PERSONNEL HANDBOOK

Draft Version, September 21, 2010 for Town Council for review/adoption pending final review by Legal Counsel.

This handbook is a compilation of the rules, regulations, policies, procedures and other administrative provisions designed to guide employees and serve as a quick reference to your Town personnel administration. Keep it handy so you can refer to it from time to time. Improvements or revisions which modify specific policies and procedures do not in any way nullify or change the other items contained herein, and every effort will be made to communicate changes in a timely and efficient manner to all employees. The rules contained herein are to ensure adherence to current legal practices and provide a fair and equitable working environment for employees, and the Town of Christiansburg may add, amend, or make revisions as necessary or in accordance with applicable laws and accepted public sector business/employment law practices. However, nothing in this handbook is intended nor should be construed to create a contractual employment relationship between the Town and its employees.

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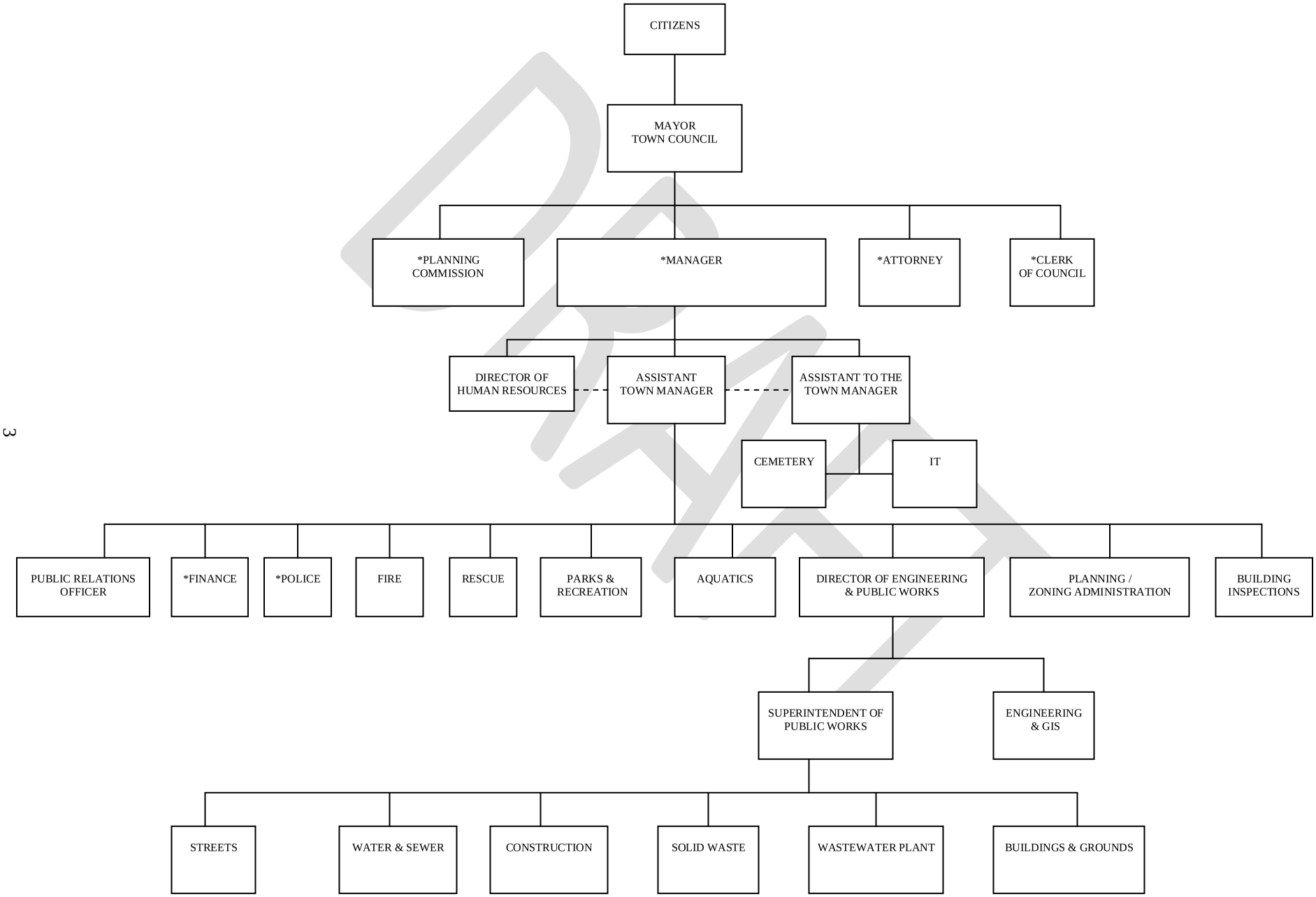
I.
TOWN OF CHRISTIANSBURG, VIRGINIA
DEPARTMENTAL ORGANIZATION



* DEPARTMENT HEAD APPOINTED BY COUNCIL

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II. STATEMENT OF PURPOSE

Welcome! You are now a member of your municipal government team. You and your fellow employees are privileged to serve your community and your fellow citizens. This handbook has been prepared to acquaint you with the personnel rules, policies, and employee benefits of the Town. Questions that may not be answered in this booklet should be directed to your supervisor who will make every effort to provide responses on any matter that concerns you. It is hoped that this will begin a lasting partnership that will be of benefit to all. We are counting on you and future arrivals to continue the standards and level of achievement that are being set by our present employees. You have our best wishes as you begin your new duties.

III. HISTORY OF THE TOWN OF CHRISTIANSBURG

The Town of Christiansburg was established on November 10, 1792, and incorporated January 7, 1833. It is the county seat of Montgomery County with an area of 14.144 square miles, and a population of approximately 21,500.

We have a Mayor and six Council Members who are the elected officials of the Town. The Town Manager is the administrative head of the Town government.

The Town provides police protection, water, sewer, garbage and recycling services, engineering services, street construction and maintenance, recreational facilities, and building inspection for all new building construction and remodeling. The Town also administers planning and zoning through the Planning Department and provides utility billing and finance operations through the Treasurer's Department. Fire and rescue services are provided by volunteers who are partially funded by the Town.

IV. DISCLOSURE STATEMENTS

• This handbook does not create any contractual rights between the Town of Christiansburg ("the Town") and its employees, and employment is terminable by either party at any time.

• To properly document an existing medical condition in accordance with the Americans with Disabilities Act Amendment Act ("ADAAA") and preserve medical information in accordance with the Health Insurance Portability and Accountability Act ("HIPAA"), the Town of Christiansburg assumes employees are capable of performing all duties in their job description without accommodation unless otherwise notified by the employee and documented by the treating healthcare provider.

• Each employee shall receive a copy of the rules enclosed herein upon hire and/or when significant changes are made. Department Heads are also furnished copies of all rules and regulations and are responsible for bringing these rules to the attention of all employees under their supervision.

• The Town of Christiansburg reserves the right to change, modify, and amend the policies contained in this handbook at any time, for any reason.

• The Town of Christiansburg reserves the right to forgo progressive discipline at its discretion.

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V. EQUAL EMPLOYMENT OPPORTUNITY

The Town of Christiansburg is an Equal Opportunity Employer in accordance with Title VII of the Civil Rights Act of 1964, as amended, including but not limited to discrimination on the basis of race, color, gender/sex (whether or not of a sexual nature), religion, national origin, protected activity (opposition to prohibited discrimination or participation in the complaint process), age, or disability. Other legislation provides protections for genetic medical information, family status, and military service (in accordance with the Genetic Information Nondiscrimination Act of 2008, effective November 21, 2009, Pregnancy Discrimination Act, USERRA). Recognized by "Minorities & Success," the Town of Christiansburg is proud to provide a fair and equitable workplace that is free from discrimination, and appreciates employees for the skills, knowledge, and valuable service they provide.

VI. WORKPLACE HARASSMENT

Our goal is to provide a professional, businesslike work environment **free from all forms of discrimination and harassment,** including but not limited to harassment on the basis of race, color, gender/sex (whether or not of a sexual nature), religion, national origin, protected activity (opposition to prohibited discrimination or participation in a discrimination complaint process), age, disability, family status, military service, or employee genetic medical information (Genetic Information Nondiscrimination Act of 2008, effective 11/21/09). No employee shall be subjected to discrimination or harassment, including behaviors such as hindering, badgering, plaguing, baiting, taunting, tormenting, insulting, heckling, inappropriate touching, or any physical assault which may be categorized as workplace violence. Any incidents of such behavior will result in appropriate disciplinary sanctions.

An employee who believes he or she has been discriminated against based upon protected class or activities and/or harassed should report such conduct immediately. The Town seeks to prevent discrimination and harassment before it reaches the level of a hostile work environment so immediate reporting is required and encouraged. The report should be made to the employee's immediate supervisor or to a supervisor with whom the employee feels comfortable. Reports may also be made to the Director of Human Resources or directly to the Town Manager. If the conduct involves the Town Manager or a policy-making senior official, the report may be presented to the Town Attorney. Employees who make complaints of discrimination or harassment or provide information related to such complaints will be protected against retaliation. All reports will initiate prompt and impartial investigation that will remain confidential to the extent possible. Before the investigation is complete and if warranted, the Town Manager may take immediate action to limit, to the extent possible, the work contact between the complaining employee and the subject of the complaint. The Town will take prompt and appropriate corrective action when it is determined that discrimination or harassment has occurred.

VII. DRUG & ALCOHOL-FREE WORKPLACE

In the interest of public safety, the health and well-being of employees and their co-workers, and to provide quality services in a safe, efficient, and dependable manner, the Town of Christiansburg is a drug and alcohol-free workplace.

• The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Town workplace, and disciplinary action will be taken against employees for violation of such prohibition. The workplace is considered to be any facility, equipment, or vehicle owned or leased by the Town of Christiansburg, and any site where Town-work is being performed. This extends to breaks and lunch periods if employees are to return to work.

• Mandatory drug and alcohol testing will be administered at the Town's cost and discretion in the event of accident or property damage involving Town machinery/equipment/vehicles under the control of an employee.

• All employees are subject to reasonable suspicion drug and alcohol testing if behaviors or actions observed appear to be consistent with the use of alcohol or prohibited substances in the opinion of two Supervisors/Managers or Key Management Personnel, or for observed possession of such items.

•Any employee taking prescription or over-the-counter drugs that may cause impairment or inability to perform job functions in a safe manner must report it to their supervisor (or Human Resources) prior to the work shift. It is the employee's responsibility to have his/her physician or other Town-approved healthcare professional determine whether job performance or abilities would be impaired by the use of said medication(s) and to produce pertinent documentation if requested.

VIII. PAY PLAN

The Town pay plan is based on step increases for all full-time employees. Upon hire, pay generally begins at Step A. After a six-month probation period, the Department Head and/or Town Manager will evaluate the employee's performance, and upon approval, the employee will advance to Step B. Employee performance evaluation by the Department Head and/or Town Manager will occur every 328 days from the previous step increase, and with Town Manager approval, employees will continue to receive step increases through Step F.

In addition to step increases, Town Council is empowered to grant a cost of living increase to all full-time Town employees at the beginning of each fiscal year.

From time to time vacancies will occur and the Town prefers to promote qualified individuals already employed with the Town of Christiansburg, regardless of the method utilized to announce the opening.

Employees transferred/promoted into a different position will have a six-month performance probationary period to demonstrate proficiency and skills in the duties and responsibilities of said position.

IX. EMPLOYEE CLASSIFICATIONS/JOB DESCRIPTIONS

Job descriptions have been established and are maintained by the Director of Human Resources and updated in conjunction with evolving departmental needs and increasing levels of responsibility and training to perform functions effectively. Classification involves items such as Exempt vs. Non-Exempt in accordance with the Fair Labor Standards Act, and other methods of classification. Job descriptions are based on the typical duties performed, difficulty, required skills, responsibility of the work performed, and minimum qualifications for employment. Further, it adheres to the idea that each of the various classes has a minimum and maximum salary based on these criteria. Generally, new employees will be paid the minimum of the scale of the job he or she is filling provided they meet the minimum qualifications stated in the job description.

Following are the different types of employment offered by the Town, along with the benefits offered with each:

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Part-Time

Part-time employees work less than forty (40) hours during any week. The work periods are staggered with no consistent schedule, for less than fifty-two (52) weeks per year. Benefits are not offered for part-time positions.

Permanent Part-Time

Permanent part-time employees work less than forty (40) hours per week, with a set work schedule for fifty-two (52) weeks per year. Receives ¾ day sick leave per month, and ½ day pay for holidays. This classification is not entitled to annual leave or insurance benefits.

Full-Time Temporary

Full-time temporary employees work no less than forty (40) hours per week. The work may be seasonal or occur in designated blocks of time during the calendar year. Does not consistently work fifty-two (52) weeks per year. Accrues ¾ day sick leave per month, and holiday pay, providing that the employee works forty (40) hours the week of the holiday, and are in attendance the day before and the day after the holiday. Full-time temporary employees are not eligible for annual leave or insurance benefits.

Full-Time Classified

Full-time **classified** employees work no less than forty (40) hours per week for a consistent fifty-two (52) weeks per year. They are eligible to receive all benefits as explained in Section X, and are broken into two primary categories: Full Time Classified (Non-Exempt) and Full Time Classified (Exempt) in accordance with the Fair Labor Standards Act.

Full Time Classified, Non-Exempt (OVERTIME ELIGIBLE): Work over 40 hours per week is eligible for overtime pay (or compensatory time) at a rate of 1.5 times the regular hourly rate of pay. In accordance with the FLSA effective April 15, 1986, the maximum compensatory time which may be accrued by any employee shall be 480 hours (i.e., not more than 320 hours of actual overtime hours worked) for those engaged in a public safety, emergency response or seasonal activity. For all other employees, the maximum compensatory time which may be accrued shall be 240 hours (i.e., not more than 160 hours of actual overtime hours worked). An employee who has accrued the maximum number of compensatory hours shall be paid overtime compensation in cash for any additional overtime hours of work.

Full Time Classified, Exempt (FLEX TIME ELIGIBLE): Exempt employees are those not subject to overtime pay under the guidelines of the Fair Labor Standards Act ($23,660 minimum pay per year and duties/responsibilities of a professional nature, etc.). Exempt employees may receive flex time on an hour-for-hour basis for hours worked over 40 per work week, subject to maximum monthly carryover of 24 hours per month, with the approval of the Town Manager or Department Head. Examples of Full Time Classified, Exempt staff includes but is not limited to:

Full Time Classified, Exempt:

- Town Manager
- Assistant Town Manager
- Assistant to the Town Manager
- Director of Human Resources
- Public Relations Officer

Full Time Classified, Exempt (continued):

- Director of Finance/Treasurer
- Chief of Police
- Director of Engineering and Public Works
- Director of Planning
- Building Official
- Director of Parks & Recreation
- Director of Aquatics
- Fire Chief/Fire Marshall
- Rescue Captain
- Town Attorney

This list is non-inclusive and may be updated at any time in accordance with the Fair Labor Standards Act. Occasional overtime may be required of any employee as circumstances dictate at the discretion of the Department Head or Town Manager, with circumstances defined as including but not limited to: operations regarding public safety, water/sewer breaks, snow/ice removal, required meetings, or other projects or events which mandate an immediate concern and response in the opinion of the Department Head or Town Manager.

Adjusted Service Date/Hire Date

Employees who start working for the Town in a Permanent Part-Time or Full-Time Temporary capacity and are promoted to Full-Time Classified may have service credit adjusted by calculating the average number of hours the employee worked during their tenure as Permanent P/T or F/T Temporary. This time may be eligible for credit for FMLA eligibility, medical insurance holdback period, and certain other employment benefits, but does not impact Virginia Retirement System service credit for retirement purposes.

X. EMPLOYEE BENEFITS

Life Insurance

The Town of Christiansburg provides group life insurance for all full time employees at no cost to the employee. The amount of life insurance is to one year's salary rounded to the nearest $1,000 with double-indemnity in the event of work-related fatality. Additional life insurance is available at the employee's expense through payroll deduction. Plan design or carrier may be subject to change and employees may contact Human Resources or the Insurance/Payroll Specialist for current information.

Medical Insurance

The Town provides a medical care insurance program for its employees, presently at no cost to the employee. The employee pays the cost for any dependent coverage through payroll deduction if dependent coverage is desired. Detailed coverage information may be obtained from the Payroll/Insurance Specialist or Director of Human Resources located in Town Hall.

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Cancer Insurance

A Cancer Insurance plan is available at the employee's expense through payroll deduction, and a detailed brochure may be obtained from the Payroll/Insurance Specialist or Director of Human Resources located in Town Hall. Plan design and/or carrier may be subject to change, and employees should contact Human Resources or the Insurance/Payroll Specialist for current information.

VRS Voluntary Long-Term Care Benefits

As adopted by Town Council (May 2010), employees may opt to participate in the VRS Voluntary Long Term Care Plan, at the employee's expense, This insurance plan helps employees and their family members cover long-term care needs (example: illness brought about by age and infirmity, injuries caused by accident, Alzheimers/Parkinson's disease, Multiple Sclerosis, Strokes, or other chronic conditions which may require institutional or in-home care, regardless of age). Terms and rates may vary dependent upon age of insured, and employees are encouraged to contact Human Resources or the Payroll/Insurance Specialist for more information or to get rates on this optional benefit.

Employee Assistance Program (EAP)

An Employee Assistance Program is provided for all Town employees (including Fire/Rescue Volunteers, Full Time/Part Time Staff) and those family members residing in the same household. This program offers four (4) free professional counseling service visits per year per life occurrence, and may be accessed through confidential self-referral. For information regarding this program or to schedule an appointment, please contact Carilion EAP directly at (540) 731-7379. For further information or assistance with plan benefits, please contact Human Resources.

Payroll Direct Deposit

Direct Deposit is compulsory for any employee hired after May 17, 2010, and employees may deposit pay into a maximum of two (2) accounts or banking institutions (in addition to any elective payroll deductions, such as ICMA 457, optional Cancer or Life policies, etc.). Sign-up will be conducted upon hire, and subsequent questions regarding direct deposit may be addressed by the Insurance/Payroll Specialist or Human Resources.

Retirement – Social Security

Both the Virginia Supplemental Retirement System and Federal Social Security cover all full-time employees. Membership in the Virginia Supplemental Retirement System is compulsory for all full-time employees effective July 1, 1988 and is paid by the Town. Deductions from the employee's salary for Social Security are made in accordance with Federal Law.

Retirement – ICMA 457 Plan

The Town of Christiansburg offers an optional ICMA 457 plan where employees can invest monies on an IRS approved tax-deferred basis through payroll deduction, up to an annual maximum of $16,500 per current IRS guidelines. For more information, sign-up, or to make changes to deductions or update beneficiaries, please contact Human Resources. For specific questions regarding fund selection or investment advice, please contact the International City Managers Association Retirement Corporation ("ICMA-RC") Representative at (1-800) 669-7400.

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Retirement –Sick Leave Divestiture

Employees retiring from the Town of Christiansburg and who have a minimum of five (5) years service may withdraw 25% of their accrued sick leave up to a maximum of $5,000 (taxable).

Additionally, those employees retiring immediately upon separation from the Town of Christiansburg with a minimum of twenty (20) years service to the Town, and who are retiring in accordance with Virginia Retirement System guidelines[1], the employee has the further option to take their total accumulated accrued sick leave in 120 monthly payments (i.e.; 10 years), subject to applicable Federal and State taxes. The value of accrued sick leave for payout will be calculated at an hourly rate using the VRS Average Final Compensation computation. If the retiree deceases during the payout period, the payouts cease and are non-transferable.

Retirement- Town Sponsored Service Merit

Employees retiring immediately upon separation with the Town of Christiansburg with a minimum of twenty (20) years service to the Town and retiring in accordance with Virginia Retirement System guidelines[1] are eligible for Town Sponsored Service Merit retirement benefits. The formula for calculation is $10/month[2] for each year of service until age 65 or Medicare eligibility, whichever occurs first, and then turns to a flat $100/month amount thereafter. Town Sponsored Service Merit monies are contributed to the ICMA Retirement Health Savings ("RHS") plan on a mandatory basis in compliance with IRS regulations. The monies can only be used for medical-related expenses (ex: medical insurance premiums, physician co-pays, prescription co-pays, etc.). If the retiree deceases, contributions from the Town to the RHS account cease and are non-transferrable. However, any monies *already deposited* in the RHS account may be directed to the retiree's beneficiary, who may use the funds under the same guideline of medical-related expenses only.

[1:] VRS guidelines for **Plan 1** employees (hired June 30, 2010 or before), age 50 with 30 years of service (25 years service for hazardous duty members such as Police, Fire and Rescue). VRS guidelines for **Plan 2** employees (hired July 1, 2010 or after), eligibility is based on "factor of 90", meaning age and years of service must equal 90, with the exception of hazardous duty members, which remains age 60 with at least five years service credit or age 50 with at least 25 years service credit

[2:] Dollar value appropriation may be amended annually by Council, and amendments will affect those employees retiring after start of the fiscal year such change is implemented.

Annual Leave

Occasionally, we all need to get away from our work to rest and relax. For this reason, the Town provides the following annual leave for full-time employees. Annual leave can be used for vacation as well as for other personal reasons. A new employee shall not be eligible to take annual leave until the completion of six months of continuous service, except that unpaid days off may be granted or approved by Department Head during the initial probationary period. The maximum amount of annual leave that can be carried over annually with each fiscal year shall be twenty-four (24) working days. Vacation time taken shall be considered time worked in accruing sick leave and vacation. Annual Leave is accumulated on the following basis:

12 days per year for less than 5 full years of service (1 day accrued per month);
15 days per year for more than 5, but less than 10 full years of service (1 ¼ days/month);
18 days per year for 10 full years or more of service (1 ½ days/month).

Employees can usually take annual leave at their discretion, provided it does not conflict with the work schedule of the department or departmental policy as determined by the Departmental supervisor.

Sick Leave

Full-time employees shall accrue sick leave at the rate of one and one-fourth (1 ¼) working days per month with unlimited accrual. Saving sick leave and using it only when absolutely necessary is like having a good insurance policy. You hope you will not have to use it, but it is good to know it will be there if you need it.

'Sick-Family' sick leave may be used in the event of the illness of an immediate family member (spouse, children, grandparents, parents, including mother and father-in-law and/or step-parents, brother, and sister) not to exceed three (3) working days per fiscal year. Absence in excess of three (3) working days in instances of illness in the immediate family shall be charged against Annual Leave.

If an employee should find it necessary to take sick leave, please notify your supervisor as soon as possible on the day of your illness, and in accordance with any Departmental policies and/or the Family and Medical Leave Act policy if leave is anticipated to extend to five days or longer. Employees may be required to provide a doctor's certificate to document the necessity for sick leave.

With the approval of the Department Head concerned, employees who work forty (40) hours per week may fill medical or dental appointments of less than two (2) hours duration without charge against Sick Leave. If an appointment is over two (2) hours in duration, the excess time will be charged against Sick Leave. Employees may be required to provide a doctor's note for any or all appointments filled using this provision.

All employees are required to notify their Supervisor of any Annual and Sick Leave taken, as well as any work time missed due to tardiness or absence. Failure to report absences will result in disciplinary action. It is the Supervisor's responsibility to inform the departmental payroll clerk or Director of Human Resources of his/her employees' absences.

Bereavement Leave

Bereavement leave may used in the event of the death of an immediate family member (spouse, children, grandparents, parents, including mother and father-in-law and/or step-parents, brother, and sister) not to exceed three (3) working days per occurrence. Bereavement leave will be charged against accrued sick leave.

Length of Service

After fourteen (14) years of continuous service employees shall be eligible to receive a 3% Length of Service (LOS) increase.

After nineteen (19) years of continuous service employees shall be eligible to receive a 2% LOS increase in addition to the 3% received at fourteen years.

Family Medical Leave Act of 1993, as amended in 2009

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The U. S. Department of Labor has issued regulations effective 5 August 1993 that require employers with 50 or more employees to grant 12 weeks of unpaid "family medical leave" Family and Medical Leave Act extends certain job restoration rights and specified amounts of time that the employee may take without jeopardizing their employment.

Employees who have worked for the Town of Christiansburg for a minimum of one year and have worked 1,250 hours or more during the 12 months prior to a request for leave are eligible for leave under the Family and Medical Act. ("FMLA"). The Town runs FMLA leave concurrent with any accrued compensatory time/flex time (as applicable), sick and/or annual leave that an employee has so that the time off can be paid to the fullest extent possible to minimize financial burden to the employee. Those without accrued time to cover the leave will still be eligible for FMLA leave, but it will be unpaid. Also, when leave is for adoption or birth of a child, an employee may take leave intermittently or on a reduced work schedule only with the approval of the Town Manager.

If eligible, employees will be allowed up to 12 weeks of unpaid leave within a 12- month rolling calendar year for **a)** the birth or adoption of a child; **b)** to provide care for a child, spouse, or parent with a serious health condition; or **c)** to care for the employee's own serious health condition.

The employee should notify the Town Manager or Director of Human Resources **in writing prior to the event** requesting Family Medical Leave to care for their own illness, illness of an immediate family member, or birth or adoption of a child if such absence can be planned. If circumstances dictate that leave becomes necessary without prior approval, the Town automatically will assign employees to provisional Family Medical Leave on the fifth (5th) day of absence, effective starting with the first day of absence from work.

Birth, Adoption, or Placement of a foster child

FMLA leave for the birth or placement of a child for adoption or foster care must be used within 12 months after the event. Leave may begin before birth or placement, if needed.

Intermittent or Reduced Leave

In the case of the employee's own serious health condition or that of a family member, leave may be taken intermittently or on a reduced work schedule if medically necessary. When the leave is for adoption or birth of a child, leave may be taken intermittently or on a reduced work schedule with joint approval of the Town Manager and employee. If the employee requests or is assigned to intermittent or reduced leave, the Town may temporarily transfer an employee to another position of equivalent pay/benefits to accommodate absence while ensuring Town business carries on in an efficient and expedient manner.

The **2010 National Defense Authorization Act ("NDAA")** addendum to FMLA legislation, effective January 16, 2009 and revised October 28, 2009, is divided into two parts as follows:

1) Covered Service Member Leave: Eligible employees who are family members (i.e.; child, spouse, or parent) of covered service members will be able to take up to 26 workweeks of leave in a "single 12-month period" (which will be the 'rolling calendar year' which the Town currently utilizes) to care for a covered service member with a serious illness or injury incurred in the line of duty on active duty. This also extends to additional family members (i.e.; "next of kin") that are specified in the guidelines as grandparents, first cousins, aunts, and uncles.

2) Qualifying Exigency Leave: Intended to help families of military members of the Armed Forces, National Guard and Reserves manage their affairs while the member is on duty in support of a contingency operation. This provision makes the normal 12 work weeks of FMLA job-protected leave available to eligible employees with a covered military member serving in the National Guard or Reserves to use for "any qualifying exigency" arising out of the fact that a covered military member is on active duty or called to active duty status. "Qualifying Exigencies" are defined as: 1) Short-notice deployment; 2) Military events and related activities; 3) Childcare and school activities; 4) Financial and legal arrangements; 5) Counseling; 6) Rest and recuperation; 7) Post-deployment activities; and 8) Additional activities not encompassed in the other categories but agreed to by the employer and employee.

Use of Paid-Time-Off Benefits

All paid time off benefits, such as accrued vacation and sick leave, must be used before taking unpaid time off. Using paid time off does not add to the total length of the leave. Regardless of the accumulated total of an employee's sick or annual leave, Family Medical Leave will run concurrently with paid leave, or until a total of 12 weeks has been used by the employee.

Leave Provisions for Spouses Both Working for the Town

If leave is taken for the adoption or birth of a healthy child, the maximum combined leave for both spouses is 12 weeks. If leave is taken to care for an ill child or spouse, each spouse is entitled to 12 total weeks of leave.

Job Restoration

Most employees granted leave will be returned to the same position held before the leave or to a position that is equivalent in pay, benefits, and other terms and conditions of employment. However, the Town reserves the right to re-assign an employee to another position of equivalent pay, benefits, and other terms and conditions of employment in order to maintain efficient operations. Also, if an employee exhausts the 12 weeks of Family Medical Leave and is still unable to return to work, regardless if the employee still has accumulated sick and annual leave, the Town is under no obligation to continue holding the employee's position.

Continuation of Benefits

Health care and life insurance benefits will continue during FMLA leave. The Town will continue to pay the employee's portion of the benefits; however, any dependent's health insurance premiums are the responsibility of the employee. If choosing not to return from leave, employees may be required under certain circumstances to repay the Town's portion of the premium payment. Annual Leave and Sick Leave do not accrue while an employee is on unpaid leave.

Notification

Employees must provide the Town Manager or Human Resources with a written request thirty days in advance of the need for leave, or, if emergency conditions prevent such notice, notify the Town Manager or Human Resources as soon as is practicable.

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Certification

Certification of the need for leave to care for your illness or injury or that of a family member is required. The Certificate of Medical Condition approved by the Department of Labor as provided by Human Resources must be used, which gathers the following information:

- The date the serious health condition began;
- The duration of the condition;
- A statement of the estimated length of the leave and/or a statement the employee cannot perform the functions of his/her job;
- If applicable, notice from the health care provider verifying the need for intermittent leave or a reduced work schedule, such as scheduled dates for treatments.

Information on the Certificate of Medical Condition is necessary for appropriate determination of FMLA eligibility, and any physician or medical office fees for completion of necessary paperwork are the responsibility of the employee.

Release to Return to Work

A doctor's release is required if returning from FMLA or sick leave of five working days or longer, in accordance Family and Medical Leave Act and applicable departmental policy(ies).

This is a summary of the Family and Medical Leave Act; it is intended to fulfill the notification requirement of FMLA rights and basic knowledge of this law. Further information on the Family and Medical Leave Act may be obtained from the Director of Human Resources.

Light/Restricted Duty or Transitional Alternative Duty

In an effort to work with employees and to expedite possible return-to-work from an injury (whether personal or work-related), the Town does offer 'Transitional Alternative Duty' assignments to the extent possible and to the benefit of both the employee and the Town. The Town of Christiansburg reserves the right to limit the timeframe of transitional alternative duties as necessary to maintain effective operations. Factors considered in offering Transitional Alternative Duty include but are not limited to:

- The job description, employee classification, and duties which the employee customarily performs and applicability to current departmental needs
- Tasks or operations available in the employee's department.
- The extent of injury and stringency of physical limitations denoted by the treating physician.
- Availability of duties to accommodate the employee's injury (seasonal or occasional duties available such as leaf vacuum during autumn, paperwork [dependent upon department], flagging operations, driving-only, desk-duties as available for Police Officers, etc.)

Under HIPAA guidelines, Department Heads or Supervisors should defer contact with treating physician to the Director of Human Resources to seek possible transitional duties that meet with the employee's health needs and those of the department. The Town reserves the right to limit light/transitional duty assignments based on business need and ability to provide suitable assignments.

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Jury Leave

If called for service on a jury or subpoenaed as an official witness in a trial, employees may be granted leave with full pay for the duration of the period for which called, unless released earlier, without charge against Annual Leave. Compensation from the Court System for Jury Duty may be retained by the employee.

Military Leave

In compliance with Article 10, Section 44-93 of the Code of Virginia, an employee engaged in military duty shall be entitled to a leave of absence with full pay by the Town for a period not to exceed fifteen (15) working days per federal fiscal year, without charging against Annual Leave.

Official Duty Leave

An employee may be absent from work while on official business of the Town, while participating in training courses as directed by the Supervisor/Department Head, or while attending professional conferences and meetings authorized by the Town Manager with full pay without charge against Annual Leave. Time spent traveling on weekends and before 8:00 a.m. and after 5:00 p.m., to attend professional conferences or meetings at the Town's instruction, shall be treated as overtime (for non-exempt employees) or flex-time (for exempt employees). Employees will be paid for food expenses and mileage at established reimbursement rates, OR reimbursed for out-of-pocket expenses for gas and food only in the event of multiple day conferences or those requiring an overnight stay, providing all receipts and accurate mileage are turned in to the Treasurer's Office.

Leave Without Pay/Excused Leave of Absence

If unpaid, non-FMLA covered leave is necessary, or upon the expiration of FMLA leave benefits, leave without pay (or continued leave of absence using accrued annual or sick leave beyond 12 weeks of FMLA absence) may be granted for a period not to exceed one month at the discretion of the Town Manager, with conditions set at his discretion. Periods of absence longer than one month require the approval of Town Council, up to a maximum of one-year (including the one-month approved by the Town Manager). The request for leave without pay or leave of absence must be submitted in writing to be considered.

Unauthorized/unexcused absence shall not be compensable or charged as leave. Leave of any category in excess of that authorized shall be charged as leave without pay, and deductions made from pay for that period. Unauthorized/unexcused absence may be grounds for disciplinary action as determined by the Town Manager.

Holidays

Following are the holidays observed by the Town of Christiansburg:

January	1st – New Year's Day Friday prior to 3rd Monday – Lee-Jackson Day 3rd Monday - Martin Luther King, Jr. Day
February	3rd Monday – President's Day
April	Friday prior to Easter Sunday – Good Friday

Holidays observed by the Town of Christiansburg (continued):

May	Last Monday – Memorial Day
July	4th – Independence Day
September	1st Monday – Labor Day
October	2nd Monday – Columbus Day
November	11th – Veteran's Day 4th Thursday, Thanksgiving Day, and the following Friday
December	25th, Christmas Day, and ½ of the preceding working day.

Payment for any holiday will be forfeited by an employee for an unexcused absence on the last regular workday preceding such holiday or the first working day following such holiday. Holidays, which fall on a Saturday or Sunday, shall be taken on a Friday or Monday as designated by the Town Manager.

Terminal Leave and Pay

Upon termination of employment, an employee in good standing is entitled to payment for unused Annual Leave, less any deduction for Annual Leave or Sick Leave used but not earned.

All accrued Sick Leave shall be forfeited upon termination of employment with the exception of retirement after having been employed for at least five (5) years.

Payment for accrued compensatory time upon termination of employment shall be calculated at the final regular rate received by the employee. Payment for accrued sick leave upon *retirement* from employment shall be paid using the Average Final Compensation ("AFC") rate established by VRS.

XI. WORK HABITS AND GUIDELINES

Each Department Head, when directed by the Town Manager, shall develop detailed departmental work habit guidelines. As a minimum, all employees should observe the following work habit guidelines:

Appearance

An important part of the Town's image is appropriate personal appearance on the job. Our manner of dress and behavior should be one that creates a good impression on the people that we serve.

Courtesy

The impression we make on people depends on the manner in which we treat them, and this can affect overall public impression of Town employees in general. Polite courteous service shall always be rendered whether answering criticism or a request for information. Courtesy and polite, professional service shall also be observed with co-workers or "internal customers" to preserve a positive atmosphere of cooperation which is focused on the efficient delivery of excellent services.

Safety

The Town puts great emphasis and concern on the safety of its employees. We are governed by OSHA standards of safety, and it is the combined responsibility of employees, supervisors, and Town management to see that those standards are met. If unmarked or hidden hazards are observed, report those to the supervisor immediately. Employee participation in safety practices and accident prevention is expected and will contribute greatly to individual safety and that of fellow employees and the public.

Nepotism and Workplace Relationships

The Town permits the employment of qualified relatives of employees as long as such employment does not, in the opinion of the Town Manager, create actual conflicts of interest. For purposes of this policy, "immediate family" is defined as spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, corresponding in-law, step relation, or any member of the employee's household.

- Immediate family members are permitted to work for the Town provided no direct reporting or supervisory relationship exists. That is, no employee is permitted to work within the chain of command where an employee's work responsibilities, salary, hours, career progress, benefits or other terms and conditions of employment could be influenced by an immediate family member.
- Employees who marry while employed, or become part of the same household, are treated in accordance with these guidelines.

Furthermore, while the Town does not wish to intrude into the private lives of employees, it recognizes the increased potential for conflicts of interest, appearance of favoritism and risk of claims of harassment when employees develop close personal relationships (ex: dating, etc.) where a supervisory relationship exists. An employee engaged in a personal relationship with another employee with whom he/she shares a direct or indirect supervisory role should promptly disclose such to the Town Manager or the Human Resources Director. The Town Manager and/or Human Resources will work with the Department Head(s) and employees involved to determine whether it is appropriate and possible to adjust reporting or working relationships or whether other changes or actions are necessary.

Commercial or "CDL" Drivers

In order to improve safety and meet the requirements of the Federal Motor Carrier Safety Regulations, all holders of a commercial driver's license must comply with the Town's Drug and Alcohol Policy. A valid Virginia Commercial Drivers License is encouraged, and any candidates or employees with licenses issued by foreign states will be required to provide authorization for the Town of Christiansburg to review the employee's driving record at any time, or provide a copy of their own driving record upon request. Furthermore, Commercial Drivers/CDL Certified Drivers are subject to random drug/alcohol testing and physical examination requirements as prescribed by the Virginia Department of Transportation and Federal Motor Carrier Safety Act regulations (Part 391, CFR §391.41 and 391.43). Failure to comply with random, post-accident, or reasonable suspicion drug and alcohol testing will be considered the same as a positive test result in accordance with FMCSA/DOT guidelines and result in removal from a safety-sensitive position and adverse action up to and including termination.

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Employee Driving Records

All employees who drive or operate Town-owned equipment or vehicles are covered by an insurance policy which mandates monitoring of employee driving records. By accepting employment with the Town of Christiansburg, the employee consents to periodic checks of his/her driving record. Employees are also required to notify their Supervisor or Human Resources if they receive any driving infraction, as that may impact ability to be insured, ability to operate Town vehicles or equipment, and/or employment in specified positions that requires vehicle/equipment operation.

Any driving record that has the following convictions listed within the prior three-year period may be barred from operating Town vehicles/equipment, and may negatively impact employment eligibility:

- DWI/DUI
- Reckless Driving
- Suspended License
- Speeding 15 MPH or more above the speed limit
- Drug Offenses
- Hit and run/Leaving the scene of an accident
- Two or more at-fault accidents
- Three or more moving violations in the past three years
- Less than three years of driving experience

Employees are required to report any change in licensing status or conviction of traffic violations to their supervisor prior to starting their work shift. A failure to report a change in insurability or driving status can be grounds for disciplinary action up to and including termination of employment.

Accidents or Damage to Town Vehicles/Equipment/Private Property

Any employee of the Town who is operating or responsible for the operation of a vehicle or equipment at the time of an accident will automatically be transported to Occupational Medicine for post-accident Drug & Alcohol testing. The employee will then make a written report of the damage to his/her Department Head. The report will describe, in detail, all circumstances of the incident resulting in the damage to the motor vehicle, equipment, or personal property prior to leaving work for the day, as well as any witnesses or others involved or at the scene of said accident. The Department Head and Town Manager, after receiving all pertinent information (and any additional investigation by Departmental Staff, Police, etc.) will determine if the damages were the result of carelessness or negligence on the part of the employee.

Any employee who damages or causes to be damaged, any vehicle/equipment/private property due to carelessness or negligence (as determined by the Town Manager and Department Head) will be disciplined in the following manner:

- First Offense: If damages are $500.00 or more, the employee will be required to forfeit one day of leave (vacation or holiday).

- Second Offense: (Within a one-year period) If damages are $500.00 or more, the employee will be required to forfeit two days of leave (vacation or holiday) and will be automatically placed on 6-months performance probation.

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- Any subsequent offense: (Within a one-year period) The employee will be disciplined at the discretion of the Department Head and Town Manager, which action will be more severe than the disciplinary action for the second offense, up to and including termination.

- Any employee who does not have any accrued leave from which forfeiture may be taken can instead be suspended without pay for one day or more in keeping with the guidelines of this policy.

Seatbelts Required

The Town of Christiansburg is committed to the safety of its employees, and seatbelt use is mandatory when operating vehicles or equipment equipped with seatbelts. The only limited exceptions in accordance with the Code of Virginia are:

- Personnel who enter/exit the cab of a vehicle with such frequency to render the use of seatbelt systems impractical (ex: Trash Truck Laborers while engaged in garbage collection routes)

- Meter Readers while on routes

- Law enforcement officers subject to specific, limited conditions

Not only is this the law, but this is a "rule to live by." The Police Department, Department Heads, Public Works Superintendent, and other management-level staff have been instructed to report any visible infractions by employees while on Town-time or while operating Town vehicles or equipment to the Town Manager or Director of Human Resources for appropriate disciplinary action.

Criminal Background Checks Performed

The Town of Christiansburg performs pre-employment criminal background checks on all conditionally-hired employees and volunteers in accordance with the Code of Virginia. Candidates for employment and/or volunteer openings with the Christiansburg Parks & Recreation Department and Christiansburg Aquatics Department will be screened nationally for criminal convictions including but not limited to barrier crimes subsequent to § 63.2-1719 pertinent to responsibilities of providing care, protection and guidance for children, the handicapped, or the elderly. Candidates for employment for all other departments shall be screened by the Christiansburg Police Department.

In determining whether a criminal conviction directly relates to a position, the Town of Christiansburg considers the following criteria: (i) the nature and seriousness of the crime; (ii) the relationship of the crime to the work to be performed in the position applied for; (iii) the extent to which the position applied for might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved; (iv) the relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the position being sought; (v) the extent and nature of the person's past criminal activity; (vi) the age of the person at the time of the commission of the crime; (vii) the amount of time that has elapsed since the person's last involvement in the commission of a crime; (viii) the conduct and work activity of the person prior to and following the criminal activity; and (ix) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

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Confidentiality/HIPAA

Certain employees and volunteers are in positions that are responsible for maintaining confidential information such as employee health records, social security numbers, medical and criminal information (for employees and the public), and information covered under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"). All patient information (employee medical records, citizen medical conditions as related to calls for Rescue/Fire/Police assistance, etc.) should be regarded as confidential. Such protected information should not be discussed or released except to attending physicians, appropriate medical personnel, or to appropriate emergency services personnel, unless otherwise authorized by Federal/State laws or regulations.

Computer/Internet/Network Infrastructure

Town-owned computers, network infrastructure and other equipment (Blackberry devices, PDA's, printers, etc.) are for the express purposes of completing work tasks in an effective and efficient manner. At a minimum, employees should be aware that:

- All Town-business related e-mail should be conducted through ".christiansburg.org" assigned e-mail addresses.
- No lewd, profane, threatening, or hostile messages are to be sent using Town computer equipment/internet or other devices or any messages that could constitute harassment.
- No unapproved software or games are to be downloaded or added to Town-owned equipment or other devices
- E-mail, internet, and Town-owned equipment or other devices is subject to monitoring.

Please consult the Computer/Internet/Network Infrastructure Policy or contact Human Resources for further details.

Prescription Medications

For personal safety and that of other employees and the public, use of any prescription or over-the-counter drugs that may impair abilities must be reported to the supervisor or Director of Human Resources prior to beginning the work-shift. It is the employee's responsibility to have the physician/practitioner determine whether safety or job performance would be impaired by any prescription or over-the-counter medications, and to report any risk factors to your Supervisor or Director of Human Resources. Under no circumstances should a Supervisor contact healthcare professionals for verification or clarification of health conditions or other confidential medical information. Instead, all medical inquiries shall be conducted by Human Resources for proper handling.

Safe Operation of Cell Phones

In the interest of employee and citizen safety, employees are expected to devote their full attention to operating vehicles or equipment in a safe manner. Employees whose job responsibilities include driving or equipment operation are expected to refrain from using phone/communication devices while driving or operating equipment. Additionally, state laws prohibit text messaging while driving and carry stiff traffic penalties for violations. The safety of our employees and citizens must come before all other concerns. Regardless of circumstance, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle or shut down equipment before placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short,

refrain from complicated discussions, keep their eyes on the road, and avoid trying to reference written materials or other items. Special care should be taken in situations where there is traffic, inclement weather, or the employee is driving in an unfamiliar area. Under no circumstances are employees required to place themselves or others at risk to fulfill business needs, and texting while driving is prohibited by State Law. The employee will be solely responsible for any traffic violations or convictions resulting from the use of a cell phone while driving, and will also be subject to further employment disciplinary action up to and including termination.

Personal cell phones should only be used during breaks or lunch unless in the event of an emergency. If an employee's personal cell phone presents a safety hazard or proves to be disruptive to work operations, the Department Head may mandate that it be left in the employee's vehicle or off-premises during working hours. Disciplinary action may also be administered for personal cell phone use (including but not limited to calls, texting, or other applications) if deemed unsafe or excessive in the opinion of the Department Head or Town Manager.

Punctuality and Attendance

Regular attendance and punctuality are essential if we are to accomplish our objective of providing efficient services to the public. Of course, since life does have its unpredictable moments, sometimes there are good reasons for non-attendance and tardiness. In these situations, however, there are courtesies that should be observed.

When you are unable to report for work, or will be late for work, notify the supervisor as soon as possible or in accordance with departmental call-in procedures so the work schedule can be arranged to cause the least inconvenience for the rest of the department. Unexcused absence/tardiness can be cause for disciplinary action up to and including termination. Three instances of absence without calling in or notifying the supervisor may be cause for separation from employment and viewed as "voluntary quit without notice."

Resignation Courtesies

When leaving the employment of the Town the employee is required to give the Town advance notice, equal in time to the employee's pay period at a minimum, in order to allow the Town to secure and retrain a replacement. Failure to give the required notice will result in forfeiture of payment for unused annual leave.

Resignees may also be required to sign a resignation form in order to receive their final paycheck. The resignation form can be obtained from the Human Resources Department.

Outside Employment

It is permissible to obtain outside employment only with approval from the Town Manager. However, such secondary employment must not interfere with or be a conflict of interest with the employee's primary duties at the Town of Christiansburg.

Conflict of Interest

As a matter of public trust, an employee shall not engage in any activity either privately or officially where a conflict of interest may exist as determined by the Town Manager.

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Environmental Stewardship, Fossil Fuels, etc.

As stewards of the natural resources of our surrounding environment, and to set an example for the public which we serve, all employees are asked to perform operations in an environmentally-conscious manner, which includes vehicle/engine idling. Town fleet vehicles and equipment shall not be parked with their engines operating for more than five minutes at a time, unless this is essential for performance of work. When engines must be left operating for any reason, the operator must remain with the vehicle/equipment.

It is the responsibility of all Town personnel to operate fleet equipment in such a way that is both environmentally and economically responsible. Each employee is charged with helping the Town protect the environment and natural resources. If employees have suggestions to help reduce the Town's "carbon footprint" or reduce/eliminate unnecessary use of natural resources, please contact the Supervisor or Department Head with the idea and any supporting information for consideration.

X. CAUSES FOR DISCIPLINARY ACTION

An employee may be disciplined (including but not limited to suspension, demotion, or dismissal) for reasons including but not limited to:

a) Discrimination or harassment on the basis of race, color, religion, national origin, age, disability, sex/gender, military status, family status, or political affiliation, including but not limited to hindering, badgering, plaguing, baiting, taunting, tormenting, insulting, or heckling any other officer or employee of the Town.

b) To the extent it affects an employee's ability to do his/her job and/or maintain the public trust, conviction of any felony; or of a misdemeanor involving moral turpitude.

c) Knowingly or willfully violating the laws of the United States, or the Commonwealth of Virginia, or the Ordinances of any Town/City, County, or Municipality of the Commonwealth, or any Departmental rules and regulations.

d) Malicious, willful, or careless destruction or damage to Town property (including vehicles and equipment) or the property of another employee, citizen, or other persons.

e) Willfully, wantonly, unreasonably, unnecessarily, or through negligence being guilty of brutality or cruelty to an inmate, prisoner or person in custody, provided the act committed was not necessarily or lawfully done in self-defense, or to protect the lives of others, or to prevent the escape of a person lawfully in custody.

f) Providing false or misleading information on the Town's job application or other employment-related materials, or material omissions therein

g) Falsification of time, sleeping while on-duty, or other evidence of intentional dishonesty, including falsification of any official records.

h) Engaging in offensive conduct or language in public, or toward the public, Town Officials, or fellow employees while on-duty.

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i) Violating any lawful official regulation or order, or failing to obey any proper direction made and given by a superior officer, or refusing to cooperate with or providing false testimony or omitting material facts during the course of an investigation.

j) Using, possessing, or being under the influence of alcohol, illegal drugs, or other intoxicants while on duty, or reporting for duty while intoxicated.

k) Incompetency or inefficiency in the performance of the duties of the employee's position.

l) Failure to perform duties or make identified improvements as outlined in employee's Job Description or made as part of an evaluation/performance review process.

m) Horseplay or other actions which demonstrate a disregard for safety (for self or others), or failure to comply with any established rules and guidelines set forth to preserve safety for employees and citizens, including provocation or participation in fighting or acts of physical violence.

n) Carelessness or negligence with the monies or other property of the Town, misstating expenses or using Town funds or credit for other than business expenses, or taking any property of the Town for the employee's own personal use or for sale or gift to others.

o) Failure to pay or make reasonable provisions for future payment of the employee's debts, provide for court-ordered child support and/or pay the employee's just financial obligations, including garnishments. (← Refer to Legal Counsel for review in conjunction with FCRA & other statutes)

p) Using or threatening to use, or attempting to use personal or political influence in securing promotion, leave of absence, transfer, or change of pay rate, in any manner related to the employee's work.

q) Inducing, or attempting to induce an officer or employee in the service of the Town to commit an unlawful act or to act in violation of any lawful or official regulation or order.

r) Failure to comply with a Formal or Mandatory Employee Assistance Program referral as directed by the Department Head, Human Resources, or the Town Manager.

s) Taking for personal use from any person, any fee, gift, or other things of value in the course of the employee's work or in connection with it, when such gift or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than that accorded other persons; nor shall an employee accept any bribe, gift, token, monies or other things intended as an inducement to perform or refrain from performing any official act; nor shall an employee engage in any action of extortion, or other means of obtaining money or other things of value through his/her position in the Municipal Government.

t) Behaviors that are disruptive to the work place or that hinder others in the performance of their duties.

u) Insubordination, refusal to perform tasks assigned (if for other than safety reasons), or improper conduct toward the employee's Supervisor/Manager.

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v) Divulging or discussing any Town business not having previously been made public or disclosing confidential information to any person unless directed to do so by the employee's Department Head. Employees shall not give out interviews or make public speeches concerning information not previously made public.

w) Engaging in workplace harassment of any other officer or employee of the town is a violation of Town policy and Title VII of the Civil Rights Act of 1964, as amended, whether or not such occurs on town property. This includes, but is not limited to, discrimination on the basis of race, color, gender/sex (whether or not of a sexual nature), religion, national origin, protected activity (opposition to prohibited discrimination or participation in the complaint process), age, or disability. Officers and employees shall also report any act of discrimination or harassment observed on Town property perpetrated by any person not associated with the Town. The term "workplace harassment" will be deemed to have inherent definition or meaning, but nevertheless by way of illustration shall include without limitation sexual implications, sexual content, and gender deprecation, or other forms of harassment that include but are not limited to: hindering, badgering, pestering, plaguing, baiting, tormenting, taunting, insulting, and heckling any other officer or employee of the Town.

x) Any acts of workplace violence, including threats or assault.

y) Any and all other behavior, conduct, or actions deemed by the Town Manager to be inappropriate to the position held by an employee of the Town, or in the opinion of the Town Manager indicative of an employee's unsuitability for a particular position.

z) Violating any of the provisions or regulations of the Town's *Personnel Handbook*.

aa) Any actions that involve safety practices or that threaten the safety/health/life of the employee or others (including co-workers or the public), and infractions of this specific guideline can result in immediate suspension from work without pay and more stringent disciplinary action up to and including termination for a first offense.

XI. DISCIPLINARY PROCEDURE

Progressive Disciplinary Action

The Town of Christiansburg follows progressive disciplinary action steps to the extent possible to ensure fair and equitable treatment of employees. However, depending on the severity and nature of the infraction, the Town may forego progressive disciplinary action to take more stringent discipline as necessary at the discretion of the Town Manager.

Investigation

Upon receiving a report of a violation of the law, a violation of a Departmental or disciplinary regulation as set forth in Section X (Causes for Disciplinary Action) from a member of the Municipal Government or from any citizen, the Department Head or Town Manager will investigate. Complaints of sexual harassment shall either be made directly to the Town Manager, or reported directly to the Town Manager by any supervisor who takes the complaint from an employee. The investigation will ascertain the true facts relative to the circumstances surrounding the alleged offense. Reasonable effort will be made to maintain confidentiality. In the investigation of a written complaint against an employee, a copy of the complaint and report of investigation will be forwarded to the Town Manager. The report may include a written statement from the employee against whom the complaint was filed.

Report

All disciplinary action taken by any Department Head shall be reported in full immediately to the Town Manager. In cases of dismissal for any reason noted in these or future regulations, the employee will be given a written notice of his dismissal including in detail the reason or reasons therefore.

Disciplinary Probation

When an employee is placed on disciplinary probation, it will affect a step increase, if a step increase occurs within the probation period. The step increase will be given when the employee comes off probation, beginning the next step increase by counting from the ending date of the probation period forward to the next step increase of either six (6) months or 328 days, whichever is applicable.

XII. GRIEVANCE POLICY AND PROCEDURE – (*Legal Counsel is working on updates in accordance with Code of Virginia/procedures adopted by State Agencies)*

The Town of Christiansburg desires to resolve employee grievances promptly and fairly. An employee filing a grievance will have the right to follow the steps of the grievance procedure with complete freedom from reprisal. This does not, however, confer the right upon anyone to make slanderous or libelous statements.

Coverage of Personnel

All permanent full-time and part-time town government personnel, excluding probationary employees, are eligible to file grievances as provided in this chapter with the following exceptions:

1. Appointees of Council and Department Heads.
2. Managerial employees who are engaged in department wide policy determination, except that such managerial employees below the Department Head level may file grievances regarding disciplinary actions limited to dismissals.
3. Temporary, limited term, and seasonal employees.

Definition of Grievance

A grievance shall be a complaint or dispute by an employee relating to his employment, including but not necessarily limited to (i) disciplinary actions, including dismissals, disciplinary demotions and suspensions, provided that dismissals shall be grievable whenever resulting from formal discipline or unsatisfactory job performance; (ii) the application of personnel, policies, procedures, rules and regulations, including the application of policies involving matters referred to in subsection iii below; (iii) acts of retaliation as the result of utilization of the grievance procedure or of participation in the grievance of another town employee; (iv) complaints of discrimination on the basis of race, color, creed, political affiliation, age, disability, national origin or sex; (v) acts of retaliation because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, or has sought any change in law before the Congress of the United States or the General Assembly.

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Management Rights

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

Procedure

An employee who feels himself aggrieved in matters other than those covered in the above paragraph, *Management Rights*, may file his grievance using the following procedures:

First Step: Supervisor Level

First, within twenty (20) calendar days after the occurrence or condition giving rise to the grievance, the employee affected may identify the grievance verbally to the employee's immediate supervisor. Within five (5) working days of such presentation the supervisor shall give his or her response to the employee with respect to the grievance, or shall advise the employee that additional time for such decision is needed, in which case a decision must be given to the employee within five (5) working days thereafter. Second, if a satisfactory resolution is not reached by this process, the employee shall reduce the grievance to writing on Grievance Form A, identifying the nature of the grievance and the expected remedy. Such written grievance shall be presented to the immediate supervisor within five (5) working days of the supervisor's verbal reply. The supervisor must then reply in writing within five (5) working days.

Second Step: Management Level - Department Head

If a satisfactory resolution is not reached at the first step, the employee may so indicate on the Grievance Form A and submit the grievance to the Department Head within five (5) working days. A meeting to review the grievance shall be held between the employee and the Department Head within five (5) working days after receipt thereof. The time limit between the second step submission and the second step meeting may be extended by mutual agreement.

At the second step meeting, the employee may have a witness of his or her choice present. The supervisor may likewise have a witness present, if he or she so desires. Witnesses shall be present only while actually providing testimony. A second step written reply to the grievance shall be provided to the employee within five working days after the second step meeting.

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Third Step: Upper Management Level – Town Manager

If a satisfactory resolution is not reached at the second step, the employee may so indicate on the Grievance Form A and submit the grievance to the Town Manager within five (5) working days. A meeting to review the grievance shall be held between the employee and the Town Manager within (5) working days after receipt thereof. The time between the third step meeting may be extended by mutual agreement. The employee may have legal counsel or a representative of his or her choice present at the third step meeting. Likewise, the Town Manager may have legal counsel or a representative of his or her choice present at the third step meeting. The Town Manager shall render a written reply to his grievance within five (5) working days following the third step meeting.

Fourth Step: Panel Hearing

If a grievance is not settled in the third step, the grievant may proceed with the grievance by requesting a panel hearing. This request must be made in writing to the Department Head. The request must be submitted to the Department Head within seven (7) working days of the grievant's receipt of a response from the third step with a copy to the Town Manager.

Panel

The panel shall consist of one member appointed by the grievant, a second member appointed by the Department Head, and the third selected by the first two appointees. The Town Manager will supply the Department Head with a list of prospective panel members from which he/she may select as the Town appointee within five (5) working days to hear the grievance. In the event the agreement cannot be reached as to the final panel member, the Judge of the Montgomery County Circuit Court shall select the third panel member. In all cases, the third panel member shall be the chairperson of the panel. The decision of such panel shall be final and binding and shall be consistent with the provisions of law and written policies. Both the grievant and the respondent may call upon appropriate witnesses and be represented by legal counsel or other representatives at the panel hearing. Such representatives may examine, cross-examine, question and present evidence on behalf of the grievant or respondent before the panel without being in violation of the provisions of Sec. 54-1-3904 of the State Code.

Such 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 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 may serve as a panel member.

The full panel shall set the time for the hearing which shall be as soon as practical, but no more than thirty (30) full working days after the panel has been selected, and notify the grievant. The grievant may have present at this meeting a representative or legal counsel at his own expense. Copies of the written grievance shall be furnished to the panel members by the Town Manager prior to the panel hearing. At least ten (10) days prior to the scheduled panel hearing, the grievant and his attorney shall be provided with a list of the documents furnished to the panel and shall have access to copies of all relevant files intended to be used in the grievance proceedings. The panel has the responsibility to interpret the application of appropriate government policies and procedures in the case. It does not have the prerogative to formulate or to change policies or procedures.

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The conduct of the hearing shall be as follows:

1) The panel shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing.

2) The panel may at the beginning of the hearing ask for statements clarifying the issues involved.

3) Exhibits, when offered, may be received in evidence by the panel and, when so received, shall be marked and made part of the record.

4) Documents, exhibits, and lists of witnesses should be exchanged between the parties in advance of the hearing.

5) The grievant and supervisor, or their representative shall then present their claim and proofs and witnesses who shall submit to questions or other examination. The panel may at its discretion vary this procedure but shall afford full and equal opportunity to all parties and witnesses for presentation of any material or relevant proofs.

6) The parties may offer evidence and shall produce such additional evidence, as the panel may deem necessary to an understanding and determination of dispute. The panel shall be the judge of relevancy and materiality of the evidence offered. All evidence shall be taken in the presence of the panel and of the parties, except by mutual consent of the parties.

7) The burden of proving a grievable offense shall be that of the grievant.

8) The panel Chairman shall specifically inquire of all parties whether they have any further proofs to offer or witnesses to be heard. Upon receiving negative replies, the Chairman shall declare the hearing closed.

9) The panel shall interpret the grievance received and the Chairman shall submit in writing on Form B its findings to the Town Manager with copies to the grievant, the grievant's supervisor and the Department Head not later than ten (10) working days after the completion of the hearing. The majority decision of the panel shall be final and binding and shall be consistent with provisions of law and written policies. The question of whether the relief granted by a panel is consistent with written policy shall be determined by the Town manager of Christiansburg or his designee unless such person has a direct involvement with the grievance in which case the decision shall be made by the Attorney for the Commonwealth of the jurisdiction in which the grievance is pending.

10) Either party may petition the Montgomery County Circuit Court for an order requiring the implementation of the decision of panel.

11) The hearings may be reopened by the panel on its own motion or upon application of a party for good cause shown within five (5) working days of receipt of the decision. The panel by majority rule may elect to review its decision and/or reopen the hearing for good cause shown.

<u>Grievability</u>

Determination of Grievability

When either the employee or the supervisor so request, the Town Manager shall decide, within ten (10) working days of the request, whether or not a matter is grievable. The decision of grievability shall be

made subsequent to the reduction of the grievance to writing but prior to the panel hearing and a copy of the decision shall be sent to the grievant. The issue of grievablility shall be decided prior to the panel hearing, or it shall be deemed to be waived. Decisions of the Town Manager concerning the issue of grievability may be appealed to the Montgomery County Circuit Court for a hearing de novo on the issue of grievability as provided in Sec. 15.1-7.2.1(1) of the Code of Virginia, as amended. Proceedings for review of the decision of the Town Manager on the issue of grievability shall be instituted by filing a notice of appeal with the Town Manager within ten (10) working days after the date of the decision. Within ten (10) working days thereafter, the Town Manager shall transmit to the Clerk of the Circuit Court a copy of his decision, a copy of the notice of appeal, and the exhibits with copies to the grievant. Within thirty (30) days of receipt by the Clerk of such records, the Court sitting without a jury shall hear the appeal on the record transmitted by the Town Manager and any additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The Court may affirm the decision of the Town manager or my reverse or modify the decision. The decision of the Court shall be rendered no later than the fifteenth day from the date of the conclusion of the hearing. The decision of the Court is final and not appealable (Sec. 15.1-7.2(1) of the Code of Virginia, as amended).

Following the Procedure

After the initial filing of a written grievance, failure of either party to comply with all substantial procedural requirements of the grievance procedure including the panel hearing without just cause shall result in a decision in favor of the other party on any grievable issues, provided the party not in compliance fails to correct the noncompliance within five (5) working days of the receipt of written notification by the other party of the compliance violation. Such written notification by the grievant shall be made to the Town Manager or his designee.

The procedure is provided as a means for employees to resolve problems and complaints without the cost often associated with legal counsel. However, if an employee using the procedure would feel more comfortable in having such support, the employee shall be responsible for related expenses.

Assistance

For advice or assistance in pursuing a grievance, copies of forms or policies, please contact the Director of Human Resources.

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