

CHESTERFIELD COUNTY PERSONNEL POLICIES

Approved: Joseph P. Casey, Ph.D., County Administrator

Date: 09/26/22

TABLE OF CONTENTS

CHAPTER 1: GENERAL PROVISIONS 1
PURPOSE..... 1
ADMINISTRATION 1
EMPLOYMENT AT WILL 2
CODE OF ETHICS..... 2
STANDARDS OF CONDUCT 2
NON-DISCRIMINATION AND EQUAL OPPORTUNITY 4

CHAPTER 2: CLASSIFICATION, COMPENSATION AND BENEFITS 6
CLASSIFICATION AND COMPENSATION 6
RETIREMENT 6
INSURANCE BENEFITS..... 6
DISABILITY INCOME PROTECTION 6
WORKER'S COMPENSATION 7
EXEMPT EMPLOYEES 7

CHAPTER 3: EMPLOYMENT 8
EMPLOYMENT OPPORTUNITIES 8
APPLICATIONS 8
QUALIFICATIONS AND EVALUATIONS 8
OUTSIDE EMPLOYMENT 9
SECONDARY EMPLOYMENT WITHIN THE COUNTY..... 9
APPOINTMENTS 9
NEPOTISM 10
PROBATIONARY PERIODS..... 10
 Initial Probationary Period..... 10
 Promotional Probation. 11
 Disciplinary Probation 11
SEPARATIONS 11
 Resignation..... 11
 Reduction-in-Force. 12
 Fitness for duty 12
 Dismissal 13
 Job Abandonment..... 13
 Retirement. 13
 Pre-termination hearing 13
REINSTATEMENT 14

CHAPTER 4: DISCIPLINE..... 16
OBJECTIVES..... 16
SITUATIONALLY APPROPRIATE DISCIPLINE 16
COUNSELING AND DISCIPLINARY OPTIONS 16
SUSPENSION PENDING RESOLUTION OF ADMIN. INVESTIGATION 17
GRIEVANCES..... 18
DISCIPLINARY SUSPENSIONS OF EXEMPT EMPLOYEES..... 18

CHAPTER 5: ATTENDANCE AND LEAVE	19
HOURS OF WORK	19
ATTENDANCE	19
COMPENSATORY TIME-OFF	19
LEAVE.....	19
HOLIDAYS	19
CHAPTER 6: EMPLOYEE DEVELOPMENT.....	20
IN-SERVICE TRAINING.....	20
TUITION ASSISTANCE	20
PERFORMANCE EVALUATION.....	20
CHAPTER 7: RECORDS	21
PERSONNEL RECORDS	21
CHAPTER 8: CONDUCT OF EMPLOYEES.....	22
ACCEPTANCE OF GIFTS AND GRATUITIES	22
POLITICAL ACTIVITIES	22
ADMINISTRATIVE INVESTIGATIONS	23
SEXUAL HARASSMENT AND DISCRIMINATION	23
SUBSTANCE USE AND ABUSE	23
COMPUTER AND TELEPHONE USE	24
HARASSMENT	24
REPORTING ARRESTS AND CONVICTIONS.....	25
CUSTOMER SERVICE STANDARDS	25
AIDS AND HIV INFECTION IN THE WORKPLACE	25
PRODUCT OR PRESENTATION DEVELOPMENT	26
SMOKING POLICY	26
APPENDIX.....	28

CHAPTER 1: GENERAL PROVISIONS

SECTION PURPOSE

1-1

The Personnel Policies provide departmental management with county policy for the management of human resources. Administrative Procedures provide departments with additional specific procedural guidelines in carrying out personnel or other county policies. Departmental personnel policies are permitted in order to meet specific departmental objectives and must be reviewed prior to implementation and filed with the Department of Human Resources (HR).

The Personnel Policies set forth in the following sections supersede all previous personnel policies and shall govern all employees of the County of Chesterfield, Virginia. In the event that the provisions of any employee handbook, brochure, or the internal policies or procedures of any county department conflict with the policies contained herein, these policies shall control. Nothing contained in the Personnel Policies or in any handbook, brochure or any internal policies or procedures shall create or be deemed to create a contract of employment.

These policies which follow will ensure that the county's human resource system is based on merit, professional ability and integrity. These policies allow the management of the county to retain employees based on the employees' performance, ethics, and integrity and to correct inadequate performance, ethics and integrity. These policies also allow the county to dismiss employees whose inadequate performance, integrity or ethics is unacceptable.

SECTION ADMINISTRATION

1-2

Pursuant to § 4.2(7) of the County Charter, these Personnel Policies are adopted by the County Administrator. These policies and current benefits or conditions of employment may be changed or amended by the County Administrator or Board of Supervisors at any time without notice. Special circumstances for exceptions to Personnel Policies require written justification and approval by HR.

The Personnel Policies shall be made available upon request to all employees. The official copy of the Personnel Policies shall be maintained by the Director of Human Resources (Director of HR). Each supervisory employee shall make a copy of Personnel Policies available to any subordinate who requests a copy.

SECTION EMPLOYMENT AT WILL

1-3

All employees of the county are employees at will and may be dismissed from employment at any time, for any lawful reason, or for no reason. Full-time employees who have completed all probationary periods may grieve such actions according to the guidelines of Administrative Procedure 6-9, Employee Grievance Procedure.

SECTION CODE OF ETHICS

1-4

The first priority of the county is to provide a working environment where trust is valued. To achieve this trust, the county requires truthfulness and integrity among fellow employees. Employees have a responsibility to encourage honesty, integrity and ethics. The county will reward those employees who consistently demonstrate ethical behavior and who courageously identify the unethical behavior of others. The county will take disciplinary action up to and including dismissal if an employee's behavior exhibits a lack of integrity or ethics.

Lying, cheating and stealing are always unethical behavior. The following types of behaviors are also unethical and will result in disciplinary action:

- 1) Deceiving others by misrepresenting or withholding information;
- 2) Putting pressure on another employee to act unethically;
- 3) Failing to accept responsibility for actions by passing blame to others or allowing others to unfairly take blame;
- 4) Failing to honestly honor agreements or promises;
- 5) Subverting group decisions through action or inaction;
- 6) Feigning lack of memory or understanding to avoid following group decisions;
- 7) Using a position of authority in an unfairly coercive manner;
- 8) Failing to follow internal procedures or rules in order to achieve a self-need rather than a group need;
- 9) Harming public authority or trust.
- 10) Engaging in on-duty or off-duty conduct which harms the reputation or integrity of the county in the community.

Other behaviors may be unethical and this list of behaviors is not intended to be an all-inclusive list.

SECTION STANDARDS OF CONDUCT

1-5

Each employee is responsible and accountable for their behavior and decisions. The following sets forth minimum standards of employee conduct. Failure to abide by these standards may result in disciplinary

action, up to and including termination.

Direction from Supervision - To help guide their employees in the performance of their jobs, supervisors will often give specific, job-related direction to employees. The county expects employees to follow and abide by lawful and appropriate directives given to them by any supervisor within their chain of command. Employees are expected to perform their assigned duties as instructed by a supervisor and promptly comply with a supervisor's directives. Delay or refusal to perform assigned duties or to comply with a supervisor's direction will be considered "Insubordination" and constitutes a violation of this policy. In addition, behavior, public or private, from an employee which exhibits inappropriate expression of hostility, disloyalty, antagonism, or discontent toward supervision would constitute a violation of this policy.

Position Competency - Employees shall maintain sufficient competency to perform their duties and to assume the responsibilities of their position. Demonstrating inability to perform satisfactorily after a performance issue has been identified and/or corrective action has been taken to improve deficiencies; or repeated infractions of county policies and/or procedures will be considered "Incompetence" and constitutes a violation of this policy.

Regard of Duty - Employees shall fulfill their job duties and responsibilities at all times, including following all laws, and county policies related to such. Flagrant poor performance; loafing or sleeping on the job; misuse or abuse of time during work hours; or leaving the job during working hours without permission are all examples of violations of this policy. These and any other violation of this policy are considered "Neglect of Duty."

Professional Conduct - Employees shall always conduct themselves, both on and off duty, in such a manner as to reflect most favorably on the county. Any conduct that causes the county to be viewed unfavorably or reflects discredit upon an individual as an employee constitutes a violation of this policy. In addition, failure to display responsible behavior or act responsibly in the workplace, including behavior that disrupts job duties or normal work routine, or creates a risk of danger to the safety of others, constitutes a violation of this policy.

Confidential Information - In the course of their public employment, employees may be expected to handle or otherwise acquire knowledge of a variety of information, much of which is confidential in nature. Employees shall not inappropriately share or disclose confidential information and shall take steps to ensure such information is properly protected and used appropriately, solely for purposes of county business.

Records and Documents - In the course of their employment, employees may be expected to produce records, reports, and documents for both internal and external purposes. Accuracy and integrity relating to the data

contained in those records, reports and documents is essential. Falsification of any record, report, or document, including timecards, is prohibited and will be handled in accordance with appropriate law and/or county policy.

Use of County Property - County vehicles, materials, uniforms badges, equipment, supplies, or other items used by or assigned to a county employee are for official county business only. Any unauthorized or inappropriate use of county property; negligence in the care or handling of county property; intentional abuse or destruction of county property; and the theft of county property is prohibited. The use of county-owned computers, mobile phones and other electronic equipment is subject to the provisions of the county's Information Systems Technology (IST) policies.

Maintain Required Licenses and Certifications - Employees shall maintain all professional certifications and licenses required to perform their job duties and responsibilities. Failure to notify supervision of a lapse or loss of certification or license constitutes a violation of this policy.

The county will take disciplinary action up to and including dismissal if an employee's professional or personal conduct does not comply with the above Standards of Conduct.

SECTION NON-DISCRIMINATION AND EQUAL OPPORTUNITY

1-6

Chesterfield County's Personnel Policies and Administrative Procedures have been adopted to ensure fair and consistent personnel practices. Chesterfield County shall provide an equal opportunity to employees, applicants and citizens on the basis of fitness and merit, without regard to race, color, religion, national origin, political affiliation, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, or disability in accordance with applicable federal and state laws.

In addition, Chesterfield County prohibits discrimination against employees on the basis of military duty, affiliation or status.

Chesterfield County policy prohibits discrimination against a qualified individual with a disability in any employment practice. The county will make reasonable accommodation to the known physical and mental impairments of an otherwise qualified employee with a disability, if necessary, to assist such employee in performing their job, unless the accommodation would impose an undue hardship on the county. And, in accordance with the Virginia Human Rights Act, Chesterfield County will provide employees reasonable accommodations for known limitations related to pregnancy, childbirth, or related medical conditions, including lactation, unless the accommodation would impose an undue hardship. Reference

Administrative Procedure 6-18, Americans with Disabilities Act for the complete policy.

Non-discrimination and equal opportunity shall apply in all program areas including but not limited to recruitment, hiring, promotions, compensation, benefits, transfers, work assignments, performance evaluations, disciplinary actions, demotions, terminations, training programs, educational, social and recreational programs and use of county facilities.

All Chesterfield County Personnel Policies and Administrative Procedures shall be administered in accordance with this non-discrimination and equal opportunity clause. Any person covered by this policy who believes a provision of the policy has been violated may make a complaint to their supervisor, department director or to the Department of Human Resources (HR). The supervisor, department director or HR will take necessary action to investigate complaints.

Chesterfield County prohibits retaliation against any employee who lodges a good faith complaint of discrimination, or who participates in any related investigation. The county recognizes that making false accusations of discrimination in bad faith can have serious consequences for those who are wrongly accused. The county prohibits deliberately making false and/or malicious discrimination allegations, as well as deliberately providing false information during an investigation. Anyone who violates this policy is subject to disciplinary action, up to and including separation.

CHAPTER 2: CLASSIFICATION, COMPENSATION AND BENEFITS

SECTION CLASSIFICATION AND COMPENSATION

2-1

County policy governing the classification and compensation of positions is found in the current Classification and Compensation Plan. This document shall be published annually by the Department of HR and distributed to each department director and made available to employees to review through HR or the department's HR liaison.

SECTION RETIREMENT

2-2

The county has two retirement systems for full-time employees, the Virginia Retirement System, and the Chesterfield County Supplemental Retirement Plan.

Regular retirement and disability retirement are described in the Virginia Retirement System Handbook.

Employees who elect to participate in the county's deferred compensation program are eligible for an additional source of retirement income. The county offers deferred compensation plans, which allow employees to defer part of their salary until retirement while also decreasing individual State and Federal income taxes.

SECTION INSURANCE BENEFITS

2-3

Medical and dental coverage for full-time employees, part-time employees who meet the service and hours worked requirements, dependents and retirees is described in current group contracts, plans and amendments. Life insurance coverage provided to employees and their dependents is described in the Virginia Retirement System Handbook.

SECTION DISABILITY INCOME PROTECTION

2-4

Employees who have elected coverage under the Disability Income Protection Plan may be eligible for a portion of their income during a covered disability, up to a maximum monthly benefit, as outlined in the Disability Income Protection Plan.

SECTION WORKERS' COMPENSATION

2-5

The workers' compensation program is administered by the Department of Risk Management. Employees who are injured on the job must report any accident immediately to their supervisors. Any employee eligible to receive worker's compensation benefits shall be paid according to the provisions of the Code of Virginia and Administrative Procedure 6-3, Workers' Compensation Insurance. Failure to strictly comply with the requirements of the Code of Virginia and Administrative Procedure 6-3 will result in denial, loss or modification of benefits. Supervisors are responsible for reporting any accident to their department director immediately and completing necessary reporting forms.

SECTION EXEMPT EMPLOYEES

2-6

Nothing contained in these personnel policies shall act or be construed to make exempt employees non-exempt under the Fair Labor Standards Act or any regulations or opinions issued pursuant to such Act.

CHAPTER 3: EMPLOYMENT

SECTION EMPLOYMENT OPPORTUNITIES

3-1

HR shall advertise and publicize opportunities for full-time employment with the county including salary and qualifications. Each department director shall assist HR in recruiting qualified applicants to fill vacancies. Executive or professional positions may be filled through the services of a third-party consultant. The consultant shall comply with the county's equal employment opportunity and advertising guidelines.

The county shall not discriminate in the employment of any person who is an applicant for a county position because of race, color, religion, sex, national origin, age, or disability.

SECTION APPLICATIONS

3-2

Each applicant for a position within the county shall submit a current application form provided by HR. The county may reject an applicant who does not meet the requirements specified in the class specifications or any recruitment notice. The county may reject an applicant or employee whose background check demonstrates past conduct which is incompatible with service to the public. The county may also reject an applicant for making false or deceptive statements or for failing to submit a complete, accurate, or current application. The county may terminate such employee if the false or inaccurate statement is discovered after employment.

SECTION QUALIFICATIONS AND EVALUATIONS

3-3

All new hires shall meet standards, as determined by management, concerning integrity, aptitude, experience, physical, and mental condition as required for the position.

Performance tests, psychological tests, agility tests, background investigations, reference checks, polygraph examinations or other tests may be required. An offer of employment may be contingent upon passing a physical examination or other tests as described in this section.

Applications shall be forwarded by HR to the appropriate department for review, and the department will determine the appropriate candidates to be interviewed. Departments will be responsible for documenting the results of their review and interviews.

SECTION OUTSIDE EMPLOYMENT

3-4

No employee shall engage in any other employment, private business, or profession, during the hours for which he is employed to work for the county.

Engaging in non-prohibited outside employment, private business or profession must be approved by the employee's department director, prior to the employee's engaging in such employment, business or profession.

If a second job does not constitute a conflict of interest, violate provisions of the FLSA, interfere with the employee's position with the county or is otherwise not deemed to be detrimental to the department or county, approval may be granted.

SECTION SECONDARY EMPLOYMENT WITHIN THE COUNTY

3-5

Employees who work in a seasonal recreational program that does not operate for more than 7 months during a calendar year are exempt from overtime provisions and may hold two such positions within their department.

Other nonexempt employees are prohibited from holding two county positions, either full-time or part-time. HR may approve exceptions where hours can be monitored and overtime paid. Exempt employees may be permitted to hold two county positions, at the discretion of the respective department director, provided work performance does not suffer. A department that wishes to appoint an exempt county employee to a second county position shall, prior to making such appointment, notify HR and obtain approval from the department in which the employee is already employed.

SECTION APPOINTMENTS

3-6

Appointments will be made according to the following guidelines:

- 3-6-1** The County Administrator, County Attorney, Deputy County Administrators, and department directors/chiefs shall be appointed as provided in the County Charter.
- 3-6-2** For positions not referenced in the County Charter, the appointing authority shall hire the most suitable candidate for the position.
- 3-6-3** Persons applying for appointment to county boards or commissions may be required to include a Virginia State Police criminal background report with their application or voluntarily submit to a background investigation conducted by a third-party vendor selected by the county.

SECTION NEPOTISM

3-7

Close family members (as defined in Administrative Procedure 6-1) shall not work in a supervisor-subordinate relationship. Supervisor-subordinate relationship is defined as any supervisor within the employee's regular chain of command within their department. The county shall not take any personnel action, which results in the creation of such a relationship. Individual departments have the discretion to prohibit employment of close family members in other than a supervisor-subordinate relationship.

If two current employees, not in a supervisor-subordinate relationship, in the same department are related or become related (typically by marriage or a relationship substantially similar to marriage), one of them may be transferred to another open suitable position in another division (i.e., line of business) in their department with a different supervisor. If this is not a viable option, one of the employees may be transferred to another county department if a vacant suitable position exists. If such a position is not available, one of the two may be asked to seek other employment. If possible, the employees themselves will be given the opportunity to determine which of them will transfer or terminate.

Public safety departments (i.e., Police, Sheriff, and Fire & EMS), because of their professions' unique traditions throughout the nation of family members working in the same line of work and for the same employer, may make exceptions to this policy, as deemed appropriate by their respective leader (i.e., Police Chief, Sheriff or Fire Chief). As much as permanent assignments shall be made to avoid any direct supervisor-subordinate relationship with close family members, the very nature of public safety may cause situations to arise where these reporting relationships may still occur on a temporary basis. In instances where a temporary supervisor-subordinate relationship may be created, it is the responsibility of the supervisor to ensure everyone is held to the same standards. For any supervisor and subordinate issues that arise with the Police Chief or Fire Chief involving their close family members, the County Administrator will serve in such role to ensure everyone is held to the same standard.

SECTION PROBATIONARY PERIODS

3-8

There are three types of probationary periods as follows:

- a. **Initial Probationary Period** - The initial probationary period is applicable to all full-time employees during their first year of employment. Employees may not use the Employee Grievance Procedure while in initial probationary status.

- 1) **Duration** - The initial probationary period shall be 12 months.

Employees appointed to sworn police or sheriff positions, uniformed emergency communications positions, fire positions, police service aide positions, or animal services officer positions shall serve a probationary period of 12 months after completion of field training.

- 2) **Probationary Review** - Before the end of the probationary period, the employee's department director or designee shall decide whether the employee should be retained or whether the employee should be dismissed.
 - 3) **Probationary Dismissal** - At any time during the probationary period, a department director or authorized designee may dismiss an employee, with or without cause.
- b. **Promotional Probation** - During the probationary period of an employee who has been promoted to fill a position, the employee may not grieve a decision to terminate, demote or transfer the employee because the employee is not able to perform satisfactorily in the position. The employee may grieve all other disciplinary actions if permitted to do so under the county's grievance procedure. The duration of the promotional probationary period is twelve (12) months. Before the end of this period, the employee's department director or designee shall decide whether the employee should be retained in the position.
 - c. **Disciplinary Probation** - An employee may be placed in disciplinary probation status when such employee's performance or ethical standards are not consistent with county requirements. This discipline is only appropriate under circumstances, which could support termination, but there is reason to believe that the employee's performance or standards may improve.

An employee may grieve the action of being placed in disciplinary probation status; however, once in this status the employee may not grieve any disciplinary action including termination. Disciplinary probation may not exceed a 12-month duration.

SECTION SEPARATIONS

3-9

Involuntary separations as described in this section shall be coordinated with HR prior to final separation.

3-9-1

An employee may be separated from county service by any one of the following methods:

- a. **Resignation** - To resign in good standing, employees must provide a

two-week notice of resignation. Department directors, assistant directors and senior level managers must provide a four-week notice. The notice of intent to resign should be in writing. However, verbal notification should always be given in circumstances where written notification cannot be timely and will result in the employee not complying with the two or four-week notice. Failure to provide the required notice shall be entered on the employee's personnel records and the employee may be designated as not eligible for rehire by a county department for a minimum of five years. After five years, the employee may make a written request that their ability to apply for county positions be restored. Employees are expected to work the entire time period provided in their notice unless otherwise approved by their supervisor. Once a resignation has been accepted, it may not be withdrawn unless the department director of the employee's department agrees to the withdrawal.

- b. **Reduction-in-Force** - Prior to a reduction-in-force, the department director shall consider program objectives, work records, employee evaluation ratings, and length of service and shall make recommendations to the County Administrator as to which employees shall be separated by a reduction-in-force. Refer to Administrative Procedure 6-15, Reduction-in-Force for specific procedures.
- c. **Fitness for Duty** - When an employee is unable, or there is reason to believe that the employee is unable, to perform the essential functions of the employee's job a supervisor may direct the employee to be examined by a medical professional of the county's choice. When a physical or mental condition of any kind becomes evident which is impairing the effectiveness of an employee or the employee's ability to perform the essential job functions of the job, or which makes continuance on the job a risk to the employee or others, one of the following actions may be taken:
 - 1) If the condition is correctable, the supervisor shall allow a reasonable period of time for its correction. Failure of the employee to correct within such period may be grounds for dismissal or other action.
 - 2) If the condition cannot be corrected, the department director, in conjunction with HR, shall attempt to find a reasonable accommodation, which will permit the employee to continue to perform the essential functions of the position satisfactorily. If the employee refuses to accept a reasonable accommodation, the employee may be separated or the employee may choose to apply for disability retirement, if appropriate. Refer to Administrative Procedure 6-18 for more information on reasonable accommodation.

- 3) If, in the opinion of the county, the condition cannot be corrected within a reasonable amount of time or the employee cannot be reasonably accommodated in the current position, the department director, in consultation with HR, shall attempt to place the employee in another position, if one is available, which the employee can perform satisfactorily. If the employee refuses such reassignment, the employee may be dismissed.
 - 4) Nothing within this section shall require the county to obtain a medical opinion prior to taking any personnel action.
- d. **Dismissal** - An employee may be dismissed by the department director if the employee fails to achieve acceptable performance expectations, has committed any acts or omissions which may discredit the employee, the department or the county or fails to demonstrate appropriate professional competence, integrity or ethics. Any employee who is unable to perform adequately because of loss of a necessary license or other requirement may be dismissed.
 - e. **Job Abandonment** - Employees who are absent from work for three consecutive days without giving proper notice to their supervisors may be separated for job abandonment which will be considered a voluntary separation.
 - f. **Retirement** - The provisions of the Virginia Retirement System shall apply. Consistent with IRS regulations, Chesterfield County service retirees must be separated from county employment at least 30 consecutive days prior to returning to work in a part-time position. County departments are prohibited from offering a written agreement to a retiring employee for a future part-time position.

3-9-2 Pre-Termination Hearing - Prior to the dismissal of any employee who has the right to grieve a dismissal, the department must provide a pre-termination hearing opportunity to the employee. At such hearing the department director, or his designee, must inform the employee of the reason for dismissal and must give the employee an opportunity to respond. Following the pre-termination hearing, the department director, or his designee, shall communicate the decision to the employee in writing. The Police and Fire Departments shall comply with applicable provisions of the Police and Fireman's Bill of Rights contained in the Code of Virginia.

3-9-3 The department director shall indicate on the Report of Separation form whether the employee who has been separated is eligible for re-employment. The Report of Separation should also indicate whether the employee could be re-employed under certain conditions, and, if so, what those conditions are.

If an employee is ineligible for rehire, it is the responsibility of the department making this determination to notify the employee of their rehire status in writing.

SECTION REINSTATEMENT

3-10

An employee may be reinstated to their former position after a separation from county employment or transfer, promotion or demotion within the county according to the following provisions:

- 3-10-1** An employee must make a written request for reinstatement to their former position within six months of separation or transfer, promotion or demotion. If the written request is approved, the reinstatement may occur without advertisement of the position. The former position is defined as the same job title, job responsibilities and employment status. If an employee is reinstated, he may be reinstated at a salary not greater than the rate of pay at the time of separation. A reinstated employee's hire date will be the effective date of the reinstatement.

Employees whose separation period is greater than 30 calendar days will serve a 12-month probationary period and may be eligible for a prorated merit/administrative increase on July 1 of the next fiscal year consistent with the Classification and Compensation Plan. Employees whose separation period is 30 calendar days or less will be eligible for a merit increase on July 1 of the next fiscal year consistent with the Classification and Compensation Plan. The separation period is determined by counting the days between the employee's separation date and the date the employee provides written notification to the hiring department of their request to be reemployed into their former position.

All reinstated employees, who are not current employees, shall complete a drug test, new hire forms, and attend NEO. Employees that request reinstatement after 30 calendar days must submit to the county's new hire background check.

Employees requesting re-employment after six months of separation may apply for positions consistent with Administrative Procedure 6-7, Employment Policy. Past performance shall be considered in all decisions to re-employ a former employee.

All requests for reinstatement must be submitted to HR for review and approval.

- 3-10-2** An employee who has been separated because of reduction-in-force or who has resigned in good standing and is reemployed full time within five years

shall be given credit for previous service solely for the purpose of accruing paid time off or annual leave and shall be credited with previously accrued sick leave. Employees who are reinstated full time after retiring from county service will be given credit for previous service for purposes of accruing paid time off only.

CHAPTER 4: DISCIPLINE

SECTION OBJECTIVES

4-1

All employees shall comply with county and departmental expectations of behavior and performance. Non-compliance with these expectations must be remedied and will subject the non-complying employee to disciplinary action, which may include dismissal.

SECTION SITUATIONALLY APPROPRIATE DISCIPLINE

4-2

Disciplinary action will be taken to remedy, punish or discourage unsatisfactory behavior or performance.

The following principles will be observed when considering disciplinary action:

- 1) The disciplinary action shall be situationally appropriate and shall be consistent with the expectations of the position and consider the special needs of the department, the seriousness of the employee's behavior or performance, and the repetition of the behavior or performance.
- 2) The action taken should fairly consider similar disciplinary action for similar circumstances.
- 3) Supervisors, managers and professionals, because of their position, shall be held to a higher standard of performance and behavior than other employees.
- 4) Employees are responsible for knowing the performance or behavioral expectations of their department, and disciplinary action shall assume that knowledge.
- 5) In determining the severity of the disciplinary action, the supervisor should establish whether there has been repetition of the same performance or behavior.
- 6) The action taken shall not be influenced by the employee's race, color, religion, sex, national origin, age, or disability.

SECTION COUNSELING AND DISCIPLINARY OPTIONS

4-3

When an employee is not meeting behavior or performance expectations, the employee's supervisor may counsel or discipline the employee as outlined below:

- a. **Counseling Options.** These options do not constitute disciplinary action and are not grievable.
 - 1) Meet with the employee to discuss the situation and counsel the employee about appropriate performance and behavior. The counseling may be done verbally and/or in writing using either a

memorandum or the Employee Development Program Performance Report (EDP-PERF).

- 2) Verbally reprimand the employee.
- 3) Provide the employee with written notice that any repetition of similar behavior or other failure to meet behavioral expectations will result in disciplinary action.

b. **Disciplinary Options:**

- 1) Reprimand the employee in writing.
- 2) Require repayment or restitution.
- 3) Reduce salary.
- 4) Reduce the employee's accumulated paid time off or annual leave balance.
- 5) Suspend the employee without pay.
- 6) Demote the employee.
- 7) Place the employee on disciplinary probation. (Refer to section 3-8.)
- 8) Dismiss the employee.

If a problem warrants suspension, demotion, placement on disciplinary probation or dismissal as the appropriate action, the supervisor shall contact HR prior to taking such action if practicable.

SECTION 4-4 SUSPENSION PENDING RESOLUTION OF ADMINISTRATIVE INVESTIGATION

Department Directors may place an employee in Administrative Leave status with or without pay, pending the results of an administrative investigation. The Director of HR must approve paid Administrative Leave that extends beyond two weeks. Employees who are reinstated to their former positions may be granted back pay. The department director may take whatever personnel actions are deemed necessary to protect the county and promote the objectives of the department, even if there is a finding made of not guilty in an administrative proceeding or a criminal case or the case is otherwise dismissed or nolle prossed.

SECTION GRIEVANCES

4-5

Grievances for eligible full time, non-probationary employees will be conducted as outlined in Administrative Procedure 6-9, Employee Grievance Procedure.

In all cases of formal discipline, the supervisor should explain to the employee that such actions may be grieved as outlined in Administrative Procedure 6-9. Proper forms and a copy of the administrative procedure shall be made available to the employee.

SECTION DISCIPLINARY SUSPENSIONS OF EXEMPT EMPLOYEES

4-6

When it is necessary to suspend an exempt employee for infractions of workplace conduct rules, the suspension shall not be less than a full workday. Suspension of an exempt employee for an infraction of a safety rule of major significance may be applied for less than a full workday. Safety rules of major significance are defined as provisions intended to prevent serious danger to themselves, the workplace or to others, such as prohibiting smoking in explosive areas.

CHAPTER 5: ATTENDANCE AND LEAVE

SECTION HOURS OF WORK

5-1

Work schedules for each department shall be established by the department director consistent with the County Administrator's requirements and the need to serve the citizens. Normal office hours will be 8:30 a.m. - 5:00 p.m., Monday through Friday.

SECTION ATTENDANCE

5-2

Each employee shall be responsible for punctual attendance at work. Each department director shall be responsible for keeping attendance records. An unauthorized absence from the job is unacceptable and will result in counseling or disciplinary action.

SECTION COMPENSATORY TIME-OFF

5-3

Compensatory time-off may be granted at the discretion of the department director consistent with guidelines of Administrative Procedure 6-17, Fair Labor Standards Act Compliance. Upon separation, exempt employees shall forfeit all unused compensatory time, and no payment shall be made for unused compensatory time.

SECTION LEAVE

5-4

Full-time employees that meet specific criteria are eligible for various leave programs. These leave programs are outlined in administrative procedure 6-1.

Part-time employees may be eligible for Part Time Leave (PTL) as outlined in Administrative Procedure 6-11.

Employees are required to request paid time off or annual leave, sick leave or PTL and are only authorized to take such leave if approved. Increments of leave will be determined at the discretion of the department.

SECTION HOLIDAYS

5-5

HR will publish a list of holidays each year, based on the schedule adopted by the Board of Supervisors. In addition, full-time employees in the traditional leave program will have the opportunity to use two floating holidays of eight hours each per calendar year. Refer to Administrative Procedure 6-1, Leave/Holidays for details.

CHAPTER 6: EMPLOYEE DEVELOPMENT

SECTION IN-SERVICE TRAINING

6-1

All county departments shall encourage in-service training of employees to improve the quality of service and to prepare employees for advancement. Opportunities for training and development shall be made equitably without regard to race, color, religion, sex, national origin, age, or disability.

SECTION TUITION ASSISTANCE

6-2

To encourage professional development among its employees, the county offers tuition assistance for successful completion of approved courses. Refer to Administrative Procedure 16-1, Tuition Assistance and Reimbursement Program for details.

SECTION PERFORMANCE EVALUATION

6-3

Employee performance will be evaluated pursuant to the following requirements:

6-3-1 Each employee will be given an official performance evaluation consistent with the guidelines described in the Classification and Compensation Plan and Administrative Procedure 6-5.

6-3-2 Review dates will be consistent with the schedule for annual merit increases as described in the Classification and Compensation Plan. The county operates under a common merit date system. The common merit date is July 1.

6-3-3 Performance evaluations are confidential and shall be made available only to the employee evaluated, the employee's supervisor, department management, HR, the County Attorney's Office, Internal Audit, the Personnel Appeals Board, the County Administrator or other management representatives with a legitimate need to review the information. Personnel selection committees, promotional panels and third party consultants assisting in the filling of executive positions may have access to performance evaluation records of candidates.

6-3-4 For procedures relating to performance evaluation, refer to Administrative Procedure 6-5, Employee Development Program, and the current Classification and Compensation Plan.

CHAPTER 7: RECORDS

SECTION PERSONNEL RECORDS

7-1

HR shall establish and maintain the official personnel records for all county employees. HR shall be designated as the office of record for the collection, storage and dissemination of data relating to all county employees.

7-1-1

Department directors may maintain only that personal data reasonably related to the performance of the departmental mission.

Those departments that maintain any human resource data shall send a copy of such data to HR; provided, however, that the Police Department and Sheriff's Office shall not be required to send HR copies of background checks, Internal Affairs files, or employee training records. Current or former Public Safety employees may be provided with copies of their training files maintained in the employee's department upon request.

7-1-2

HR shall prescribe the form and scope of departmental human resource data records.

7-1-3

HR shall retain and dispose of human resource records in accordance with state law.

7-1-4

Inquiries from the public regarding employees shall be referred to HR. No personal information, other than an employee's salary, job title and dates of employment, shall be released prior to obtaining a signed release. Supervisors shall only provide references for current or former employees after consultation with HR.

7-1-5

Departments maintaining personal data must ensure the reliability and confidentiality of the data and take precautions to prevent its misuse.

CHAPTER 8: CONDUCT OF EMPLOYEES

SECTION ACCEPTANCE OF GIFTS AND GRATUITIES

8-1

An employee shall not accept or solicit gifts, gratuities, money or loans from organizations, business concerns, or individuals with whom the employee, on behalf of the county, has an official relationship. These limitations do not apply to the acceptance of items of negligible value when such acceptance promotes legitimate county goals and is received during the performance of official county business. It is particularly important, however, that inspectors and employees who have administrative or operating authority to approve or disapprove or otherwise affect a procurement transaction guard against relationships which might create the impression of or be construed as evidence of favoritism, coercion, unfair advantage, or collusion.

SECTION POLITICAL ACTIVITIES

8-2

Employees shall not hold elective office (other than county Constitutional Officers) for any city, county, town, state, or national governmental entity if the city, county, or town is within, or if the state or national office represents any area that is within, the geographic area served by either the PlanRVA or the Crater Planning District Commission. Locality membership in these Commissions may be obtained from the Chesterfield County Planning Department.

Employees may run for elective office, however, employees may not engage in political activity while on duty, while in a county uniform or while on county government property. County employees may not use county resources or equipment for campaign activities or to assist others with political activities.

Employees are prohibited from suggesting or implying that the county has officially endorsed a political party, candidate, or campaign. This prohibition includes agreeing to appear as a county employee in political campaign advertisements, photographs, audio or videos with candidates running for political office. Additionally, employees may not accept, store, display or distribute political campaign materials in a county facility or on county property. If a candidate requests access to county offices, facilities or other county programs and services, and if access is granted, the same or similar access will be permitted, if requested, by other candidates running for that office.

Employees should not use their employment or position with Chesterfield County government for personal gain.

This policy does not affect the right of an employee to hold political membership, serve as a political party officer, support a political party, vote, express political opinions, attend political meetings, display political signs on

private property, display bumper stickers on personal vehicles, or display pins or buttons on personal items (not on clothing worn at work).

SECTION ADMINISTRATIVE INVESTIGATIONS

8-3

County employees are required, in a timely manner, to cooperate with and participate in administrative investigations.

Retaliation exists when an individual is discriminated against for reporting, cooperating, giving testimony, or participating in any manner in an investigation. Retaliation is prohibited. Anyone who is being subjected to retaliation shall report it to their supervisor, department director or HR.

All employees participating in an administrative investigation are expected to be truthful and to maintain confidentiality related to the specifics of the investigation and may only discuss the investigative process with a supervisor in their chain of command, HR or an attorney. Employees are prohibited from discussing details of an administrative investigation with county employees or family members who work for the county.

Failure to do so will result in disciplinary action up to, and including, dismissal. Such cooperation and participation shall include, but not be limited to, the taking of a polygraph examination and responding to questions.

SECTION SEXUAL HARASSMENT AND DISCRIMINATION

8-4

Sexual discrimination including sexual harassment are violations of Title VII of the Civil Rights Act of 1964 and will result in disciplinary action which may include dismissal. Employees are obligated to report instances of sexual harassment or any illegal discrimination toward either employees or citizens to their direct supervisor, department director or HR. Employees are expected to know what sexual harassment is, and disciplinary action shall assume that knowledge. Additional training shall not be considered a substitute for required disciplinary action. Specific guidelines defining sexual harassment and the procedures for investigating situations are outlined in Administrative Procedure 6-13, Sexual Harassment Procedure.

SECTION SUBSTANCE USE AND ABUSE

8-5

In accordance with federal law the county must provide a safe work environment for all employees. To meet this goal, the county will ensure a workplace free from any form of substance abuse. The county prohibits the use, sale, dispensing, possession, or manufacture of illegal drugs on county premises or while conducting county business. Misuse of drugs or alcohol, whether on or off-duty, may result in disciplinary action, if it adversely affects the county's interests. Violation of this policy will result in disciplinary action

up to, and including, dismissal.

Employees who report to work with drugs or alcohol in their bodies as defined by Administrative Procedure 6-19 will be disciplined, and may be dismissed, in accordance with Administrative Procedure 6-19.

Specific procedures related to substance use or abuse are outlined in Administrative Procedure 6-19, Alcohol and Substance Abuse.

SECTION COMPUTER, TELEPHONE AND OTHER ELECTRONIC DEVICE USE

8-6

All county owned computer systems, hardware, software and related systems and devices are the property of Chesterfield County. Accordingly, information stored on such systems or devices is county property and subject to review at any time. County Administrative Procedure 7-8 outlines appropriate use of county systems.

Personal telephone calls and/or use of personal devices during work hours should be kept to a minimum. Personal long-distance calls shall not be made on county phones. Departmental policy may further define or restrict such communication or prohibit personal device use entirely.

SECTION HARASSMENT

8-7

Harassment, which affects the work environment, is prohibited by Chesterfield County, because it erodes morale and interferes with an employee's ability to perform job duties. The county prohibits all forms of harassment based on race, color, national origin, sex, pregnancy, childbirth or related medical conditions, age (40 or older), marital status, sexual orientation, gender identity, disability, religion or genetic information. Harassment includes conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating a hostile work environment. Harassment may occur at the workplace, or away from the workplace, and may occur during or after hours, if the conduct impacts an employee's work environment.

All employees are responsible for maintaining a safe and non-hostile work environment for themselves and those around them. Supervisors are responsible for promoting a work environment free from harassment and for investigating and taking appropriate action when they become aware that harassment has occurred.

Any person covered by this policy who is being subjected to harassment should tell the offender to stop the behavior, unless they are uncomfortable doing so. If they are unable to tell the offender to stop or if the conduct reoccurs after the offender has been told to stop, the person shall make a

complaint to their supervisor, department director or HR. Any employee who has violated the policy will be subject to appropriate disciplinary action, up to and including termination.

Retaliation against an individual for reporting harassment or for participating in a harassment investigation is prohibited.

SECTION REPORTING ARRESTS AND CONVICTIONS

8-8

All employees are required to report any misdemeanor or felony arrest or conviction to their department director no later than the next business day. Failure to report an arrest or conviction will result in situationally appropriate discipline up to and including termination. Speeding tickets under 20 mph above the speed limit are not required to be reported for the purposes of this policy. If you are in a driving position, you may have reporting obligations under Risk Management Policy 13-1 Driving Requirements.

An employee may be disciplined (up to and including termination) for: (1) a misdemeanor or felony conviction, (2) any factual circumstances resulting in an arrest, if the nature and seriousness of the crime or factual circumstances leading to an arrest could impact the employee's ability to successfully perform the employee's job duties, or (3) failing to accurately report the nature and seriousness of the crime.

SECTION CUSTOMER SERVICE STANDARDS

8-9

The county has adopted Customer Service Standards, which can be viewed on the Learning and Performance Center's Intranet site. While each department maintains customer service standards specific to their operations, adherence to the county's standards is expected for all employees and will be periodically monitored and audited. Any department that has questions or, for any reason, is unable to comply with these customer service standards should contact Human Resources.

SECTION AIDS AND HIV INFECTION IN THE WORKPLACE

8-10

Chesterfield County will maintain a healthy work environment by protecting the health of its employees.

8-10-1 Chesterfield County will not discriminate in its employment practices against persons with AIDS, persons who may be perceived or suspected to have AIDS, or persons who may test positive for HIV infection.

8-10-2 County supervisors and managers shall treat employees with AIDS and HIV infection like those who have any other life-threatening illness which is not transmittable by workplace contact, such as cancer or heart disease. As long

as county employees with AIDS or HIV infection are well enough to work and continue to meet the performance expectations for their assigned position, they will be permitted to do so.

8-10-3 The county will offer reasonable accommodation for an employee with AIDS or HIV infection. These efforts will be consistent with accommodations provided to employees with other serious illnesses. Accommodations may include modified or part-time work schedules, application for catastrophic illness leave, and voluntary reassignments.

8-10-4 Employees with AIDS or HIV infection will be provided all the medical and disability benefits to which they are entitled under the county's medical and disability plans.

8-10-5 Medical information is personal and confidential. County supervisors and managers shall take all reasonable steps to assure strict confidentiality of the diagnosis, test results, or medical condition of employees with AIDS and HIV infection.

8-10-6 No county employee will withhold county services from any citizen because he has AIDS, may be perceived or suspected to have AIDS or has tested positive for HIV infection, so long as such services do not expose the employee to the risk of AIDS or HIV infection. County departments that provide services in which employees or citizens may be exposed to blood or body fluids shall adopt procedures for preventing transmission of the HIV virus in the workplace consistent with the guidelines issued by the U.S. Public Health Service and Department of Labor.

8-10-7 County supervisors and managers shall take appropriate actions to ensure that no county employee or citizen who has AIDS, may be perceived or suspected to have AIDS or has tested positive for HIV infection is subjected to harassment by the county or its employees. Any county employee who refuses to perform his job because of an unwarranted concern involving AIDS or HIV infection will be subject to disciplinary action up to and including termination of employment.

SECTION PRODUCT OR PRESENTATION DEVELOPMENT

8-11

Any product or presentation produced by a county employee on county time or while using county equipment or personnel is the property of Chesterfield County and not the individual.

SECTION SMOKING POLICY

8-12

The County of Chesterfield is committed to providing a safe and healthy business environment for employees, residents and other users of county

facilities. Accordingly, all county owned and county leased buildings over which the County Administrator has control shall be smoke free, including private offices. As a result, smoking will be permitted outside only. For the purposes of this policy, smoking shall include devices referred to as electronic cigarettes and vaporizers.

Smoking shall be prohibited within 25 feet of entrances to county owned and county leased buildings, outdoor air intakes and operable windows. If outdoor space is used for business purposes, this space must follow the 25-foot rule as well. Examples of such space include sidewalk seating, patios or decks and stands for purchasing goods. The director or directors responsible for the management of a county owned or leased building may implement a smoking policy that is more restrictive.

No special rights are granted to smokers or nonsmokers. Employees must strive to assure that any personal habits do not interfere with the effective production of work and must adhere to regular break times.

APPENDIX

Classification: A classification is a group of positions (or one position) that: 1) has similar duties and responsibilities, 2) requires like qualifications, and 3) can be equitably compensated by the same salary range.

Department Director: Includes the executive, chief, or constitutional officer who has responsibility for managing and leading a department's operation. HR maintains a list of department directors.

Employee - Full-Time: Any person who, in consideration of wages or salary, performs a service for the benefit and under the control of the county, works at least 2080 hours per year, and whose position is authorized full-time by the Board of Supervisors. "Employee" shall not include:

- 1) Constitutional officers and their deputies, assistants and staff, unless the officer has elected to be covered by the county's personnel system;
- 2) Members of boards, commissions and authorities;
- 3) Employees of the School Board and the Electoral Board;
- 4) Independent contractors.

Employee - Part-time: An employee who is not in a position authorized as a full-time position by the Board of Supervisors.

Essential Job Function: A job duty is an essential job function if performing the function is the reason the position exists and if not performing the function alters the nature of the position.

Position: For position classification purposes, a position is a group of currently assigned duties and responsibilities requiring the full-time or part-time employment of one person. A position may be occupied or vacant.

Reduction-in-Force: Reduction-in-force is the dismissal of employees when it is necessary to abolish one or more positions or reduce the number of employees in the county service.