuals who report inappropriate conduct pursuant to this policy or provide information in connection with a report by another individual. If you believe you have been retaliated against for such action, you should use the Complaint Procedure outlined above in subsection 14.5(C) to report the relevant facts promptly. The County will investigate and take appropriate action in the manner described above.

14.6 Employee Assistance Program

The County offers an Employee Assistance Program (EAP) to all employees and their families. The County contracts with an outside counseling agency to provide assessment and referral services to employees and their families in areas such as marital problems, difficulty in parent/child relationships, drugs and/or alcohol dependency, mental illness, financial problems, and other areas which can affect the work productivity of employees.

All contact with the contracted agency and all information received will remain strictly confidential. Employees may make arrangements directly with the agency thereby preserving confidentiality and privacy. The employee may elect to use annual or sick leave.

There may be situations in which a supervisor/manager may utilize the EAP as another management tool where it concerns an employee's work performance. The supervisor/manager may require that the employee participate in the Employee Assistance Program if it is determined this may improve work performance. If referred by the supervisor/manager, the visits may not require the employee's sick or annual leave to be charged.

14.7 Computer and Other Information Systems Use Policy

The County's information systems consist of, but are not limited to, all County-owned or leased computer equipment, telephones, printers, copiers, cell/mobile phones, iPads, pagers, personal digital assistants, network devices, software, storage media, data, peripherals and accessories, as well as electronic media and services that the County provides such as e-mail, voice mail, the Internet and Intranet, electronic files, downloads, uploads, and wireless access devices. This policy exists to protect the County from inappropriate use of its information systems, virus attacks, compromises of security, and legal and related issues. The term "User" includes all persons who use or have access to the County's information systems, including but not limited to County employees, independent contractors, consultants, vendors, and other non-employees such as volunteers and interns.

Access is restricted to appropriate individuals as determined by the County. Every attempt should be made to protect vulnerable information on every level. Users must follow general password creation and maintenance protocol, keeping passwords private, protected, and maintained at all times. Electronic communication should be accomplished with the same level of care, professional judgment, and discretion as paper documents. Users should not assume electronic communications are private. Use of the County's information systems is a privilege made available to Users to assist in the performance of their County duties or County business. Limited, occasional use for personal, non-business purposes may be acceptable provided it does not adversely affect the performance of the User's County duties and does not negatively impact the information systems' resources, integrity, or ability to appropriately conduct County business and does not violate this policy, any other County rule, regulation, or policy, or any federal, state, or local law. Individual agencies may create additional policies or guidelines that are consistent with this Computer and Other Information Systems Use Policy. Reference is also made to the technology policies located on the County's intranet and published by the County's Department of Information Technology.

County information systems may not be used by Users to access, create, transmit, print, download, or upload material (including images or text) that is considered abusive, fraudulent, defamatory, obscene, indecent, or sexually oriented, or which may be construed as harassing, threatening, or discriminatory based on race, color, religion, sex, national origin, age, or disability. Nor may County information systems be used for private business or secondary employment. The installation or use of non-County hardware, such as personal computers, personal laptops, flash drives, or wireless access points on the County network is prohibited. Unless necessary for conducting County business, users shall not access private, non-County e-mail accounts from County owned or leased equipment within the County's internal network. Users should not access streaming services unless access to this content is in the interest of County business. This also includes, but is not limited to, viewing video clips, movie trailers, listening to web based music, and playing games from the internet.

The monitoring, auditing, and inspection by the County of any and all information systems may occur at any time, without notice, and without the User's permission in order to ensure compliance with this and other County policies and guidelines. Users shall have no expectation of privacy when using County information systems. Electronic records are considered public records and may be subject to disclosure under the Freedom of Information Act.

Compliance with and enforcement of this policy is the responsibility of each agency head. Violations of this policy or violations of related federal or state law shall be reported immediately to agency heads or their designees and to the Director of Human Resources. Any employee found to have violated this policy or related policies may be subject to disciplinary action up to and including termination of employment. Any violations by employees shall be handled according to the County's *Personnel Rules*

and Regulations. Violations of any applicable Federal, State, or local laws and regulations may be considered a law enforcement matter and subject to prosecution.

14.8 Privacy of Information

Protecting the confidentiality of personal information of employees and members of the public is paramount. Each person who handles forms, reports and/or written or electronic employee or citizen information must treat this information as confidential. Adequate measures should be taken to prevent others from gaining access to this personal information including locking computer screens, locking data in drawers, cabinets or offices, not removing data from the County work site, not saving data to flash drives, compact discs or computer hard drives, and shredding or secure destruction of old data. Each department is responsible for the safekeeping and privacy of all personal information collected on employees and members of the public. Misuse or negligence in handling of such personal information is considered to be a breach of confidentiality and may be grounds for discipline up to and including dismissal.

SECTION 15: Employee Health

15.1 Employee Health Services

- A. Employee Health Services, a division of the Department of Human Resources, provides certain in-house health and wellness services to employees. Medical and health services are provided to certain employees as determined by the Director of Human Resources, which may include physical examinations, treatment for occupational diseases or exposure to hazardous chemicals or conditions, and on-the-job injuries or illnesses. The intent of the Employee Health Services program is to provide an overall health and wellness program to employees, but is not intended to replace employees' personal physicians.
- B. There may be times when an employee or group of employees, by the nature of their job or job assignments must undergo certain medical examinations and/or tests for their own safety and the safety of others. Such examinations and/or tests shall be restricted to only those which are directly related to the safe performance of their job and to maintain the general health and well-being of such employee as well as other County employees and the public with whom they are or may have been in contact. The determination as to the type of employee examinations and/or tests will be made by the Director of Human Resources in consultation with appropriate medical staff of the County's Employee Health Services division in conjunction with and supervised by a medical doctor (M.D.). The costs for such examinations and/or tests will be borne in full by the County of Henrico. Failure of an employee to submit to such required examinations and/or tests ordered or administered by the County, including failure to complete a required medical questionnaire, may provide just cause for disciplinary action to be taken against that employee, up to and including dismissal.

15.2 Smoking Policy

The County of Henrico is committed to providing a safe and healthy business environment for employees, citizens and other users of County facilities. Accordingly, all County-owned and County-leased buildings over which the County Manager has control, shall be smoke-free including private offices. For purposes of this policy, this also shall include County-owned vehicles.

Accordingly, smoking will be permitted outside only. Smoking shall also be discouraged at or near "main" entrances to County-owned and County-leased buildings where the public normally enters and exits.

15.3 AIDS Policy

The County of Henrico shall not illegally discriminate in its employment or personnel practices against persons who have Acquired Immune Deficiency Syndrome (AIDS), are infected with the Human Immunodeficiency Virus (HIV), or are perceived to have any of the above conditions, hereinafter collectively referred to as AIDS.

The County shall treat employees who have AIDS similar to those having any other life-threatening illnesses, which are not normally transmitted by casual contact in ordinary social or usual occupational settings. So long as such employees are medically and physically able to perform their jobs in a

satisfactory manner and do not pose a danger to their own health and safety nor to the health and safety of others, they shall be permitted to work.

Coworkers shall have no valid basis upon which to refuse to work or withhold their services for fear of contracting AIDS by working with or near an AIDS-infected person. Therefore, employees who engage in such refusals to work or withholding of services, or who harass or otherwise illegally discriminate against an AIDS-infected employee shall be subject to disciplinary action.

If an employee has, or is believed to have had, an on-the-job or occupational exposure to blood or body fluids, the employee shall be initially seen by the Employee Health Services Division of the County's Department of Human Resources. If the work-related exposure occurs outside the normal hours of operation for Employee Health Services, the employee may be evaluated at a local hospital emergency room that has been authorized by the County. The facts related to such reported exposure will be reviewed and an informed medical decision shall be made as to the medical necessity for HIV antibody testing. Such testing, if deemed necessary by the County, shall be at the County's expense. However, should the employee choose not to be initially examined by the County's Employee Health Services Division, the medical costs associated with a visit or examination, including medical testing, shall be the responsibility of the employee.

It shall be the County's responsibility to make available necessary protective garments and equipment to employees who are at risk of occupational exposure to AIDS to facilitate the safe performance of their jobs.

The County shall take all reasonable steps to ensure strict confidentiality of information relating to employees known or perceived to have contracted AIDS, or who are at risk of developing AIDS. Because it is recognized that many employees may have concerns about AIDS, the County shall make available pertinent educational materials and counseling about AIDS, as well as provide names and addresses of community resources.

15.4 Drug and Alcohol Policy and Regulations

A. Purpose

The County of Henrico recognizes that drug and alcohol abuse are serious problems across America. It is, therefore, the goal of the County to establish and maintain a safe and healthy drug- and alcohol-free workplace for its employees, and to protect the safety of the public by providing the highest quality of service.

The County is committed to assisting employees who may be experiencing problems with drugs or alcohol. Employees with such problems are encouraged to seek counseling or other treatment prior to disciplinary or performance action being taken. The County's desire to assist employees does not relieve the County of its responsibility to maintain a drug- and alcohol-free workplace.

The use of alcohol, illegal drugs, or the misuse of prescription drugs is not acceptable in the County workplace. Such behavior seriously affects job performance and can create a danger to the public and co-workers. In addition, the use of illegal drugs is not acceptable at any time or place. The policy and regulations pertaining to a drug- and alcohol-free workplace must be followed by all County employees.

B. Policy and Regulations

1. The County of Henrico maintains a drug-and alcohol-free workplace for all of its employees. "Workplace" is defined in the Glossary of these Rules and Regulations.
2. Any drug or alcohol test that results in a "positive" reading will be subject to the County's Drug and Alcohol Policy and Regulations.
3. No employee shall unlawfully manufacture, distribute, dispense, possess, or use on or in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance, as defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. §812) and as further defined by the Code of Federal Regulation (21 CFR §§1300.11 through 1300.15).
4. As a condition of employment, each employee shall notify his supervisor of his conviction of any criminal drug law no later than five (5) days after such conviction.
5. As a condition of employment, each employee shall abide by the terms of the County's policy and regulations respecting a drug- and alcohol-free workplace.
6. The possession and/or consumption of alcohol and/or illegal drugs in the workplace are prohibited. This prohibition covers the entire period between the time when the employee initially reports to work to the time when the employee finally leaves work at the end of his shift inclusive of all breaks and meals, without regard to whether the break/meal is taken in or outside of the workplace.
7. Violation of this policy and regulations will result in appropriate disciplinary action up to and including termination.
8. For purposes of maintaining a workplace free of drugs and alcohol, the County of Henrico reserves the right to search all County workplaces, as defined in the Glossary of these Rules and Regulations.
9. Employees who have separated from County employment as a result of a positive drug and/or alcohol test will not be entitled to re-employment except in certain circumstances as determined by the Director of Human Resources.
10. All employees are subject to reasonable suspension and post-accident drug and alcohol testing. (See Section 15.4 (F))

C. Drug Testing

1. **Reasons for testing:** Drug tests may be required in the following cases:
 - a. When an applicant for a County position, critical to the safety and security of employees or the public, has been given a conditional offer of employment subject to a negative drug test result.

- b. When an employee in a County position critical to the safety and security of employees and/or the public has been selected for a random drug test by a computer-based program. The percent of employees to be randomly tested as well as the computer-based program employed shall be determined by the Director of Human Resources in his sole discretion.
- c. When there is reasonable suspicion (as explained in Section 15.4(E)) that a County employee, regardless of position, is under the influence of illegal drugs.
- d. When a County employee has been authorized to return to work at the recommendation of the County's Medical Review Officer and the Director of Human Resources after testing positive for drug use and after referral to the Employee Assistance Program.
- e. When an employee has been referred to the Employee Assistance Program because he is seeking assistance due to drug use.
- f. Commercial Driver's License Holders: As required by the Omnibus Transportation Employee Testing Act of 1991 and implementing regulations of the Office of Drug & Alcohol Policy & Compliance, and the Federal Highway Administration (49 CFR, Parts 40 and 382, et. al.) all employees and applicants who hold or are offered a position that requires a Commercial Driver's License (CDL) as a condition of employment and continued employment will be tested for drugs under the following conditions:
 - 1) Pre-employment
 - 2) Random
 - 3) Post-accident:
 - a) The employee receives a citation.
 - b) A fatality or injury treated away from the scene has occurred.
 - c) One or more vehicles are towed.The employee should be promptly tested for both drugs and alcohol (within 2 hours).
 - 4) Reasonable suspicion.
 - 5) Return to work after positive test and follow-up.

2. Refusal to Submit to Drug Test

Refusal by an employee to submit to a drug test immediately when requested will be considered a positive test result. A refusal is defined in 49 CFR Part 40 and includes, but is not limited to, failure to appear for testing for any reason, leaving the testing site without prior notice acceptable to the County, or failure to complete and sign an authorization and consent form.

3. General Procedures

- a. The County's drug testing program will be administered in accordance with the Department of Transportation Federal Highway Administration Regulations (hereinafter referred to as "DOT/FHWA") and the Drug-Free Workplace Act of 1988, and 49 CFR Part 40, as amended. Detailed provisions are listed in the DOT/FHWA regulations regarding collection, labeling, and transporting the sample. Specific requirements regarding confidentiality are also included. Urinalysis will be used for the detection of controlled substances. All employees tested will be required to sign an authorization and consent form releasing the information to the employer. The testing of the sample will be performed by a laboratory approved by the National Institute on Drug Abuse (NIDA), including a NIDA panel screening with gas chromatography/mass spectrometry (GC/MS) confirmation on all positive tests. The panel includes screening for amphetamines, marijuana, cocaine, opium, and phencyclidine (PCP). The cutoff level for each substance tested for will be consistent with those specified by the DOT/FHWA regulations. The cost for all drug tests ordered will be borne by the County.
- b. Any employee subject to testing under this policy and these regulations will be permitted to provide urine specimens in a manner such that the employee is not observed while actually providing the specimen. If there is reason to believe that the employee has altered or substituted the urine specimen provided, then a second sample shall be obtained under the direct observation of a same gender collection site person. Refusal to submit to any testing, as defined by DOT/FHWA regulations, including failure to appear for testing without prior notice acceptable to the County, will be considered a positive test result and subject the employee to the full range of disciplinary action, up to and including termination; or in the case of an applicant, the withdrawal of a conditional offer of employment.

4. Positive Test Results

- a. When a confirmed positive test result for drugs has been returned by the laboratory to the Medical Review Officer, the tested employee will be given an opportunity to provide to the Medical Review Officer appropriate and corroborated information to demonstrate the confirmed positive test result is from a legally prescribed medication or other ingestion. Evidence to justify a positive test result may include, but is not limited to:
 - 1) A valid prescription; or
 - 2) A written statement from the individual's physician verifying a valid prescription.
- b. Once the Medical Review Officer determines the legitimacy of a positive result, the result will then be considered a verified positive test result. The Medical Review Officer will promptly and confidentially notify the Director of Human Resources in writing of the verified positive test result and the employee must be evaluated by a substance abuse professional. If the positive test result is the employee's second positive, then the test will be grounds for immediate termination. If the test result is positive for probationary employees and those listed under the Sheriff's Office and the Divisions of Police and Fire in Section 15.4(F), the positive test will be grounds for immediate termination.

- c. The employee may submit a written request for a retest of the original specimen within 72 hours of being notified by the Medical Review Officer. The retest will be at the employee's expense.
- d. A positive test result will subject the employee to the full range of disciplinary action up to and including termination. A positive test finding of illegal drug use in the case of an applicant will result in the withdrawal of a conditional offer of employment.

5. Discipline

- a. Positive drug test results for County positions determined to be critical to the safety and security of employees and/or the public for purposes of this policy and as listed in Section 15.4(F) will be grounds for immediate termination.
- b. Positive drug test results for all supervisory personnel will be grounds for immediate termination.
- c. Positive drug test results for probationary employees will be grounds for immediate termination.
- d. Positive drug test results for applicants will result in withdrawal of offer of employment.
- e. Positive drug test results for all employees not covered above will result in:
 - 1) **First positive test:** suspension, followed by referral through the County's Employee Assistance Program to Substance Abuse Professional (SAP) for evaluation, participate in recommendations of SAP, re-test when released to return to work by SAP with negative test results, unannounced re-tests a minimum of 6 times in the first 12 months and continued testing for up to 60 months.
 - 2) **Second positive test:** termination.

6. Substance Abuse Referral/Return to Work

- a. Before being allowed to return to work, an eligible employee shall have followed all instructions provided by the Department of Human Resources, including but not limited to the following:
 - 1) received an evaluation from the substance abuse professional;
 - 2) stopped using illegal drugs;
 - 3) successfully participated in an approved rehabilitation program required by the substance abuse professional; and
 - 4) taken a return-to-duty drug test with a negative result
- b. Upon release to return to work, the employee will be subject to a minimum six (6) unannounced re-tests in the first 12 months and continued testing for 60 months.
- c. Failure to comply with any and all of the above will be the basis for discipline up to and including termination.

7. Confidentiality

The laboratory may disclose laboratory test results only to the Medical Review Officer. Any positive result which the Medical Review Officer justifies by acceptable and appropriate medical or scientific documentation to account for the result as other than the intentional ingestion of drugs will be treated as a negative test result and may not be released for purposes of identifying drug use or misuse.

All drug testing information specifically relating to employees and applicants is confidential and should be treated as such by anyone authorized to review such information. The Director of Human Resources shall maintain all applicable records in accordance with DOT/FHWA regulations.

All records and information of any personnel actions involving an employee with positive test results shall be maintained in confidential and secured files in the Department of Human Resources and disseminated only to authorized individuals on a confirmed "Need to Know" basis as determined by the Director of Human Resources in accordance with applicable DOT/FHWA regulations. Employees who are in a suspension status or who have tested positive for drugs may not have the same FMLA job status protection as other employees.

D. Alcohol Testing

1. **Reasons for testing:** Alcohol tests may be required in the following cases:
 - a. When there is reasonable suspicion (as explained in Section 15.4(E)) that a County employee, regardless of position, is under the influence of alcohol.
 - b. When a County employee has been authorized to return to work at the recommendation of the County's Medical Review Officer and the Director of Human Resources after testing positive for alcohol use and after referral to the Employee Assistance Program.
 - c. When an employee has been referred to the Employee Assistance Program because he is seeking assistance for alcohol use.
 - d. Commercial Driver's License Holders: As required by the Omnibus Transportation Employee Testing Act of 1991 and implementing regulations of the Office of Drug & Alcohol Policy & Compliance, and the Federal Highway Administration (49 CFR, Parts 40 and 382, et. al.), any employee who holds a position that requires a Commercial Driver's License (CDL) as a condition of employment and continued employment will be tested for alcohol under the following conditions:
 - 1) Random.
 - 2) Post-accident— The employee should be promptly tested for both drugs and alcohol (within 2 hours).
 - a) The employee receives a citation.
 - b) A fatality or injury treated away from the scene has occurred.

- c) One or more vehicles are towed.
 - d) A pattern of two or more accidents in a five-year period.
- 3) Reasonable suspicion.
 - 4) Return to work after positive test and follow-up.

2. Refusal to submit to alcohol test

Refusal by an employee to submit to alcohol tests immediately when requested will be considered a positive test result. A refusal is defined in 49 CFR Part 40, and includes, but is not limited to, failure to appear for testing for any reason, leaving the testing site without prior notice acceptable to the County, or failure to complete and sign an authorization and consent form. A positive test result will subject the employee to disciplinary action up to and including termination.

3. General Procedures

- a. The County's alcohol testing program will be administered in accordance with the Department of Transportation Federal Highway Administration Regulations (hereafter referred to as DOT/FHWA) and the Drug-Free Workplace Act of 1988, and 49 CFR Part 40, as amended. Detailed provisions are listed in the DOT/FHWA regulations regarding collection, labeling, and transporting the sample. Specific requirements regarding confidentiality are also included. All employees tested will be required to sign an authorization and consent form releasing the information to the employer. The cost for all alcohol tests ordered will be borne by the County.
- b. Refusal by the employee to submit to any testing, as defined by DOT/FHWA regulations, including failure to appear for testing without prior notice acceptable to the County, will be considered a positive result and will subject the employee to the full range of disciplinary action, up to and including termination.

4. Positive Test Results

If the results of an employee's alcohol test indicate an alcohol concentration greater than .04, the employee shall be immediately suspended from duty and promptly transported home, pending disciplinary action, up to and including termination.

5. Discipline

- a. Positive alcohol test results for County positions determined to be critical to the safety and security of employees and/or the public for purposes of this policy and as listed in Section 15.4(F) will be grounds for immediate termination.
- b. Positive alcohol test results for all supervisory personnel will be grounds for immediate termination.
- c. Positive alcohol test results for probationary employees will be grounds for immediate termination.

- d. Positive alcohol test results for applicants will result in withdrawal of conditional offer of employment.
- e. Positive alcohol test results for all employees not covered above will result in:
 - 1) **First positive test:** suspension, followed by referral through the County's Employee Assistance Program to Substance Abuse Professional (SAP) for evaluation, participate in recommendations of SAP, re-test when released to return to work by SAP with negative test results, unannounced re-tests a minimum of 6 times in the first 12 months and continued testing for up to 60 months.
 - 2) **Second positive test:** termination.

6. Substance Abuse Referral/Return to Work

- a. Before being allowed to return to work, an employee shall have:
 - 1) received an evaluation from the substance abuse professional;
 - 2) successfully participated in an approved rehabilitation program required by the substance abuse professional; and
 - 3) taken a return to duty alcohol test with a negative result.
- b. Failure to comply with any and all of the above will be the basis for discipline up to and including termination. Upon release to return to work, the employee will be subject to a minimum six (6) unannounced re-tests in the first 12 months and continued testing for 60 months. If the employee is employed by the Division of Police or Fire or the Sheriff's Office as listed in Section 15.4(F), a positive test result after an employee returns to work shall be grounds for termination. Any probationary employee testing positive shall be immediately terminated.

7. Confidentiality

The laboratory may disclose laboratory test results only to the Medical Review Officer. Any positive result which the Medical Review Officer justifies by acceptable and appropriate medical or scientific documentation to account for the result will be treated as a negative test result and may not be released for purposes of identifying alcohol use or misuse.

All testing information specifically relating to employees and applicants is confidential and should be treated as such by anyone authorized to review such information. The Director of Human Resources shall maintain all applicable records in accordance with DOT/FHWA regulations.

All records and information of any personnel actions involving an employee with positive test results shall be maintained in confidential and secured files in the Department of Human Resources and disseminated only to authorized individuals on a confirmed "Need to Know" basis as determined by the Director of Human Resources in accordance with applicable DOT/FHWA regulations. Employees who are in a suspension status or who have tested positive for alcohol may not have the same FMLA job status protection as other employees.

E. Guidelines for Reasonable Suspicion Testing for Drugs and Alcohol

All employees are subject to drug and/or alcohol testing under "reasonable suspicion."

Positive test results under reasonable suspicion testing will be handled in the same manner as random drug or alcohol tests. (See Positive Test Results for drug or alcohol, as appropriate.) An employee shall be required to submit to drug and/or alcohol tests when there is a reasonable suspicion to believe the employee has used or is under the influence of drugs and/or alcohol. A supervisor will make this decision based on "specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, and/or body odors of the employee." When a supervisor, in his judgment, has reason to believe that an employee has used or is under the influence of drugs or alcohol, the supervisor should ask another supervisor to corroborate the observations. The following examples, alone or in combination, may comprise reasonable suspicion. This list is intended to be illustrative, and is not all-inclusive:

- Unexplained inability to perform normal job functions.
- Slurred speech.
- Smell of alcohol or drugs on breath.
- Any unusual lack of physical coordination or loss equilibrium.
- Unexplained hyperactivity or depression and withdrawal.
- Unexplained inability to think or reason at the employee's normal level.
- Unusual or bizarre behavior.

During normal working hours (for purposes of these guidelines, normal working hours are considered 8:00 a.m. to 4:30 p.m., Monday through Friday), if reasonable suspicion is determined, the supervisor shall contact the Director of Human Resources, or his designee, to discuss the observations and to determine the appropriate course of action. If the employee is to be tested, arrangements will be made with the County's designated collection center for the necessary drug and/or alcohol tests. The employee will be transported to the testing site. If reasonable suspicion is confirmed outside of normal working hours, then the supervisor shall arrange to have the employee transported to the approved collection site and contact the Director of Human Resources, or his designee, the next business day to discuss the observations and determine the appropriate course of action.

A written report of the observations leading to the reasonable suspicion test should be done within 24 hours of the observed behavior and, if practicable, before the results of the drug and/or alcohol test is released. All records should immediately be sent to the Director of Human Resources or his designee.

If the employee refuses to be tested, the test will be considered a positive result. The employee shall be immediately suspended from duty and promptly transported home, pending disciplinary action, up to and including termination.

F. Job Classifications Subject to the County's Drug and Alcohol Testing Program

Below is a list of job classifications subject to drug and alcohol testing. This may be amended by the Director of Human Resources:

Classification Title	Applicant Testing		Random Testing		Reasonable Suspicion or "For Cause" Testing		Post-Accident*	
	Drug	Alcohol	Drug	Alcohol	Drug	Alcohol	Drug	Alcohol
All County Employees					X	X	X	X
Employees required to possess a Commercial Driver's License	X		X	X	X	X	X	X
Division of Fire								
Entry Firefighters	X		X		X	X	X	X
Firefighters	X		X		X	X	X	X
All Sworn Supervisory Personnel	X		X		X	X	X	X
Division of Police								
Entry Police Officers	X		X		X	X	X	X
Police Officers	X		X		X	X	X	X
Animal Protection Officers	X		X		X	X	X	X
All Sworn Supervisory Personnel	X		X		X	X	X	X
Communications Officers and Communications Supervisory Personnel	X		X		X	X	X	X
Police Support Technicians (with evidence responsibilities)	X		X		X	X	X	X
James River Juvenile Detention Center**						X		
All Personnel	X				X	X	X	X
Henrico Juvenile Detention Home**								
All Personnel	X				X	X	X	X
Sheriff's Office								
Correctional Deputies	X		X		X	X	X	X
All Sworn Supervisory Personnel	X		X		X	X	X	X

Drug = Drug Test

Alcohol = Alcohol Test

* = If Driving A County Vehicle

**The Commonwealth of Virginia is responsible for pre-employment drug testing.

SECTION 16: HRMS/STEP Transactions

16.1 Payperiods and Paydays

The regular payperiod for General Government employees consists of two standard workweeks—each beginning on a Saturday and ending on a Friday. General Government employees are paid biweekly with payday normally on Friday after the payperiod ends. Overtime worked but not recorded in time for payroll processing should be recorded the following payperiod by updating the timecard for the date the overtime was worked.

16.2 Time Reporting

Recording of leave taken or earned and hours worked is done through the HRMS/STEP system for each two-week payperiod. Time is entered electronically by the employee and approved by the supervisor/manager. Some agencies may request approval to have timecard information for their employees entered by a timekeeper. In all such cases, the Director of Human Resources must approve the method for collecting the hours worked and approving leave taken or earned.

- A. **Submission of Timecards:** It is the responsibility of each employee to submit a timecard that accurately records all hours worked and leave taken for each day of the payperiod. Falsification of a timecard is a disciplinary offense. The timecard must be completed and submitted to the employee's supervisor no later than the end of the payperiod. Failure to do so may result in a delayed paycheck.
- B. **Request for Leave:** For each leave of absence, an employee must submit a corresponding leave of absence request to the supervisor/manager and/or agency head. These leave requests may be done electronically through the HRMS/STEP system or on paper in writing using an alternate method approved by the agency head in consultation with the Director of Human Resources.
- C. **Internal Agency Procedures:** Each agency head is responsible for insuring that accurate timecard information is submitted and approved for each employee through the timecard process. Agency heads are responsible for establishing internal departmental procedures that document specific areas that are unique to the agency. These procedures should identify agency decisions made relating to reporting, submitting and approving hours worked and leave taken, including (but not limited to) requesting and approval for leave, overtime, approval of overtime and compensatory leave, internal deadlines and a list of essential and nonessential employees in the agency. These procedures should be documented and made available to all employees in their agency and must comply with these Rules and Regulations.
- D. **Exception Overtime:** Each agency head must identify and communicate to their employees the conditions under which overtime can be considered as exception overtime.
- E. **Paper Documentation:** If leave requests and timecards are not entered and approved through the HRMS/STEP system, agencies must keep back-up documentation to support what is entered by the agency timekeeper. The data submitted on the time reporting sheet must agree with this back-up time and attendance and leave record. Employees and supervisors are required to verify and sign the agency's time and attendance record.

- F. **Recordkeeping Requirements:** In accordance with state recordkeeping requirements, all documentation supporting the information used for time reporting must be maintained for 5 years after completion of the external audit. Each agency that uses paper leave requests or timecards is responsible for compliance with the Library of Virginia General Schedules for Local Governments in Virginia (http://www.lva.virginia.gov/agencies/records/sched_local/index.htm) General Schedule 2 on Fiscal Records and General Schedule 3 on Personnel Records. Disposal of these records should be done in such a way as to insure the privacy of the information contained.
- G. **Approval of Timecards:** All supervisors/managers are responsible for making sure that they review and approve timecards for employees that report to them by noon on Monday following the end of the payperiod. Likewise, the County Manager shall approve the time reporting sheets of all employees reporting directly to him and the Deputy County Managers shall approve the time reporting sheets of all employees reporting directly to them.

If a timecard is not submitted and approved by the noon deadline on Monday following the end of the payperiod, the employee will not receive a paycheck and a manual check may become necessary. In such cases, the agency may request a manual check by submitting an online P-3 through the HRMS/STEP system to the Department of Human Resources.

- H. **Completing timecards for future payperiods:** Timecards can be completed and saved in the HRMS/STEP system for future time periods; however, these should not be submitted for approval more than one payperiod in advance. Unless the employee has been approved for an extended absence, employees may complete their timecards for the period they will be out and submit them to their supervisor for approval. In all cases, employees should have the appropriate leave available to them at the time the leave is taken—not when the timecard is submitted for approval.
- I. **Retro Adjustments to Timecards:** If there are errors and omissions of time worked or leave used, an employee may correct the error or omission by going back to the incorrect timecard and making the change and then resubmitting the timecard for approval. The employee must include a comment on the revised timecard explaining what was changed and why the change was made. A retroactive timecard can be changed for up to two previous payperiods and will be processed only after the supervisor approves the revised timecard.

If the change is prior to the two payperiods, the department must submit an online P-3 through the HRMS/STEP system.

- J. **Gatekeeper/Timekeepers:** Each agency must have a gatekeeper or timekeeper assigned for each location as well as at least one backup gatekeeper/timekeeper.
- K. **Manual Checks/Payroll Adjustments:** All requests for manual payroll checks must be submitted to the Department of Human Resources using Form P-3 through the HRMS/STEP system.

16.3 Personnel Transactions:

- A. Agency heads are responsible for establishing internal agency procedures to insure compliance with these *Personnel Rules and Regulations*. This includes maintaining accurate and timely information impacting their personnel and positions.
- B. Discrepancies or inaccurate information contained in the HRMS/STEP system should be reported to the Department of Human Resources as soon as they are known.

- C. Any change in pay must be effective at the beginning of a payperiod. No change in pay will be made effective during a payperiod without the written approval of the Director of Human Resources.
- D. When personnel transactions (for example, the employee's pay, position, or job) are necessary, the agency is to submit an online P-3 through the HRMS/STEP system. This request is routed electronically through the supervisor hierarchy for the agency head's approval before being submitted to the Department of Human Resources for final approval.
- E. Changes to positions (for example, funding sources, job duties, working conditions, or requirements,) are to be submitted electronically to the Department of Human Resources through JOBS@work.

16.4 Payroll Deductions

All categories of payroll deductions must be approved by the County Manager and meet one or more of the following requirements:

- A. The deduction must be mandatory under either state or federal law.
- B. The deduction is for a County-sponsored benefits plan.
- C. The deduction is for a single, nonprofit united community fund for distribution to approved cooperative charitable organizations.
- D. The deduction is to encourage employees to save funds or assist employees in obtaining loans with a financial organization owned by, participated in by, and available to all County employees.
- E. The deduction is authorized to enable an employee to reimburse the County for expenses temporarily incurred by the County to the benefit of that employee or due to overpayments of items such as salaries, expenses, or travel funds.
- F. The deduction is for the purpose of enabling an employee to defer or shelter income for taxation advantages through an approved County program available to all employees.
- G. The deduction is for the payment of delinquent Henrico County taxes.

AGENCY HEADS AND KEY OFFICIALS

MANAGER'S STAFF

County Manager
Deputy County Manager for Administration
Deputy County Manager for Community Development
Deputy County Manager for Community Operations
Deputy County Manager for Community Services
Deputy County Manager for Special Services
Assistant to the County Manager for Board Affairs
Legislative Liaison
County Attorney
Director of Human Resources
Director of Internal Audit
Director of Public Relations and Media Services

AGENCY HEADS

Building Official
Chief, Division of Fire
Chief, Division of Police
County Extension Agent
Director of Capital Region Workforce Partnership
Director of Community Corrections
Director of Community Development
Director of Community Revitalization
Director of Finance
Director of General Services
Director of Health
Director of Information Technology
Director of Libraries
Director of Mental Health/Developmental Services
Director of Planning
Director of Public Utilities
Director of Public Works/County Engineer
Director of Real Property
Director of Recreation and Parks
Director of Social Services
Executive Director of Economic Development
Probation Director
Superintendent of Juvenile Detention Facility—Henrico
Superintendent of Juvenile Detention Facility—James River
Superintendent of Schools

JUDICIARY/CONSTITUTIONAL OFFICERS

Circuit Court, Judges
Circuit Court, Clerk
Commonwealth's Attorney
General District Court, Judges
General District Court, Clerk
Juvenile and Domestic Relations Court, Judges
Juvenile and Domestic Relations Court, Clerk
General Registrar
Sheriff

APPENDIX B: Equal Employment Opportunity Plan COUNTY OF HENRICO

I. STATEMENT OF NONDISCRIMINATION

The County of Henrico does not discriminate on the basis of race, color, religion, sex, national origin, age, disability or any other characteristic protected by law.

II. POLICY STATEMENT

Henrico County is an Equal Opportunity Employer. It is committed to the maintenance and promotion of the policy of nondiscrimination by incorporating sound merit principles in all aspects of human resource management affecting its employees and applicants. Human Resource management within the County shall be implemented free from unlawful personnel practices such as discrimination, harassment (including sexual harassment), retaliation, or any other conduct inconsistent with sound merit principles. It shall provide equal employment opportunity to all employees in the competitive service of the County and all applicants for such service on the basis of fitness and job-related qualifications without regard to race, color, religion, national origin, disability, sex, age or any other characteristic protected by law (except where such is a bona fide occupational qualification). In addition, it is the policy of the County that all employees enjoy an environment that is free from all forms of harassment, including sexual harassment. The County will not tolerate conduct that constitutes or could lead or contribute to harassment.

The adoption of this Plan by the Board of Supervisors is a reaffirmation of adherence to and promotion of the policy of nondiscrimination. The guidelines and objectives contained in this Plan are designed to assist the County and its employees to adhere to the policy. Any person employed by the County who fails to comply with this policy is subject to the County disciplinary procedures.

III. SCOPE OF AUTHORITY

Pursuant to the resolution by the Board of Supervisors, County of Henrico, Virginia, to adopt a plan of equal employment opportunity (February 13, 1974, Board Agenda No. 64-74) and to the directives and specifications of federal and state grant programs and contracts, the County has developed and implemented this Plan to protect from discrimination all persons covered in the Policy Statement.

IV. SCOPE OF THE PLAN

This Plan is designed and intended to counter such unsound personnel practices as:

- A. Discrimination against an employee or applicant on the basis of race, color, religion, national origin, disability, sex, age or any other characteristic protected by law.
- B. Lowering the job requirements or performance standards for the purpose of favoring any employee or applicant on the basis of race, color, religion, national origin, disability, sex, age or any other characteristic protected by law.

C. Harassment, including sexual harassment.

1. "Harassment" may include, but is not limited to, offensive comments, gestures, or slurs, email messages, jokes, posters, cartoons, pictures, or drawings that are based on an individual's race, color, gender, religion, age, national origin, disability, or any other characteristic protected by law. Harassment does not require the intent to offend. Thus inappropriate conduct meant as a joke, prank, or even a compliment can lead or contribute to harassment.
2. "Sexual harassment" is a specific type of harassment that may include, but is not limited to, touching another individual in a sexually suggestive or offensive manner, making sexually suggestive remarks or jokes, making comments about an individual's body, displaying sexually suggestive objects or pictures in the work place or otherwise creating a sexually charged atmosphere in the work place. Sexual harassment also may include threatening or insinuating, either explicitly or implicitly, that another employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that individual's employment.

V. DISSEMINATION OF THE PLAN

The Equal Employment Opportunity Policy Statement is available to all employees, applicants and general public on the Human Resources Department's Internet and Intranet sites and is included in the County of Henrico Personnel Rules and Regulations Manual in Appendix B as a part of the County's Equal Opportunity Plan.

The Director of Human Resources will provide copies of the Equal Employment Opportunity Plan to the County Manager, members of the EEO Committee, and to the office of each agency head or separate staff agency for review by employees.

Employees believing themselves aggrieved by noncompliance with this Plan may seek corrective action through the Director of Human Resources (by using the complaint procedure outlined in Section 14.5 of the County of Henrico Personnel Rules and Regulations Manual), the Chairman of the County's EEO Committee, or the County's Grievance Procedure.

In addition, appropriate excerpts of Equal Employment Opportunity plan are included on posters distributed by the Department of Human Resources to all agencies which are placed prominently on bulletin boards within those Agencies.

VI. ADMINISTRATION AND RESPONSIBILITY FOR IMPLEMENTATION OF THE PLAN

The overall responsibility for administering the Plan rests with the Director of Human Resources under the direction of the County Manager. Each County agency head and key official, however, has the significant and continuing responsibility for applying the Equal Employment Opportunity Plan to all activities of his agency and shall be held accountable for results. This shall include supporting and ensuring that employees participate in applicable Equal Employment Opportunity training provided by the County. Additionally, each County employee has the obligation and responsibility to adhere to the Plan. The County Manager, or his designee, shall coordinate such cooperative action as is needed between agencies through the EEO Committee Chair. A continuing appraisal of the Plan shall be made by the Director of Human Resources through periodic review, evaluation, and revision.

Reports of these reviews shall be made by the Director of Human Resources, and distributed to the County Manager.

A. Director of Human Resources

The Director of Human Resources, or his designee, shall be responsible for:

1. Assisting with problems relative to any requirement or provision of the Plan.
2. Receiving, investigating and assisting in the resolution of complaints of discrimination from employees.
3. Developing and implementing audit and reporting systems designed to:
 - a. Measure the effectiveness of the Equal Employment Opportunity Plan.
 - b. Point out deficiencies and needs for remedial action.
 - c. Determine the degree to which goals and objectives have been reached.

B. Agency Heads

Agency heads shall be responsible to see that all levels of supervision in their agency are familiar with the Equal Employment Opportunity Plan and that the intentions and provisions of the Plan are carried out. The agency heads shall be responsible for:

1. Carrying out the administration of the Equal Employment Opportunity Plan.
2. Assisting in resolving problems relating to any requirement or provision of the Plan.
3. Reviewing the agency's employment practices and statistics to determine progress under the Equal Employment Opportunity Plan.
4. Reporting as requested to the Director of Human Resources and the Equal Employment Opportunity Committee concerning the effectiveness of the Plan and the progress of the agency under the Plan.
5. Assist in resolving all complaints which affect their agency.
6. Attending training sessions and ensuring that employees attend applicable Equal Employment Opportunity training sessions provided by the County.

C. Employees

All County employees are responsible for:

1. Seeing that any and all violations of this Plan are brought to the attention of the Director of Human Resources or their agency.
2. Assisting in every reasonable way in resolving complaints that they may be a party to or affected by.

D. Equal Employment Opportunity Committee

An Equal Employment Opportunity Committee of not more than ten (10) members will be named by the County Manager to assist the Director of Human Resources. The Committee shall consist of a cross-section representation of all County employees as the County Manager deems appropriate. Appointments will be made for a term of three (3) years—the terms being staggered so that no more than three (3) members change at any one time. Terms will begin July 1 and end June 30. The County Manager will select a Chair at his sole discretion. Committee members may not succeed themselves. The County Manager may designate ex-officio members of the Committee as he deems appropriate. The Committee will meet at least three (3) times a year.

The Committee shall be responsible for:

1. Reviewing the Equal Employment Opportunity Plan at least once per year and recommending such changes as the majority of the Committee may approve.
2. Periodically reviewing the EEO Plan with the Director of Human Resources to ensure that equal opportunities are maintained for all employees and applicants.
3. Making an annual report on the status of the Equal Employment Opportunity Program with recommendations for improvements to the County Manager.
4. Assisting the Director of Human Resources to interpret the Equal Employment Opportunity Plan to management, employees, and the community.
5. Assisting the Director of Human Resources in providing awareness of Equal Employment Opportunity in the workplace.
6. Receiving training on Equal Employment Opportunity topics periodically.

VII. ACTION-ORIENTED PROGRAMS**A. Recruitment, Referral, Selection, Promotion, and Testing**

A central recruitment office is maintained in the Department of Human Resources where applicants and employees may apply for vacancies.

GOAL	ACCOUNTABILITY	FREQUENCY
1. Post and periodically inspect all posters relating to Equal Employment Opportunities.	Director of Human Resources	Continually
2. Use the phrase "An Equal Opportunity Employer" or EOE in all vacancy notices.	Director of Human Resources Recruitment Manager	Posted weekly

GOAL	ACCOUNTABILITY	FREQUENCY
3. Do not list sex, race, age or other nonmerit factors in job advertisements except where such is a bona fide occupational qualification.	Director of Human Resources Recruitment Manager	Continually
4. Encourage County employees to refer applicants from all groups including minority and women's groups.	Director of Human Resources Agency Heads Supervisors	Continually
5. Inform all job applicants that the County is an Equal Opportunity Employer.	Director of Human Resources Recruitment Manager	Continually
6. Recruit at schools and colleges including those with predominately minority and female enrollments.	Director of Human Resources Recruitment Manager	When appropriate
7. Review the application form to ensure that it contains only job-related questions to eliminate the possibility of discrimination.	Director of Human Resources Recruitment Manager	Continually
8. Application assistance shall be provided when needed.	Director of Human Resources Recruitment Manager	Continually
9. Analyze the flow of applicants through the recruitment and selection process, including reviews of reasons for non-selection.	Director of Human Resources Recruitment Manager	Continually
10. Compile statistical data on applicants by sex and race.	Director of Human Resources Recruitment Manager	Continually
11. Inform employees about potential advancement by posting promotional opportunities.	Director of Human Resources Recruitment Manager	Continually
12. Compile detailed statistical data on County promotions.	Director of Human Resources Recruitment Manager	Continually

GOAL	ACCOUNTABILITY	FREQUENCY
13. Conduct job analyses for proper classification, examination preparation, and validation purposes.	Director of Human Resources Classification and Compensation Manager Recruitment Manager	Continually
14. Review new and existing tests to ensure job relatedness and validity.	Director of Human Resources Recruitment Manager	Continually

B. Classification, Compensation, and Benefits

The Department of Human Resources is responsible for evaluating positions for classification purposes, developing and updating classification specifications including the determination of minimum qualification standards necessary to perform the job satisfactorily, and developing and maintaining a classification plan on a fair and equitable basis. While the accountability for satisfying the goals of this section rests with the Director of Human Resources and agency heads, other supervisory personnel are charged with providing input to their supervisors.

GOAL	ACCOUNTABILITY	FREQUENCY
1. Ensure equal pay for equal work without regard to race, color, religion, national origin, disability, sex, age or any other characteristic protected by law.	Director of Human Resources Agency Heads Classification and Compensation Manager	Continually
2. Review new and existing positions to ensure proper classification and to eliminate any possibility of discrimination.	Director of Human Resources Agency Heads Classification and Compensation Manager	Continually
3. Establish new class specifications and review/ update existing ones in order to provide usable and valid standards in the job classification process.	Director of Human Resources Agency Heads Classification and Compensation Manager	Continually
4. Develop and expand career ladders and opportunities through planning and analysis of the total organizational structure in regard to the classification plan.	Director of Human Resources Agency Heads Classification and Compensation Manager	Continually
5. Use sex-neutral classification titles where possible.	Director of Human Resources Agency Heads Classification and Compensation Manager	Continually

GOAL	ACCOUNTABILITY	FREQUENCY
6. Set qualification standards on the basis of the minimum requirements (i.e., knowledge, skills and abilities) necessary to perform the duties and responsibilities assigned.	Director of Human Resources Agency Heads Classification and Compensation Manager	Continually
7. Provide for a fair and equitable compensation and benefits plan.	Director of Human Resources Agency Heads Classification and Compensation Manager	Continually

C. Training and Development

The County encourages its employees to participate when in-service programs are offered, to pursue courses of study for their self-development in their present positions, and to acquire new knowledge, skills, and abilities to be considered for promotional opportunities in the County government.

GOAL	ACCOUNTABILITY	FREQUENCY
1. Distribute and post information about training opportunities.	Director of Human Resources Agency Heads Employee Development and Training Manager	Continually
2. Encourage employees to use the County tuition reimbursement plan for courses of study which will benefit both the County and employees as agency funds are available.	Director of Human Resources Agency Heads Employee Development and Training Manager	Periodically
3. Provide on-the-job training to assist employees in handling their job responsibilities and to encourage interest in preparation for higher-level career positions.	Director of Human Resources Agency Heads	Periodically
4. Provide more formalized in-service training programs to assist employees in handling their job responsibilities and to encourage interest in preparation for higher-level career positions.	Director of Human Resources Agency Heads Employee Development and Training Manager	Periodically

GOAL	ACCOUNTABILITY	FREQUENCY
5. Provide in-service training programs for managers and supervisors to receive information on EEO, its policies and procedures, and on federal and state laws relating to EEO.	Director of Human Resources Employee Development and Training Manager	Periodically
6. Provide in-service training programs for managers and supervisors on how to conduct fair and objective job performance appraisals.	Director of Human Resources	Periodically
7. Provide in-service training in proper interviewing techniques.	Director of Human Resources	Periodically

D. Other Personnel Actions

The Department of Human Resources is responsible for reviewing and monitoring factors relating to performance appraisals, employee benefits, transfers, disciplinary actions, terminations, leave usage, and working conditions.

GOAL	ACCOUNTABILITY	FREQUENCY
1. Ensure that information on the County's Grievance Procedure is available to all employees.	Director of Human Resources Agency Heads	Continually
2. Review and monitor the performance appraisal system to determine its objectivity and effectiveness.	Director of Human Resources Agency Heads	Continually
3. Ensure the availability of employee benefits to all employees within the same job status.	Director of Human Resources Agency Heads	Continually
4. Document the reasons given for dismissals and separations.	Director of Human Resources Agency Heads	Continually
5. Ensure that assignments in the workplace and resulting working conditions are made on a non-discriminating basis for all employees.	Director of Human Resources Agency Heads	Continually

E. Communication

The County Equal Employment Opportunity Plan shall be publicized through various and appropriate mediums.

GOAL	ACCOUNTABILITY	FREQUENCY
1. Include periodic discussion of the topic of equal employment opportunity in the County Manager's staff meetings.	County Manager	Periodically
2. Provide in the orientation program for new employees information about equal employment opportunity, policy against harassment, and the complaint procedure.	Director of Human Resources Employee Development and Training Manager	Biweekly
3. Include pictures of a cross-representation of County employees in County publications which carry photographs.	Director of Human Resources Director of Public Relations and Media Services	Continually
4. Advise secondary schools and colleges of the County's commitment to equal employment opportunity.	Director of Human Resources Recruitment Manager	Continually
5. Advise interested community organizations that the County is an Equal Opportunity Employer (EOE).	Director of Human Resources Recruitment Manager	Continually
6. County publications will state that the County does not discriminate on the basis of race, color, religion, sex, national origin, age, or disability.	Director of Human Resources Director of Public Relations and Media Services Agency Heads	Continually

F. Evaluation and Reporting

Personnel records shall be maintained so that the County may continue to promote its policies of equal employment opportunity.

GOAL	ACCOUNTABILITY	FREQUENCY
1. Complete federal EEO-4 Report every other year.	Director of Human Resources	Submission consistent with published deadlines
2. Review various EEO data including overall County employee and applicant statistics including individual agency profiles.	Director of Human Resources	Continually
3. Prepare various summary and evaluation reports of the above data.	Director of Human Resources	Continually
4. Distribute copies of the Department of Human Resources' Annual Report to the County Manager.	Director of Human Resources	Annually
5. Prepare and distribute departmental EEO profiles to the County Manager, EEO Committee, and agency heads and key officials.	Director of Human Resources	Periodically



HENRICO COUNTY

OUR MISSION

In partnership with our citizens, Henrico County Government is dedicated to enhancing the quality of life for all our residents. As a nationally acclaimed local government, the County accepts the challenges of our changing social, physical and economic environments by serving in an efficient manner, with pride and concern for the present and excitement for the future.

We value diversity and strive to meet the needs of our ever-changing community. Our differences enhance our performance; through individual contributions, involvement and creativity, the quality and effectiveness of our government are strengthened. By working together and learning from each other, we reach common goals and fulfill our responsibilities.

OUR VALUES

We are dedicated to providing our citizens responsible government and offering excellent, professional customer service while considering the needs of all people and our environment.

We are committed to the concept that the public deserves honest consideration, professional conduct and respect regarding all government activities.

We are dedicated to delivering services with integrity, credibility and sensitivity to employee and citizen needs.

We value the diversity of our continuously changing community and workforce and are committed to providing a healthy, just and equitable place to live and work.

We recognize that our employees are a valuable resource to be treated with equality, fairness and justice.

We believe that accountability and responsibility in handling the public's property and money are essential and will be beyond reproach.

OUR MOTTO

Proud of our progress; Excited about our future

OUR SLOGAN

Ut Prosim - That I May Serve

Appendix D

Procedure for Handling Transfers from Henrico County Public Schools to Henrico County General Government

The chart on the following page applies only to employees who transfer from Schools with no break in service OR who meet the criteria for reinstatement in Personnel Rules and Regulations. If a person is hired more than 6 months after they have been taken off the payroll, it will be considered a re-employment and treated as such.

PROCEDURE FOR HANDLING TRANSFERS FROM HENRICO COUNTY PUBLIC SCHOOLS TO HENRICO COUNTY GENERAL GOVERNMENT

FROM SCHOOLS	TO COUNTY	ANNUAL LEAVE	SICK LEAVE	DATES				BENEFITS
				EMPLOYMENT	SERVICE	LEAVE ACCRUAL	EVALUATION MERIT	
Permanent Full-time	Full-time	<u>10/11 month</u> : paid <u>12 month</u> : transfer (pro-rated by Schools) <u>Biweekly</u> : transfer unless paid	Transfer balance unless paid by Schools upon retirement	Retain	Assign new date based on effective date of employment with County	Retain	Retain	Cannot switch benefit options or elect other benefits outside of open enrollment.
Permanent Full-time	Part-time	Schools to pay pro-rated share of balance. Adjust balance based on number hours worked.	Adjust balance based on number hours worked.	Retain	Assign new date	Retain	Retain	Same as above.
Permanent Part-time	Part-time	Transfer balance if not paid	Transfer balance if not paid	Retain	Assign new date	Retain	Retain	Same as above.
Permanent	Temporary, hourly, or seasonal	Not applicable	Not applicable	Assign new date	Assign new date	Not applicable	Not applicable	Not applicable
Temporary	Full-time or Part-time	Not applicable	Not applicable	Retain	Assign new date	Assign new date	Assign new date	Not applicable

- Civil leave may be used when a County employee has an interview for a position in Schools.
- Secondary employment approval is required if the employee is a full or part-time County employee. Temporary County employees are not required to complete a secondary employment request. Overtime (when appropriate) must be paid when a non-exempt County (temporary employee) is also working a full-time job in Schools.
- Employees eligible for military leave will be considered as having one 15-day period.
- Pay will be handled in accordance with Personnel Rules & Regulations (for example, transfer, demotion, and promotion).
- The recruiter will request a copy of the personnel file. Request may be made to have them hand-delivered or faxed when close to starting date. The recruiter will also contact the Benefits Section to alert them of the transfer.
- Employees will be required to complete all forms either on their first day of work or at orientation. The Benefits Section will verify such things as the person's deductions, and types of coverage and will coordinate with the School Payroll Office to transfer the \$'s deducted for their benefits while employed by Henrico County Public Schools if appropriate.

If an employee changes from one assignment category to another, treatment of leave will be handled in accordance with Section 8 of Personnel Rules & Regulations.

APPENDIX E: Henrico County Employee Grievance Procedure

The purpose of this procedure is to provide a prompt, fair, and orderly method for the resolution of employee grievances initiated by eligible employees of the County of Henrico.

I. Definition of Grievance

- A. A grievance is a complaint or dispute by an employee relating to his employment, including but not necessarily limited to:
1. Disciplinary actions, including disciplinary demotions, suspensions, and dismissals provided that such dismissals result from formal discipline or unsatisfactory job performance.
 2. The application of personnel policies, procedures, rules, and regulations, and the application of ordinances and statutes.
 3. Acts of retaliation as the result of the use of or the participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth of Virginia, has reported any violation of such law to a governmental authority, has sought any change in law before the United States Congress or the General Assembly of Virginia, or has reported an incident of fraud, abuse, or gross mismanagement.
 4. Discrimination on the basis of race, color, creed, religion, political affiliation, age, disability, national origin, or sex.

B. County Management Rights and Prerogatives

The County reserves to itself the exclusive right to manage the affairs and operations of County government. Accordingly, complaints involving the following management rights and prerogatives are not grievable:

1. Establishment and revision of wages or salaries, position classification, or general benefits.
2. Work activity accepted by the employee as a condition of employment, or work activity which may reasonably be expected to be a part of the job content.
3. The contents of ordinances, statutes, or established personnel policies, procedures, rules, and regulations.
4. The methods, means, and personnel by which work activities are to be carried on, including but not necessarily limited to:
 - a. The provision of equipment, tools, and facilities necessary to accomplish tasks.
 - b. The scheduling and distribution of manpower/personnel resources.
 - c. Training and career development.

5. The hiring, promotion, transfer, assignment, and retention of employees in positions within the County service.
6. Failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly.
7. The relief of employees from duties, or taking action as may be necessary to carry out the duties, of the County in emergencies.
8. Direction and evaluation of the work of County employees.
9. Termination, layoff, demotion, or suspension from duties because of lack of work, reduction in force, or job abolition, 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. In any grievance brought under the exception to this paragraph, the action shall be upheld upon a showing by the County that:
 - a. There was a valid business reason for the action, and
 - b. The employee was notified of the reason in writing prior to the effective date of the action.

II. Coverage of Personnel

- A. All classified, non-probationary permanent full-time and permanent part-time employees in authorized positions listed in the personnel complement as approved by the Board of Supervisors are eligible to file grievances under this procedure with the following exceptions:
 1. Key officials of the County. For purposes of this procedure, a key official is defined as a non-clerical member of the County Manager's staff, or the head of a separate County agency, department, division, or office.
 2. Members of boards and commissions.
 3. Employees whose terms of employment are limited by law.
 4. Officials and employees who serve at the will or pleasure of an appointing authority.
 5. Appointees of elected individuals or elected groups.
 6. Probationary employees in matters concerning their dismissal. Probationary employees may, however, use this procedure for complaints or disputes other than dismissals that are determined to be grievable.
 7. Temporary, limited term, and seasonal employees.
 8. Law enforcement officers as defined in Chapter 5 (§ 9.1-500 et seq.) of Title 9 of the Code of Virginia whose grievance is subject to the provisions of Chapter 5 and who have elected to proceed pursuant to those provisions in the resolution of their grievance, or any other employee electing to proceed pursuant to any other existing procedure in the resolution of his grievance.

9. Those personnel who are not required to be covered by the Henrico County general government personnel system.

B. The County Manager shall determine the officers and employees (by position) excluded from this grievance procedure, and shall maintain in the Department of Human Resources a list of such excluded positions.

III. Operation of the Grievance Procedure

A. Step 1. An employee who believes he has a grievance and wishes to utilize this procedure shall discuss the grievance informally with his immediate supervisor within 20 calendar days of the occurrence of the incident giving rise to the grievance or within twenty calendar days following the time when the employee reasonably should have gained knowledge of its occurrence. At this time, the grievance need not be submitted or resolved in writing, and a formal hearing is not required. Resolution of the grievance by the immediate supervisor shall be reached and communicated, either orally or in writing, to the grievant within 10 calendar days.

B. Step 2. If the grievant is not satisfied with and does not accept the Step 1 response, or if the immediate supervisor fails to respond within the required time frame, and the grievant wishes to advance his grievance to Step 2 of this procedure, the grievant shall reduce the grievance to writing on a Request for Grievance Hearing form (obtainable from the Department of Human Resources) and shall file the completed request form with his department within 10 calendar days of receipt of the supervisor's response or the deadline for that response, whichever occurs first. The grievant shall specify the relief that he expects to gain through the use of this procedure. The recipient of the completed request form shall forward it immediately to the affected agency head with a copy to the Department of Human Resources. The agency head or his designee shall promptly meet with the grievant. Normally, the only persons who may be present at the meeting or hearing shall be the agency head, the grievant, and the appropriate witnesses. The agency head or his designee shall render a written response to the grievance within ten calendar days following receipt of the completed request form with a copy of the response being sent to the Department of Human Resources.

C. Step 3. If the grievant is not satisfied with and does not accept the Step 2 written response, or if the agency head or his designee fails to respond within the required time frame, and the grievant wishes to advance his grievance to Step 3 of this procedure, the grievant shall complete a Request for Grievance Hearing form indicating his desire to advance the grievance to Step 3. The request form, which is obtainable from the Department of Human Resources, shall be filed by the grievant directly with the Department of Human Resources within 10 calendar days following receipt of the Step 2 response or the deadline for that response, whichever occurs first. If the County Manager determines (or has previously determined) that the complaint is grievable, he or his designee shall meet with the grievant together with a representative of the affected department and the Department of Human Resources, appropriate witnesses for each side, and such other persons as the County Manager or his designee deems necessary and appropriate. The County Manager or his designee shall render a written response resolving the grievance within ten calendar days following receipt of the completed request form by the Department of Human Resources. In the event that the County Manager or his designee rules that the complaint, or a portion of the complaint, is not grievable, the grievant may appeal that decision to the Circuit Court of the County of Henrico as set out in Section IV(B) of this procedure.

D. Step 4. If the grievant is not satisfied with and does not accept the Step 3 written response, or if the County Manager or his designee fails to respond within the required time frame, and the grievant wishes to advance to Step 4 of this procedure, the grievant shall complete a Request for Grievance Hearing form indicating his desire to advance the grievance to Step 4. The request form, which is

obtainable from the Department of Human Resources, shall be filed by the grievant directly with the Department of Human Resources within 10 calendar days following receipt of the Step 3 response or the deadline for that response, whichever occurs first. The request form shall contain the name of the person whom the grievant desires to serve on the grievance panel. The grievant shall not name a person to serve on the grievance panel unless and until the grievant has received that person's consent to do so. The grievance shall be heard by an impartial grievance panel as set out in Section VI of this procedure.

IV. Grievability and Access

- A. Grievability and access are determined by the County Manager or his designee. Only after the County Manager or his designee has determined that a complaint is grievable may a grievance be advanced through Steps 3 and 4 of this procedure. When the question of grievability arises at the agency (Step 2) level, or whenever the question of access to this procedure arises, the grievant or the agency head may request a ruling on grievability or a ruling on access, as the case may be, by the County Manager. The County Manager or his designee shall render a decision within 10 calendar days of receipt of the request, and shall send a copy of the decision to the grievant, the affected agency head, and the Department of Human Resources.
- B. Decisions on either grievability or access to this procedure may be appealed to the Circuit Court of the County of Henrico. Such appeals shall be instituted by the grievant by filing a notice of appeal with the County Manager within 10 calendar days from the date the grievant received the decision and by giving a copy of the notice of appeal to the affected agency head and the Department of Human Resources.

Within 10 calendar days after the filing of the notice of appeal, the County Manager or his designee shall transmit to the Clerk of the Circuit Court a copy of the County Manager's decision on grievability or access to the procedure, a copy of the notice of appeal, and copies of all exhibits. A list of the evidence furnished to the Court shall also be furnished to the grievant. The appeal will be heard by the Court as provided by law. The decision of the Court is final and is not appealable.

V. Procedures for and Conduct of Grievance Hearings

Except as otherwise noted, the following rules apply to all levels of grievance hearings.

- A. Role of the Director of Human Resources.
1. The Director of Human Resources or his designee shall advise both employees and supervisors in matters concerning this grievance procedure.
 2. Where a grievant appeals the Step 2 or Step 3 decision, the Director of Human Resources or his designee shall transmit the grievance record to the hearing officer or grievance panel, as the case may be, at the next higher level. The grievance record shall consist of all Request for Grievance Hearing forms, the decisions of the hearing officers, and exhibits accepted by the hearing officers.
 3. During Step 3 and Step 4 hearings, the Director of Human Resources or his designee shall serve the hearing officer or grievance panel, as the case may be, as facilitator and advisor on personnel-related matters.
 4. Neither the Director of Human Resources nor his designee shall be present during the grievance panel's private deliberations and decision-making process.

- B. Time intervals specified in Steps 1 through 4 may be extended by mutual consent of the parties.
- C. Because it is important that grievances be resolved quickly and without unnecessary delay, postponements are not favored. A party seeking a postponement of a grievance set for hearing at Step 3 or 4 must submit his request in writing, with a copy delivered to the opposing party at the same time, to the hearing officer or the panel chair, as the case may be, through the Director of Human Resources or his designee. The hearing officer or panel chair may grant a postponement only for good cause shown. The decision on the request for a postponement shall be in writing to the requesting party with a copy to the opposing party and the Director of Human Resources.
- D. When a deadline falls on a Saturday, Sunday, or County holiday, the next calendar day that is not a Saturday, Sunday, or County holiday shall be considered the last calendar day.
- E. As far as practical, all grievance hearings shall be held during normal County working hours as defined in Section 7.1 of the County of Henrico Personnel Rules and Regulations.
- F. County employees who are necessary participants at grievance hearings shall not lose pay for time necessarily lost from their jobs and will not be charged leave because of their attendance at such hearings.
- G. At the Step 3 hearing, the grievant, at his option, may have present a lay representative or legal counsel of his choice. If the grievant is represented by legal counsel, the County likewise has the option of being represented by counsel. The grievant shall include the name, mailing address, and telephone number of the grievant's lay representative or legal counsel, if any, on the Request for Grievance Hearing form.
- H. Grievance hearings shall not be recorded, and recording devices are not permitted in the room in which a grievance is being heard.
- I. Hearings are not intended to be conducted like proceedings in court and the rules of evidence do not necessarily apply.
- J. At Steps 3 and 4, the hearing officer or the grievance panel, as the case may be, shall have the discretion to limit the attendance at the hearing of persons not having a direct interest in the hearing; however, the Director of Human Resources and/or his designee may be present at any hearing.
- K. At the request of either party, Step 3 and Step 4 hearings shall be private.
- L. Except in cases involving discipline or in cases where the hearing officer or the grievance panel, as the case may be, determines otherwise, the grievant shall present his evidence first.
- M. The hearing officer or grievance panel, as the case may be, shall determine the propriety of and the weight to be given the evidence submitted.
- N. Both the grievant and the County may call appropriate witnesses. All witnesses, including the grievant, shall be subject to examination and cross-examination.
- O. Because grievance hearings are informal in nature and the rules of evidence do not necessarily apply, witnesses shall not be sworn.

- P. Witnesses shall be present only while actually giving testimony.
- Q. At Steps 2 and 3, the hearing officer, and at Step 4, the grievance panel, shall include in his or its decision the reason or reasons for that decision.
- R. The grievant shall not be entitled to recover more than he has lost.
- S. Where a grievant has obtained partial relief at one level of this grievance procedure but decides to appeal to the next higher level, the filing of a request form to the next higher level shall constitute rejection of, and relinquishment of any claim to, any and all relief granted at the previous level.
- T. Each party shall bear the costs and expenses, if any, of his legal counsel or representative.

VI. Rules Concerning Grievance Panels and Panel Hearings

A. Selection of Grievance Panel.

1. Within five calendar days of receipt of the Step 4 request form, the County Manager or his designee shall appoint a member to serve on a grievance panel. The member selected by the grievant and the member selected by the County Manager or his designee shall then select a third member.
2. If the panel member appointed by the grievant and the panel member appointed by the County Manager or his designee cannot agree upon a third panel member within 15 calendar days of the County's receipt of the grievant's Step 4 request form, then the two panel members shall select a third panel member within 30 calendar days of the County's receipt of the grievant's Step 4 request form from a list of five names randomly selected by the Director of Human Resources or his designee from the list of persons appointed by the Board of Supervisors as eligible to serve.
3. From the list of five names, the two panel members shall each strike two names. They shall alternate in the striking of names with the grievant's member exercising the first strike. The person whose name remains shall be the third panel member for that particular grievance and shall serve as the panel's chair.
4. Should there be less than five persons appointed or available from whom to select a third panel member, the Director of Human Resources or his designee shall randomly select, from the persons appointed by the Board, the third panel member for that particular grievance. The third panel member so selected shall serve as the panel's chair.

- B. Eligibility to Serve on Grievance Panel. The panel shall not be composed of any persons having direct involvement with the grievance being heard by the panel, or with the complaint or dispute, giving rise to the grievance. Managers who are in a direct line of supervision of a grievant, persons residing in the same household as the grievant, and the following relatives of a participant in the grievance process or a participant's spouse are prohibited from serving as panel members: spouse, parent, child, descendants of a child, sibling, niece, nephew, and first cousin. No attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee, or co-employee of the attorney shall serve as a panel member.

- C. The following rules apply to Step 4 grievance panels and the conduct of Step 4 grievance panel hearings:

1. The grievant shall bear the reasonable costs and expenses, if any, of his panel member.
2. The County shall bear the reasonable costs and expenses, if any, of its panel member and those of the third panel member unless the grievant objects. Upon objection, the reasonable costs and expenses of the third panel member shall be shared equally between the County and the grievant.
3. No person shall receive any compensation, whether monetary or otherwise, for his time in serving as a member of a grievance panel. Notwithstanding this prohibition, a County General Government employee serving as a member of a grievance panel may receive his usual County salary for the period he serves on such a panel.
4. The panel shall promptly set the date, time, and location for hearing the grievance and shall notify the parties.
5. The Director of Human Resources or his designee shall provide the panel with copies of the grievance record prior to the hearing, and shall provide the grievant with a list of the documents furnished to the panel.
6. At the request of the grievant, at least ten calendar days prior to the scheduled panel hearing, the grievant and his attorney shall be allowed access to and copies of all relevant files intended by the County to be used by it at the panel hearing.
7. The grievant shall furnish to the County copies of all documents, exhibits, and a list of witnesses it intends to use, including for purposes of rebuttal, cross-examination, or impeachment at the panel hearing, seven calendar days in advance of the hearing. Three calendar days after receiving these items from the grievant, the County shall furnish to the grievant copies of all documents, exhibits, and a list of witnesses it intends to use at the panel hearing.
8. Both the grievant and the County may be represented by legal counsel or other representative at the panel hearing. Such representatives may examine, cross-examine, question, and present evidence on behalf of the grievant or the County before the panel without being in violation of the provisions of Virginia Code §54.1-3904.
9. The panel shall have the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence.
10. All evidence shall be presented in the presence of the panel and the parties except by mutual consent of the parties.
11. The decision of the panel should be rendered as soon as possible, but, in any case, not later than five calendar days following the conclusion of the hearing.
12. The panel shall have the authority, if it finds (based on the greater weight of the evidence) that the grievant has been denied a benefit or wrongly disciplined without just cause (where such cause is required) to reverse, reduce, or otherwise modify such action and, where appropriate, to order the reinstatement of such employee to his former position with back pay.
 - a. Back pay shall not exceed pay for time actually lost due to such suspension or discharge, in an amount the panel believes equitable.

- b. Any award of back pay shall be offset by interim earnings the grievant earned during the period of separation.
 - c. The panel also has the power to sustain the County's action.
13. The panel shall not have authority to do any of the following:
 - a. Formulate policies or procedures.
 - b. Alter existing policies or procedures.
 - c. Circumscribe or modify the rights of the County as outlined in this procedure.
 - d. Exonerate an employee from all discipline when the guilt of the employee is admitted or is beyond question in the view of the panel.
 - e. Grant relief greater than that which the grievant has requested in the request form.
14. A copy of the panel's written decision shall be sent to the grievant, the representatives of the parties (if any), the head of the department involved, and the County Manager. The Director of Human Resources or his designee shall provide the necessary clerical assistance to the panel, and shall be responsible for transmitting the decision of the panel to the appropriate persons .
15. The majority decision of the panel, acting within the scope of its authority, shall be final and binding, subject to existing policies, procedures, and law.
16. The question of whether the relief granted by a panel is consistent with written policy shall be determined by the County Manager or his designee, unless the County Manager or his designee has a direct personal involvement with the event or events giving rise to the grievance, in which case the decision shall be made by the Attorney for the Commonwealth for the County of Henrico.
17. Either party may petition the Circuit Court of the County of Henrico for an order requiring implementation of the panel decision.

VII. Compliance

- A. After the initial filing of a request form, failure of either party to comply with all substantial procedural requirements of this procedure without just cause shall result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the noncompliance within five work days of receipt of written notification by the other party of the noncompliance. Such written notification by the grievant shall be made directly to the County Manager or his designee.
- B. The County Manager or his designee shall determine compliance issues. The County Manager or his designee, at his option, may require a clear written explanation of the basis for just cause extensions or exceptions.
- C. Compliance determinations made by the County Manager or his designee shall be subject to judicial review, which shall be initiated by the grievant filing a petition with the Circuit Court of the County of Henrico within thirty calendar days of the compliance determination.

VIII. Request for Grievance Hearing Form

At Steps 2, 3, and 4 of this procedure, the grievant must complete and file a Request for Grievance Hearing form, sometimes referred to in this procedure as “the request form,” in accordance with the terms of this procedure and in accordance with the instructions contained on the request form itself. The request form is available from the Department of Human Resources.

IX. Miscellaneous

- A. Assistance. Assistance on the use of this procedure is available by contacting the Department of Human Resources.
- B. Terminology. The terms “he,” “his,” and “him” used in this procedure are used in a general sense and are not intended, and should not be interpreted, to exclude the feminine gender.

For more information and assistance you may contact:

County of Henrico
Department of Human Resources
P.O. Box 90775
Parham and Hungary Spring Roads
Henrico, VA 23273-0775
Telephone: 804-501-7149
Web site: <http://www.co.henrico.va.us/hr>



COUNTY OF HENRICO
Employee Grievance Procedure

Request for Grievance Hearing

<http://www.co.henrico.va.us/hr/regs/regs.pdf#appendix>

- PLEASE TYPE OR PRINT -

Full Name of Grievant

Department

Job Title

Daytime Telephone Number(s)

E-mail Address

STEP 2 DEPARTMENT LEVEL HEARING: To be completed by the grievant at Step 2 only and filed with the grievant's department with a copy sent to the Department of Human Resources.

1. Date of the incident giving rise to this grievance. _____
2. Date of the grievant's first awareness of the incident. _____
(*Explain on a separate sheet if there is a time delay.*)
3. Have you had a Step 1 informal hearing with your immediate supervisor? Yes No (*Check one*)
4. If yes, when? _____
5. Person(s) against whom this grievance is directed. _____

6. Specify the incident that resulted in this grievance. (*Use separate sheets if necessary.*) _____

7. Specify the policy(ies), rule(s), or regulation(s) at issue. (*Use separate sheets if necessary.*) _____

8. Specify the relief sought. (*Use separate sheets if necessary.*) _____

Signature of Grievant

Date Submitted

To be completed by the grievant's department.

Signature of Departmental Recipient

Date Received

Request for Grievance Hearing

Full Name of Grievant

Department

Job Title

Daytime Telephone Number(s)

E-mail Address

STEP 3 COUNTY MANAGER LEVEL HEARING: To be completed by the grievant at Step 3 only and filed directly with the Department of Human Resources.

1. I wish to have my grievance heard at the Step 3 (County Manager) level. I understand that, by requesting to have my grievance heard at Step 3, I am giving up the relief, if any, that was awarded to me at Step 2.

Signature of Grievant

Date Submitted

2. If grievant will have a lay representative or attorney at Step 3, provide the following information:

Name of Representative or Attorney: _____

Mailing Address: _____

Daytime Phone Number(s): _____ E-mail Address: _____

STEP 4 GRIEVANCE PANEL HEARING: To be completed by the grievant at Step 4 only and filed directly with the Department of Human Resources.

1. I wish to have my grievance heard at the Step 4 (grievance panel) level. I understand that, by requesting to have my grievance heard at Step 4, I am giving up the relief, if any, that was awarded to me at Step 3.

2. Name of Grievant's Panel Member: _____

Mailing Address: _____

Telephone Number: (Home) _____ (Work) _____

E-Mail Address: _____

3. If grievant will have a lay representative or attorney at Step 4, provide the following information:

Name of Representative or Attorney: _____

Mailing Address: _____

Daytime Phone Number(s): _____ E-mail Address: _____

For further information about the County of Henrico's Grievance Procedure, please contact:

Department of Human Resources
P.O. Box 90775
Henrico, VA 23273-0775
Telephone: (804) 501-7149 Fax: (804) 501-4426
<http://www.co.henrico.va.us/hr/regs/regs.pdf#appendix>