



# EMPLOYEE HANDBOOK

Effective March 29, 2021 as adopted by Christiansburg Town Council

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# TOWN OF CHRISTIANSBURG

## *History*

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 14.65 square miles and a population of approximately 22,473 (2019 census estimate).

The Town provides public safety services through a police department and volunteer fire and rescue departments who are partially funded by the Town. Water, sewer, garbage, and recycling services are also provided to Christiansburg citizens in addition to engineering, street construction, and maintenance services. Parks and recreational facilities are available to the public including an aquatic center and a recreation center. Building inspections are done for all new building constructions and remodels. The Town also administers planning and zoning through the Planning Department and provides utility billing and finance operations through the Treasurer's Department.

## *Organization*

The Town of Christiansburg operates under a Council-Manager form of government. The principal advantage of the Council-Manager form of government is that the responsibility for day-to-day conduct of Town business is placed on a single individual—the Town Manager.

An elected Town Council represents the citizens and is made up of seven members who determine the policies of Town government. The Town Mayor serves as the seventh, deciding vote in the event of an even split between the other six Councilmembers; the Mayor would otherwise not vote on Council matters. All ordinances, or laws, of the Town—budgeting, contracts, agreements, policy decisions, tax rates and appointments to boards and commissions—are the responsibility of the Council. Each year, the Town Council must adopt an annual budget for the Town.

The Town Manager is the chief executive and administrative official of Town government. The Manager submits proposals to Town Council and provides them with facts and advice. This information provides Council a basis for making decisions on community goals. The Manager has no vote in Town Council meetings. As chief administrator, the Manager is responsible for supervising the Town's administrative matters and working with you and other employees in implementing Town Council policies.

## *Core Values*

As an organization, the Town of Christiansburg is committed to providing exceptional services and facilities to our residents that not only benefit our community today but will benefit the community of tomorrow. The Town is committed to the following core values:

### **Customer & Community Focus**

Customer service within the Town of Christiansburg is focused on the community in which we live, work, and play. Our employees strive to provide customer service to the community in a timely, courteous, and thoughtful manner.

### **Peak Performance**

Town employees consistently provide quality services and maintain facilities effectively and efficiently. Employees demonstrate a commitment to their responsibilities by providing support for their team and other departments, pursuing ongoing professional development, and performing their duties productively and with a civic-minded spirit. Town employees are open to new ideas and strive continuously to improve their performance.

## **Integrity & Transparency**

Integrity and transparency are central components of Town operations. We strive to communicate openly between departments and to the larger community. Timely, accurate, and reliable information communicated through varied outlets inspires public trust and maintains the Town's reputation of being an open government.

## ***Statement of Purpose***

This employee handbook is a source of information about your employment with the Town. While no set of written policies or procedures can cover every possible situation, this manual provides overall guidance for practical, consistent decision-making. The Town Manager may make exceptions to policy in special or unusual situations that would be in the best interest of the Town. If you have questions about anything in the manual, please discuss them with your supervisor, department head, or the Human Resources Office.

The personnel policies contained in this manual supersede any existing or conflicting statements, practices, procedures, or policies in effect prior to the date of the manual's publication, unless covered elsewhere. The policies, procedures, benefits, and other programs contained in the manual may be changed or modified by the Town at any time. All revisions to this manual are issued and maintained by the Human Resources Office and will be provided to Town Council prior to distribution to employees.

Your department head is responsible for maintaining a current employee manual that contains all revisions. From time to time, you will be provided with various notices and manual updates. Because of the nature of the operation of some departments under the Town Manager's jurisdiction, separate rules and regulations to fit specific conditions may be necessary. In which case, the supplemental rules and regulations will be approved by the Town Manager and considered part of this manual. The Town Manager or designee has the authority to make non-substantive changes to the handbook. Failure to comply with any policy, procedure or standard practice of the Town may result in corrective action, including termination of employment.

Nothing contained in this manual should be intended or interpreted to create a contract or guarantee of employment (expressed or implied), specific procedure or type of work, or benefits for any specific period of time. Either you or the Town of Christiansburg may terminate the employment relationship at any time, for any reason, with or without cause or notice. No supervisor, manager, or representative of the Town, other than the Town Manager or Town Council by means of majority vote, has the authority to enter into any agreement with you for employment or benefits for any specified period or to make any promises or commitments contrary to the above. Any employment agreement entered into by the Town Manager or Town Council by means of majority vote shall not be enforceable unless it is in writing and signed by the Town Manager or Mayor.

The Town wishes you every measure of success and thanks you for serving our community.

# **EMPLOYMENT PRACTICES AND PROVISIONS**

## ***Employment At-Will***

Employment with the Town is at-will. Employment at-will means that both the employee and the Town have voluntarily entered into the employment relationship, and both the employee and the Town are free to terminate the employment relationship at any time, with or without cause and for any reason, so long as such termination does not violate applicable law. Policies set forth in this manual are not intended to create an employment contract between the Town and any of its employees. No one is authorized to deviate from this policy or promise anyone employment for any specific length of time. The only exception is that the Town Council and/or Town Manager may approve employment contracts as they deem appropriate.

## ***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, and the Virginia Human Rights Act, Virginia Code § 2.2-3900 et seq., 1950, as amended, and will not illegally discriminate on the basis of race, color, gender/sex, pregnancy, childbirth or related medical condition, religion, national origin, citizenship, political affiliation, age, disability, genetic information, family medical history, veteran status, military membership, marital status, sexual orientation, gender identity, protected activity (including but not limited to opposition to prohibited discrimination or participation in the complaint process), or any other status protected by law. The Town's commitment to equal employment opportunity extends to all aspects of employment, including recruitment, hiring, training, promotion, pay, benefits, discipline, reductions in force, recalls, and termination. The Town of Christiansburg supports multiculturalism and inclusivity and is proud to provide a fair and equitable workplace that is free from discrimination. The Town appreciates employees for the skills, knowledge and valuable service they provide to the community.

## ***Non-Discrimination***

The Town will not tolerate discrimination due to race, color, gender/sex, pregnancy, childbirth or related medical condition, religion, national origin, citizenship, political affiliation, age, disability, genetic information, family medical history, veteran status, military membership, marital status, sexual orientation, gender identity, protected activity (including but not limited to opposition to prohibited discrimination or participation in the complaint process), or any other status protected by law. Retaliation in any form is prohibited.

## ***Work Authorization***

The Immigration Reform and Control Act makes it illegal for employers to employ anyone who is not authorized to work in the United States. Within three days of beginning work, employees must provide one official document that establishes BOTH their identity and employment eligibility OR one document that establishes the employee's identity AND one document that establishes employment eligibility to work in the United States as further explained in the Federal I-9 Form. The Town is an E-Verify employer.

## ***Reasonable Accommodation for Employees & Applicants with Disabilities***

The Town is committed to complying fully with the Americans with Disabilities Act (ADA) and its amendments ensuring equal opportunity in employment for qualified persons with disabilities. If an employee believes they need an accommodation or experiences difficulty performing the essential functions of their job due to an impairment, the employee must inform Human Resources of the need for an accommodation for the difficulty they are experiencing in the workplace. Upon receiving such a request or report, the Town will ask the employee for information regarding the type(s) of accommodation that might allow the employee to perform the essential functions of the job, and the employee and the Town

will work together to determine whether a reasonable accommodation is available. Also, when appropriate, the Town may need the employee's permission to obtain supporting information from treating physicians or other medical or rehabilitation professionals. Employee accommodation requests are treated as confidential and are shared only as necessary. All related medical information (except work restrictions which may need to be shared with others) will be treated as confidential and will be stored separately from the employee's personnel file. Employment practices and activities are conducted on an equal opportunity and non-discriminatory basis.

### Physical Standards & Other Requirements

Before an employment offer can be extended, an applicant must establish that he or she is able to perform the essential functions of the job with or without reasonable accommodation. For certain positions, successful completion of a post-offer, pre-employment medical examination performed by a Town-chosen physician will be necessary. Periodic medical examinations may also be required in those positions where physical standards must be maintained or concern about an employee's ability to perform their duties arises. The Town may require an employee or applicant to complete a job-related independent medical evaluation at any time if concern related to ability to perform a job arises. Failure to comply will be considered a voluntary withdrawal of application or voluntary resignation and will result in separation of employment. The aforementioned applies for mental health evaluations and any other form of assessment pertaining to the evaluation of an applicant's or employee's ability to fulfill the requirements of a position.

### ***Pregnancy, Childbirth & Related Medical Conditions***

The Town does not unlawfully discriminate on the basis of pregnancy, childbirth, or related medical conditions. Employees may have a right to reasonable accommodation for known limitations related to pregnancy, childbirth, or related medical conditions, specifically including lactation, and must inform Human Resources of the need for an accommodation. Employees will be entitled to an interactive process to determine whether a specific accommodation is reasonable. The Town will not require an employee requesting a reasonable accommodation for pregnancy, childbirth, or related medical conditions, including but not limited to lactation, to take leave if a reasonable accommodation may be made. These reasonable accommodations include, but are not limited to, more frequent or longer bathroom breaks, breaks to express breast milk, access to a private location other than a bathroom for the expression of breast milk, acquisition or modification of equipment or access to or modification of employee seating, a temporary transfer to a less strenuous or hazardous position, assistance with manual labor, job restructuring, a modified work schedule, light duty assignments, and/or leave to recover from childbirth. Please notify Human Resources if you become pregnant and you will be provided with all pregnancy related policies within 10 days of notice being given of your pregnancy. Employers are prohibited from taking adverse action against an employee who requests or uses a reasonable accommodation.

### ***Prohibited Harassment***

Our goal is to provide a professional, businesslike work environment free from all forms of discrimination and harassment of or by any employee or non-employee (including customers, vendors, volunteers, contractors, etc.). Prohibited harassment includes, but is not limited to, offensive and unwelcome behavior or statements concerning race, color, gender/sex, pregnancy, childbirth or related medical condition, religion, national origin, citizenship, political affiliation, age, disability, genetic information, family medical history, veteran status, military membership, marital status, sexual orientation, gender identity, protected activity (including but not limited to opposition to prohibited discrimination or participation in the complaint process), or any other status protected by law. Examples of prohibited harassment include but are not limited to: bullying; threatening words or gestures; fighting or other unwelcome physical contact; repeating a disruptive behavior after a request that the behavior cease; unprofessional and excessive swearing, epithets, slurs; displaying objects, cartoons, images, websites or memos that depict a

negative attitude toward a protected characteristic of a person or group; or statements that reflect a negative attitude toward a protected characteristic of a person or group. Any incidents of such behavior will result in appropriate disciplinary sanctions.

As part of its commitment against harassment, the Town strictly prohibits sexual harassment. No one—whether an employee of the Town or not (such as customers, vendors, volunteers, contractors, etc.)—may threaten or suggest that an employee’s submission to or rejection of sexual advances will have any impact on any employment decision affecting the employee. Examples of prohibited sexual harassment include but are not limited to: unwelcome sexual flirting; requests for sexual activity; sending, displaying or describing sexual images or sexual activity; descriptions of a person or a person’s body in sexual or sex-specific terms; sexually explicit or offensive jokes; sexual gestures or mimicking sexual activity; unprofessional or sexual touching of oneself or another; physical or sexual assault or threats; inappropriate staring; or any other unwelcome conduct which a person reasonably believes is sexual in nature.

Any employee who believes he or she has experienced any form of harassment, who believes he or she has witnessed another employee being harassed in any way, or who is aware of another employee who believes that he or she has been harassed in any way must report it immediately to any supervisor with whom the employee feels comfortable, the Director of Human Resources or the Town Manager. If the conduct involves the Town Manager or a member of Town Council, the report may be presented to the Town Attorney. The Town seeks to prevent discrimination and harassment before it reaches the level of a hostile work environment so immediate reporting is required.

### ***Prohibited Retaliation***

It is a violation of Town policy for anyone to retaliate, threaten or seek any type of reprisal against an individual acting in good faith who reports any suspected violation of this policy or who participates or cooperates in an investigation regarding any violation of this policy. Any employee who believes he or she has experienced retaliation, who believes he or she has witnessed another employee being retaliated against, or who is aware of any other employee who believes that he or she has been retaliated against must report it immediately to a supervisor with whom the employee feels comfortable, the Director of Human Resources or the Town Manager. Employees may be disciplined for not reporting retaliation, up to and including, termination of employment.

### ***Town Investigations & Response to Concerns***

The Town will promptly investigate any reported concern that its policies for equal employment opportunity and its policies against discrimination, harassment, and retaliation have been violated. The investigation will be impartial and will be conducted as confidentially as 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 complainant and the employee subject of the complaint. The Town will take prompt and appropriate corrective action when it is determined that any violation of these policies have occurred.

The Town will not tolerate any retaliation, threatened or actual reprisal, against any individual who, in good faith, reports a suspected violation of this policy or who participates or cooperates truthfully in an investigation regarding any suspected violation of this policy.



## ***Recruitment***

The Town may choose to promote highly qualified employees from within the organization as a preference to recruiting from outside when doing so furthers the interests of the Town. Internal promotion may be used in advance of announcing an opening publicly. Vacant positions are typically posted on the Town's website and are often shared with community partners, trade associates, and business associates. Whether vacant positions are posted, and for how long, is at the sole discretion of Town management and is subject to change at any time with or without notice.

## ***Background Investigations & Criminal Convictions***

Background investigations including, but not limited to, reference checks, driving record checks, employment verification and criminal history checks will be completed for all part-time and full-time positions, as well as all volunteer opportunities. Due to the length of time required to complete certain background investigations, a conditional offer of employment may be extended, subject to the successful completion of the investigation. Background investigations must be completed prior to an employee or volunteer beginning work. The Town of Christiansburg does not discriminate against persons who have been convicted of criminal offenses. Generally, a prior conviction does not automatically exclude a candidate from working or volunteering with the Town. Prior convictions or charges for simple possession of marijuana will not be a condition for employment. The nature of the crime and the time elapsed is considered in relation to the duties of the position desired.

All employees and volunteers are required to notify their supervisor and Human Resources immediately of any criminal charges and arrests or convictions, domestic or abroad. The Town reserves the right to conduct a criminal background check on any employee or volunteer reporting a current conviction. Information discovered that leads to the conclusion that the safety and security of the Town community may be at risk will be reviewed and the employee's continued employment or the volunteer's status with the Town may be affected.

## ***Operation of a Town-Owned Motor Vehicle***

Some positions require the operation of a Town-owned motor vehicle as an essential function of the job. Prior to appointment, candidates may be required to provide a copy of their valid driver's license and Department of Motor Vehicles driving record, and, where necessary, a copy of their Commercial Driver's License. Employees who are subject to operate town vehicles must report any restrictions, limitations, or loss of their driving privileges to their supervisor prior to starting their work shift. Employees are advised to review the Employee Driving Records Policy in this handbook.

## ***Nepotism & 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, corresponding in-law, step relation or any member of the employee's household. Immediate family members of Town Council, unless employed by the Town at the time of election, may not work full-time for the Town. Immediate family members of the Town Manager may not work full-time for the Town. Department heads' immediate family members may not work in their department.

Immediate family members are permitted to work for the Town provided no direct reporting or supervisory relationship exists between them. 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 (i.e. dating) where a supervisory relationship exists. An employee engaged in a personal relationship with another employee with whom he or 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.

# **EMPLOYEES' RIGHTS & RESPONSIBILITIES**

## ***Courtesy & Customer Service***

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. Polite, courteous, and professional service shall be extended to the public and observed with co-workers, or internal customers, to preserve a positive atmosphere of cooperation that is focused on the efficient delivery of excellent services.

## ***Public Relations***

### Media

All media requests and inquiries should be directed to the Public Relations Department. The Director of Public Relations will handle or approve all communication with members of the media.

### Social Media

Town employees shall not post inappropriate content or messages on Town-managed social media pages. Staff members in the Public Relations Department are the only individuals who should respond to citizen inquiries and complaints that appear on the Town of Christiansburg's Facebook, Twitter, or Instagram pages. Similarly, the administrators of the other Town pages (e.g. Farmers' Market, Aquatic Center, Police Department, Fire, Rescue) are the only individuals who should respond directly to citizens.

### FOIA

The Director of Public Relations and the Assistant Police Chief serve as the Town's Freedom of Information Act (FOIA) officers. All FOIA requests related to the Police Department shall be directed to the Assistant Police Chief and the Director of Public Relations. FOIA requests that are not related to the Police Department shall be directed to the Director of Public Relations only.

When completed as part of official Town business, correspondence—both electronic and written—of town staff and officials is subject to FOIA. Town employee emails and instant messages are automatically archived and can be accessed by the Town's FOIA officers in order to respond to FOIA requests.

Any message that relates to public business is a public record, regardless of the device it is sent from or the account used to send the message. It is the content of the record—not the equipment or account used—that determines whether it is a public record. If you are transacting public business, the ownership of the device is irrelevant. This means it does not matter if the message is sent from your personal computer, personal phone, Town-issued phone, personal iPad, Town-issued tablet, personal Facebook account, personal email address, etc.—if the message discusses public business, it must be retained and is subject to FOIA.

Therefore, the Town must be able to obtain these public records if they are requested. While you should only conduct Town business via your Town email address or over the phone, if you do discuss public business on a personal device or account, you must copy these records and email them to your Town email address to ensure they are properly retained.

## ***Duty to Disclose & Update***

All employees are required to notify Human Resources immediately of all events or changes that may affect the employee's ability to work including but not limited to: criminal charges, arrests or convictions domestic or abroad; driver's licensure and insurability (facility and personal vehicle), if required; professional licensure or certification, as applicable; and medical condition(s) or prescribed treatment for a medical condition.

Any employee who fails to disclose the aforementioned changes or issues that may interfere with their ability to provide services or perform the essential functions of their job shall be subject to corrective action, up to and including, termination of employment.

### ***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 or Town Attorney.

### ***Acceptance of Gifts or Gratuities***

Town employees are in a position of public trust and may not accept gifts, gratuities, favors, or rewards for any services they perform in connection with Town employment. In addition, it is unlawful to solicit, offer or accept money or anything of value in exchange for an appointment, promotion, or special privileges with the Town. These limitations are not intended to prevent employees from accepting articles of little value that may be distributed by business associates, other Town employees, or citizens. Violation of this policy could result in disciplinary action, up to and including, termination.

### ***Political Activity***

Town employees shall serve all citizens equally. In no way shall the amount or quality of service an individual receives from the Town be affected by the individual's political opinions or affiliations. Prior to engaging in any political activity, an employee should determine whether such activity conflicts, either actually or potentially, with the proper performance of their regular duties.

### **Restricted Activities**

Officials and employees of the Town shall not:

- a. While on duty or in the workplace:
  - (1) Use their official authority or influence for the purpose of interfering with or affecting the results of an election or nomination for political office;
  - (2) Coerce, solicit, or compel contributions for political or partisan purposes by another employee;
  - (3) Actively campaign for a candidate or for a partisan issue;
  - (4) Wear political badges;
  - (5) Sign any document that endorses or reproaches an elected official or candidate for an elected office including, but not limited to, the Petition of Qualified Voters Form.
- b. Be required as a duty or condition of employment, promotion, or tenure of office to contribute funds for political or partisan purposes.
- c. Use Town funds, supplies, equipment, office uniforms, or the Town logo or seal for partisan or political purposes.
- d. Suggest or imply that the Town has officially endorsed a political party, candidate, or campaign.

### **Permissible Activities**

Nothing in this policy shall be construed to prevent any employee from becoming or continuing to be a member or officer of a political party, from attending a political meeting while off duty, or from enjoying freedom from all interference in casting their vote. While off duty, not in uniform, and not on Town premises, employees may:

- a. Take active part in any political campaign, wear or distribute badges, distribute pamphlets or handbills favoring or opposing any candidate for nomination or election to public office.  
Employees may place political or partisan bumper stickers on their private vehicles. Employees

may place political and partisan signs on their private property as long as they comply with relevant sign requirements.

- b. Attend political or partisan meetings; advocate or support issues or candidates of their choice, including donations and the use of their personal names in an advertised list of supporters.
- c. Vote in political or partisan elections.
- d. Solicit voluntary contributions or donations to partisan or political purposes from another employee but not in the workplace.
- e. Be an affiliate, member, or other officer in a political or partisan civic organization; however, while on duty or in the work place, the employee may not carry out any duties either as a volunteer or an officer.

Any employee in violation of this policy shall be subject to disciplinary action, up to and including, termination of employment.

### ***Outside Employment***

It is permissible to obtain outside employment only with approval from the Department Head and 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. An Outside Employment Request form must be completed on an annual basis.

### ***Personnel Data Changes***

It is the responsibility of each employee to notify Human Resources as soon as possible of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of emergency, educational accomplishments, and other such status reports should always be accurate and current. Name changes can only be made after a copy of the social security card with the new name has been presented to Human Resources.

### ***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 we serve. To the extent an employee requires an accommodation to this policy based on religious exemptions, the employee should notify Human Resources.

### ***Commercial (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 Driver's License may be required for some positions, 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. CDL Drivers are subject to random drug/alcohol testing as prescribed by the Virginia Department of Transportation (VDOT) and Federal Motor Carrier Safety Act regulations (Part 391, CFR §391.41 and 391.43). Further information about CDL requirements may be found at the websites for VDOT and Virginia Department of Motor Vehicle. 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 and DOT guidelines and will result in termination of employment.

## ***Employee Driving Records***

Any employee whose driving record includes, but is not limited to, the following convictions and/or actions within the prior three-year period may bar an employee from operating Town vehicles and equipment and may negatively impact employment eligibility:

- DWI/DUI;
- Reckless Driving;
- Suspended and/or revoked license;
- Speeding 20 MPH or more above the speed limit;
- Drug Offenses other than conviction or charges for simple possession of marijuana (probation pursuant to Virginia Code §18.2-251 or conviction);
- 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; and/or
- Less than two years of driving experience.

Employees subject to operate town vehicles are required to report any change in licensing status, conviction of traffic violations, or violations outlined above (including probation pursuant to Virginia Code §18.2-251) 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.

## ***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). The Town shall comply with and provide HIPAA training as applicable to each department. All confidential or HIPAA-protected information must be handled with the utmost care and inappropriate release of such information will be grounds for disciplinary action.

## ***Town Technology***

As used in this policy, Town technology includes all computers, laptops, tablets, mobile phones, personal digital assistants (PDAs), mobile hot spots, internet access, electronic information storage (like hard drives or thumb drives), mobile phone service, online information storage (or the cloud), email accounts, fax machines, phones, voicemail, pagers, phone accounts and other digital or electronic means and devices of storing, sending, receiving, or accessing data that are provided by the Town.

Town technology is provided to employees for the benefit of the Town and its customers. It is the responsibility of the employee to protect Town technology from physical and environmental damage. This responsibility includes operating the equipment in a secure manner, procuring effective maintenance, and safeguarding the equipment from damage. Town technology is the sole property of the Town. Any files, data, images, or messages that are created, edited, stored, sent, accessed, or received using Town technology are also property of the Town. Town technology—like all Town property—may not be removed or destroyed without authorization. Only authorized personnel may reconfigure hardware or add and delete software as deemed necessary. Users are not permitted to copy, transfer, rename, add, or delete information or programs belonging to other users unless given express permission to do so. Failure to observe copyright or license agreements may result in disciplinary action or legal action by the copyright owner.

Employees shall refrain from using Town technology to display, discuss, generate, or transmit material that is unlawful, defamatory, or violates our policies against discrimination, harassment, or retaliation. Employees who abuse or violate this policy are subject to disciplinary action, up to and including, termination. To ensure the appropriate use or when considered a business necessity, the Town reserves the right to enter, search, and monitor all elements of Town technology without advance notice.

The addition to Town technology of personally owned hardware or software is not permitted unless authorized by the Town. The Director of Information Technology must recommend any exceptions to this policy to the Town Manager prior to the use of such equipment.

User identification numbers (ID) and passwords help maintain individual accountability for resource usage. Any employee who obtains an ID or password for an internet resource or software access must keep that password confidential. The Town prohibits the sharing of user IDs or passwords where such sharing would jeopardize accountability or security.

Email and other elements of Town technology are a method of enhancing the performance of Town business and should be treated as an official communication from a representative of the Town of Christiansburg. Email is a non-secure method of communication. Confidential or sensitive information should not be included in email. Although email files may have been deleted, they are susceptible to being retrieved via archives and subject to FOIA.

Town technology, especially internet access, is provided as a means of enhancing productivity in the workplace and providing a method by which employees can keep informed on issues that affect their job. However, improper internet usage may also create negative publicity for the Town and expose it to significant legal liabilities. Personal use of Town technology is allowed within reason to, for example, an employee may access personal email during break time but this use should not be excessive or abused to the point that the volume or size of message files affects performance of the Town computer system, nor shall it detract from an employee's effectiveness in completing assigned duties (see Time Theft). Personal use during working hours does not include blogging and social networking (examples including, but not limited to, Facebook, Twitter, Pinterest, etc.). Blogging and social networking are strictly prohibited on Town time and access is prohibited through any element of Town technology. Employees who, in relation to their job duties, conduct investigations or perform Town-related business activity through social media may do so if approved by a department head or the Town Manager. Employees have no privacy rights with regard to their use of Town technology.

Employees are responsible for the content of all text, audio, or images that they place or send using Town technology. This data is not private and can be disclosed to law enforcement or other third parties without prior consent of the sender or receiver. Intentionally accessing sites that contain fraudulent, harassing, or sexually explicit information, or sites that advocate unlawful activity is prohibited. Messages with derogatory or inflammatory remarks about an individual or group's protected status shall not be transmitted.

The Town reserves the right to monitor all network traffic including local and wide area sites visited on the internet by employees. Excessive or inappropriate use of Town technology for non-business purposes may result in disciplinary action, up to and including, termination.

Viruses or malware have the potential to cause drastic damage to both individual workstations and the network servers. Any device that is attached to the Town network must have virus protection installed. Removal or disabling of any virus scanning software will be subject to disciplinary action. Entry points for

viruses include files that are downloaded from the internet, as well as files brought into work from other sources. Employees should avoid downloading software from the internet without permission from an Information Technology staff member.

### ***Social Networking***

The Town respects the rights of employees to exercise freedom of speech through personal blogs and social networking; however, personal blogging and social networking shall not occur during working hours. Any expressions outside of working hours should be the personal view of the employee and clearly expressed as such with no reference or suggestion of providing an official view on behalf of the Town. Statements of any kind should not include harassment of a coworker or other statements that may be reasonably construed as improper, slanderous, inaccurate, false, or a misrepresentation of information under the guidelines of any and all Town policies, procedures, and practices. False, inaccurate, discriminatory, harassing, retaliatory, demeaning, grossly unprofessional, derogatory statements, or anything that significantly harms public trust, or significantly damages peer or supervisor relationships, are subject to disciplinary action, up to and including, termination of employment.

### ***Time Theft***

The Town values its employees and the jobs they do. It is expected that employees will report to work and make every effort to use time wisely in the completion of assigned duties. Employees shall not misuse Town time for personal reasons. Such misuse may be considered time theft and shall be addressed by the immediate supervisor and department head or the department head's designee. Theft of time may result in corrective action, up to and including, termination of employment.

### ***Solicitation***

Town employees are not permitted to sell items for personal gain to other employees or members of the general public during work hours. Other forms of solicitation will not be permitted in any Town buildings, except as approved by the Town Manager or sponsored by the Town Council. Violation of the aforementioned may result in corrective action, up to an including, termination of employment.

### ***Bulletin Board***

The Town maintains bulletin boards in our facilities as an important source of information. They shall be used solely for Town announcements and government postings. Employees may not post or remove any information without their supervisor's permission. Department heads may designate an employee bulletin board or posting location and may add and remove material at-will at any time.

### ***Environmental Stewardship***

As natural resources and environmental stewards and to set an example for the public, all employees are asked to perform operations in an environmentally conscious manner, which includes vehicle and 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 or 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 and eliminate unnecessary use of natural resources, please contact a supervisor or department head to share the idea with any supporting information for consideration.



## ***Resignation Courtesies***

When leaving employment with the Town, the employee is required to give their supervisor a minimum of two weeks advance notice. Failure to give the required notice will result in forfeiture of payment for unused annual leave or paid time off (PTO) as applicable per PTO policy.

Resigning employees should provide a letter of resignation that identifies their last day of work that is signed and dated. They will also need to sign a written authorization that states that if they fail to return any Town property, then they authorize the Town to deduct the cost of that property from their final check. It is the responsibility of the immediate supervisor to notify Human Resources and the department head of the employee's intent to resign and to collect all Town property from the employee prior to the last day worked. The final check will be direct deposited on the next available pay date and may include the authorized deductions for unreturned Town property, including but not limited to, uniforms, telephone, keys, parking pass, tools, computer, tablet, office equipment, cellular telephone, etc.

## **COMPENSATION, TIME AND ATTENDANCE**

### ***Payroll Direct Deposit***

Direct Deposit is required for all employees. Employees may designate up to three separate accounts for deposit of funds (in addition to any elective payroll deductions, such as ICMA 457, optional Cancer or Life policies, etc.). The Town will utilize a loadable debit card for those unable or unwilling to provide a deposit account. Questions regarding direct deposit may be addressed to Payroll in the Finance Department or Human Resources.

### ***Pay Plan***

The Town pay plan is based on factors that include, but are not limited to, market value and market indicators, cost of living, knowledge, skills, abilities, applicable experience, and budget for all full-time employees. Town Council is empowered to grant a cost of living adjustment to all full-time Town employees as part of the annual budgeting process. The extent of a cost of living adjustment shall typically be based on a generally accepted market indicator and may also take into account localized cost of living indicators. Employees may not exceed the cap of their position's pay range but may realize merit and cost of living increases as a onetime bonus received within the applicable year.

The Town Manager maintains full administrative rights regarding the pay plan. This includes, but is not limited to, reclassifying positions, editing and revising the pay plan in part or in whole, providing market rate, value and indicator adjustments for specific positions, performance increases for specific employees, and retention bonuses for positions difficult to recruit and retain.

### ***Classifications & Job Descriptions***

Classifications and job descriptions have been established and are maintained by the Human Resources Department and updated in conjunction with evolving departmental needs that result in changes that include, but are not limited to, a job's essential functions; physical, non-physical and mental working conditions; and working environment. The purpose of the Classification and Compensation Plan is to ensure that positions requiring similar experience, education, background, training, etc., are grouped together and have similar compensation. This ensures that employees performing similar job functions are compensated similarly.

Classifications and job descriptions are based on the essential duties and responsibilities, level of difficulty, required knowledge, skills and abilities necessary to perform the work, and minimum qualifications for employment. Further, classifications in conjunction with the pay plan adhere to the idea that each of the various classifications has a minimum and maximum pay rate based on these criteria. Factors that assist in determining the amount of penetration into a pay range for a current or perspective employee, include, but are not limited to, knowledge, skills, abilities, training, certifications, education, and experience beyond the minimum stated requirements of a job; perceived changes in the market rates or market conditions; and budgetary constraints. Updating a job description is dependent on prompt and effective communication from department heads.

Department heads must consult with Human Resources when determining pay rates for new hires and pay adjustments for existing employees. Such matters of remuneration must also be approved by the Finance Director/Treasurer to ensure budgetary fit with final authorization resting with the Town Manager. The process of updating a job description and placement of a job into a classification is managed by the Director of Human Resources and the Town Manager.

## ***Standard Work Week & Work Period***

Unless specifically exempt from the Fair Labor Standards Act (FLSA), as outlined in the Act, the standard work period for all employees shall consist of seven consecutive calendar days, as established by the Town Manager or department head. Uniformed Fire & EMS personnel assigned to 24-hour shifts or uniformed Police personnel may work a special work period of up to 28 days, as needed, to effectively deliver services and may be eligible for a special exception under Section 7(k) of the FLSA. Where implemented, a standard work period of no less than seven or more than twenty-eight consecutive days may be established by the Town Manager or department head consistent with the requirements of the FLSA. Working an alternative schedule without the prior approval of the department head is prohibited and subject to corrective action, up to and including, termination of employment.

## ***Hours Worked***

Generally, full-time employees, except those in public safety departments, work a forty-hour work week. Administrative employees work from 8 a.m. to 5 p.m., Monday through Friday. Time worked is tracked by the quarter hour. Because of the nature of work in some departments, special work hours may be required. A department head may adjust, increase, or decrease the normal work schedule as operations demand; however, schedule changes will not be used to penalize an employee. The supervisor will provide each employee with a daily schedule as changes are to be implemented and with as much advance notice as possible.

Subject to the advance approval of the supervisor and department head, employees may work an alternate or flexible schedule provided the forty-hour minimum and specific requirements are met. Employees must account for hours not worked through the use of sick leave, annual leave, or other approved leave.

Overtime for non-exempt employees will begin for all hours worked over 40 during the established work period, except where applicable under 7(k) of the Act or as required by Virginia Code. If an employee is expected to work overtime, the supervisor will give the employee as much advance notice as possible. Working overtime without prior supervisory approval is subject to corrective action, up to and including, termination of employment. Paid leave taken such as sick, annual, holiday, compensatory, and PTO, shall be considered time worked only for leave accrual purposes but is not used in the calculation of overtime pay.

## ***Lunch Periods & Breaks***

Employees should check with their supervisor to determine when their official lunch period is scheduled. Non-exempt employees who are scheduled for an unpaid meal break must adhere to this schedule and are required to immediately notify their supervisor if their meal break is interrupted and promptly record on their time sheets to ensure proper pay is provided.

The Town allows for employees to take up to two 15-minute breaks, one morning and one afternoon, which are part of the paid day. No more than one break may be taken during a four-hour period regardless of duration or purpose, and breaks are subject to be reduced if the needs of the operation so dictate. These breaks are optional and may not be used to cover missed time, such as late arrivals or early departures, or to extend the lunch period.

## ***Inclement Weather***

Due to the operational needs of providing service to the Town's citizens, the Town does not close its operations for inclement weather. Only under extreme conditions will the Town Manager act to close all or any part of the Town offices and operations. Department heads will determine those employees whose jobs require the performance of operations necessary for the public welfare and safety, even during an

emergency or inclement weather. These essential personnel will be required to report for and remain on duty regardless of the Town Manager's decision to close Town offices for a full or partial day.

Employees must use their own judgment as to whether it would be unsafe to commute to work and should not rely on transportation being provided by the Town. Normal departmental call-in procedures will apply. If an employee does not report to work, compensatory time, annual leave, PTO or leave without pay must be used to cover the duration of the absence. If the Town Manager closes administrative offices for a partial day, prior to 5:00 p.m., employees who are at the workplace when the offices close will be eligible for paid administrative leave for the remaining hours of the employees' shift or 5:00 p.m., whichever occurs first. If the Town Manager closes administrative offices for a full day, employees not approved for telework will be required to use personal leave or leave without pay to reflect the absence.

### ***Punctuality & Attendance***

Regular attendance and punctuality are essential if we are to accomplish our objective of providing efficient services to the public. Employees are required to adhere to a work schedule and be at their workstation prepared for work and engaged in work activities as directed by their immediate supervisor. 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 and 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 a voluntary quit without notice. The determination of what is excessive tardiness and absenteeism, or attendance that is not regular and predictable, is reserved solely for Town management.

Due to the varying needs, staffing, and schedules of departments, department heads may implement department-specific punctuality, attendance, and call-out procedures if approved by the Town Manager.

### ***Reporting Requirements for Absences***

Employees are expected to report any unscheduled absence to their immediate supervisor prior to the beginning of the assigned work period. Any unauthorized absence will be treated as an absence without pay and may be grounds for disciplinary action, up to and including, termination of employment. If it is determined that the employee had a valid reason for failing to get prior approval for the absence, the time off may be approved retroactively. Questions regarding how an employee should report an absence from work should be directed to the supervisor.

### ***Travel Time***

Home-to-work and back-home travel time is not normally considered work or paid time. This is true whether the employee works at one location or many. Travel time between different work sites during work hours is considered work time. When an employee is sent to work or attends a meeting requiring an overnight stay, only the travel time that falls within the regularly scheduled work hours is compensable time, unless the employee is working while traveling, in which case time spent working is compensable, too. The Town will compensate non-exempt employees or provide compensatory time for weekend and off-schedule days worked, time spent traveling to attend professional conferences and trainings at the Town's instruction, and for time spent engaged in training before 8 a.m. and after 5 p.m. on weekends and off-schedule days. This compensation may not always apply to weekdays. Please reference the

compensability of various travel time activities below. In any event, once active travel is complete, and an employee is free to use their time for personal pursuits, such time is no longer considered work time and is therefore not compensable, even if the employee must remain away from home overnight.

**Compensability of various travel time activities**

<b>Description of travel time</b>	<b>Compensability</b>
Ordinary home-to-work travel time	Not compensable
Travel time from designated meeting place – where instructions, tools, or the like are conveyed to employee – to place of work	Compensable
Travel time from job-site to jobsite	Compensable
Travel time for special one-day assignments or training in cities other than the home community	Compensable
Travel time to site of emergency work	Compensable
For travel that keeps employee away from home overnight, travel time during normal working hours even on nonwork days	Compensable
For travel that keeps employee away from home overnight, travel time outside normal working hours and in which the employee is the operator of the motor vehicle	Compensable
For travel that keeps employee away from home overnight, travel time as a passenger and outside normal working hours	Not compensable
Personal time spent on a business-related trip away from the home community	Not Compensable

***Call-Back***

Non-exempt employees who are required to report to work outside the employee’s normally scheduled hours or on holidays will be compensated for a minimum of three hours for an initial call-back. If the actual hours worked exceed the three-hour minimum, the employee will be compensated for all hours worked. Call-back time will commence at the time the employee leaves their premises and terminate when the employee is released from further responsibility on the call. If the employee is called back while en route after work, time worked will be credited as an extension of the normal workday, and the three-hour minimum will not apply.

Should the employee be called back a second time within the original three hours of the first call, an additional three-hour credit for the new call back will not be granted. Second and subsequent calls back outside the initial three-hour period but within the same pay period or period of standby shall be compensated as two additional hours, unless actual time worked exceeds two hours, in which case actual time worked shall be compensated. Calls received and time worked by an employee in a call-back situation must be reported to the employee’s supervisor, who in turn immediately reports the call-back to their department head no later than the next regular workday. The nature and amount of time worked during on-call duty are subject to verification by supervisors. When discrepancies are noted, further justification may be required.

***Emergency Response***

In the event a situation arises that, in the judgment of management, requires an extraordinary response effort, any and all employees may be contacted to report to work. Circumstances that justify the need for additional time worked in a given work period include, but are not limited to: operations regarding public safety, water and sewer breaks, snow and ice removal, and required meetings or other projects or events that require immediate attention and response in the opinion of the department head or Town Manager.

Under these circumstances, non-exempt employees will be compensated in the same manner as described under the call-back provision in accordance with the Fair Labor Standards Act.

### ***Compensatory Time***

If an employee has compensatory time and takes time off from work, compensatory time will be deducted first. The Town may award compensatory time as a preference to paying overtime. The maximum compensatory time which may be accrued by any non-exempt, full-time employee shall be 80 hours. It is the department head's responsibility to monitor and ensure compliance with the maximum 80-hour accrual in their department. Compensatory time is calculated in the same manner as overtime. An employee who has accrued the maximum number of compensatory hours shall be paid overtime compensation for any additional overtime hours of work. Please note, public safety employees are not subject to a 40-hour-per-week schedule but have a schedule authorized by their department head in compliance with the Fair Labor Standards Act. Overtime and compensatory time cannot be authorized without the department head's permission. Compensatory time is paid out upon separation of employment. Employees shall have the right to schedule and take accrued compensatory time at their preference with notice, unless the time-off will adversely impact Town operations.

### ***Flex Time***

Exempt employees may receive flex time for hours worked over 40 per work week. Exempt employees are expected to work the number of hours in a given week as necessary for successful operations and completion of tasks. Any employee, from time-to-time as circumstances dictate, may be required to work more than the standard work week. Flex time is not paid out upon separation of employment.

## **TYPES OF EMPLOYMENT**

*The final determination of exempt or non-exempt status must be approved by the Director of Human Resources or Town Manager.*

### ***Introductory Employee & Introductory Assessment Period***

An Introductory Employee is any full-time employee engaged in the Introductory Assessment Period. The first six months of service for a regular full-time employee is considered an introductory assessment period. Law enforcement officers and fire personnel serve an introductory period of 12 months. During this time, the immediate supervisor will work closely with the employee. The Introductory Assessment Period is intended to give new employees, as well as existing employees transferred to a new position for any reason, the opportunity to demonstrate their ability to achieve a satisfactory level of performance. An introductory employee may be dismissed at any time with or without notice or cause during the course of the introduction period. Any employee who is transferred, demoted, or promoted to a new position and is unable to meet the requirements of and/or satisfactorily function in their new position is not guaranteed continued employment or the ability to return to their previous position.

Supervisors will complete performance evaluations for employees before their introductory assessment period ends. If granted regular status, the supervisor will submit the performance evaluation and update employee action to designate regular status. Satisfactory completion of the introductory period does not guarantee continued employment.

Upon the recommendation of the supervisor, the department head—only after consulting with and obtaining approval from the Director of Human Resources—may extend an introductory period. Extensions of the introductory period should occur in only the rarest of circumstances for up to 90 days.

### ***Part-Time, Temporary & Seasonal Employment Appointments***

*Benefits are not offered for part-time positions, except for those required by law.*

#### Part-time

Employees are scheduled to work no more than an average of 25 hours per week over the course of a year. The work periods may be consistent or staggered with no consistent schedule.

#### Temporary & Seasonal Part-time Appointment

An appointment with no more than 25 hours per week that will end upon completion of a specific project or assignment, generally up to six months in any twelve-month period or when the work is occasional, sporadic or seasonal.

#### Temporary & Seasonal Full-time Appointment

Temporary and seasonal full-time appointments will receive paid holidays and should refer to the Town's holiday schedule. Otherwise, benefits are not offered for temporary and seasonal positions, except for those required by law.

An appointment that works 40 hours per week and will end upon completion of a specific project or assignment, generally up to 120 calendar days in any twelve-month period or when the work is occasional, sporadic or seasonal.

Under the Affordable Care Act (ACA), for the purposes of providing an employee with medical and dental benefits, full-time is defined as working an average of 30 hours a week or more or 130 hours a month.

Employees who meet these stipulations will be considered part-time medical insurance eligible. The Town will use a twelve-month look-back period to determine if an employee has worked enough hours to be considered full-time.

Employees should consult with their supervisor regarding current operational policy and procedure pertaining to limitations of hours worked due to ACA. *Department heads are responsible for the tracking of part-time, including paid interns, and seasonal employee hours worked, ensuring compliance with the most current operational policy and procedure and providing directive to their workers and supervisors accordingly.* The Town Manager's office may be contacted for the most current operational policy and procedures.

### ***Full-Time Classified***

Full-time classified employees are scheduled to work no less than 40 hours per week for a consistent 52 weeks per year. They are benefits eligible 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 (FLSA).

Full Time Classified, Non-Exempt (OVERTIME ELIGIBLE): Work over 40 hours per week (administrative schedule) is eligible for overtime pay (or compensatory time) at a rate of 1.5 times the regular hourly rate of pay.

Full Time Classified, Exempt (FLEX TIME ELIGIBLE): Exempt employees are those not subject to overtime pay under the guidelines of the FLSA. Exempt employees are expected to work a minimum of 40 hours per week notwithstanding leave.

### ***Virginia Retirement System (VRS) Plans***

The information regarding the Virginia Retirement System (VRS) Plan 1, Plan 2, and Hybrid Retirement Plan is governed by Title 51.1 of the Code of Virginia. The information is intended to be general. It cannot be complete in all details and cannot for any reason supersede or restrict the authority granted by the Code of Virginia, which may be amended from time to time.

#### VRS Plan 1

You are in VRS Plan 1 if your membership date is before July 1, 2010, and you were vested as of January 1, 2013.

#### VRS Plan 2

You are in VRS Plan 2 if your membership date is from July 1, 2010 to December 31, 2013, or your membership date is before July 1, 2010, and you were not vested as of January 1, 2013.

#### Hybrid Retirement Plan

The plan applies to most members whose membership date is on or after January 1, 2014, and to VRS Plan 1 and VRS Plan 2 members who opted into the plan during the special election window in 2014. Non-eligible members include, but are not limited to, local law enforcement officers, firefighters, and emergency medical technicians who are covered by enhanced benefits for hazardous duty employees.

The aforementioned VRS information is intended to be general and employees are encouraged to visit [www.varetire.org](http://www.varetire.org) to learn more or contact the VRS directly with questions. VRS contact information may be acquired through the VRS website or Human Resources.



## **TYPES OF LEAVE**

*All forms of leave may be taken in quarter-hour increments.*

### ***Annual Leave***

The Annual Leave Policy is only available to employees covered under VRS Plan 1 or Plan 2. All other employees covered under the Hybrid Retirement Plan should refer to the Paid Time Off (PTO) plan for their applicable leave policy.

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, unless negotiated during the hiring process and pre-approved by the department head. Unpaid days off may be granted or approved by the department head during the initial introductory period. The maximum amount of annual leave that can be carried over annually with each fiscal year shall be 256 hours. Annual Leave is accrued on the last day of each month and the accrual rate is based on an employee's full-time anniversary date as follows:

- 8 hours per month for 0 - 4 years of service;
- 10 hours per month for 5 - 9 years of service;
- 12 hours per month for 10 or more years of service.

The annual leave accrual rate increases at the end of the month in which an employee reaches their 5-year and 10-year full-time work anniversary. Annual leave does not accrue at the end of the month if an employee is in an unpaid status for more than 10 days during the 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 department supervisor. Annual leave must be requested and approved in advance in accordance with department policy. An employee who fails to receive advance approval of leave taken will be counted as having taken leave without pay for the time absent. Annual leave may be paid out upon separation of employment.

### ***Sick Leave***

Sick Leave accrual is only available to employees covered under VRS Plan 1 or Plan 2. All other employees covered under the Hybrid Retirement Plan should refer to the PTO plan for their applicable leave benefit.

Full-time employees shall accrue sick leave at the rate of 10 hours per month with unlimited accrual. Sick leave does not accrue at the end of the month if an employee is in an unpaid status for more than 10 days during the month. 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.

Paid sick leave may be used in the event of the illness of an immediate family member as defined under the Family and Medical Leave Act (FMLA), but not to exceed five working days per fiscal year unless approved for FML.

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. For the purposes of this

section, a day is defined as eight hours or total hours an employee is scheduled to work but does not for any given shift or work arrangement, whichever is greater.

All employees are required to notify their supervisor of any 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 their department head of their employees' absences.

Refer to the Terminal Leave & Pay and Sick Leave Divestiture policies regarding sick leave and termination of employment.

### ***Paid Time Off (PTO)***

The PTO plan is only available to employees covered under the Hybrid Retirement Plan (i.e. those employees hired on or after January 1, 2014 with no prior creditable service in the Virginia Retirement System or employees who opted into the Hybrid plan). All employees hired before January 1, 2014 and/or covered under VRS Plan 1 or Plan 2 should refer to the sections on Annual Leave and Sick Leave for their applicable leave policies.

The PTO plan is a comprehensive program that recognizes the many diverse needs of employees for time off from work, including vacation, personal time, illness or time off to care for dependents.

Questions about PTO earned and used should be referred to your supervisor.

#### 1. Enrollment

Employees hired on and after January 1, 2014 will automatically enroll in the PTO plan at the time of hire if they are covered under the Hybrid Retirement Plan of the Virginia Retirement System (VRS). Currently, only employees covered under the Hybrid Retirement Plan are eligible to participate in PTO.

#### 2. PTO Accruals

Full-time employees receive PTO accruals based on their years of continuous service as an employee with the Town. PTO leave is accrued on the last day of each month and the accrual rate is based on an employee's full-time anniversary date as follows:

A.

Years of Service	Accrual hours Per Month
0 – 4 years	12 hours/month
5 – 9 years	14 hours/month
10 – 14 years	16 hours/month
15-19 years	18 hours/month
20+ years	20 hours/month

B. The PTO leave accrual rate increases at the end of the month in which an employee reaches their 5, 10, 15, or 20-year full-time work anniversary.

C. Hours are accrued on the last working day of each month and cannot be taken until the day after they are accrued (e.g. the first working day of the month after they are accrued).

- D. Employees shall not be eligible to receive pay for more days of leave than they have accrued as of the immediately preceding month. Leave without pay must be approved as outlined in the Leave Without Pay & Excused Leave of Absence Policy.
- E. Employees will be credited with full accrual of PTO hours if they begin working after the first day of the month and more than 10 workdays of the month. Employees not working at least 10 workdays during the month, to include current employees in an unpaid leave status, will not receive PTO accruals for the month. When employment ends, no partial accrual of hours will be granted if the employee is not employed on the last working day of the month.
- F. Any scheduled holiday that falls during the employee's PTO leave will not be charged as PTO but as Holiday Pay.
- G. Time off taken in accordance with bereavement leave, jury duty, and/or military leave policies as defined in the Personnel Handbook will not be charged as PTO.
- H. Accrued PTO hours may be taken in increments as low as 15 minutes (.25 hours) for non-exempt employees.
- I. Requests for PTO must be scheduled and approved in advance per each department's policy, except in cases of emergency or illness.
- J. Unscheduled absences will be monitored. An employee will be counseled when the frequency of unscheduled absences adversely affects the operations of the department. Department heads or designees may request the employee provide a statement from their healthcare provider at any time concerning the justification for an unscheduled absence.
- K. New employees shall not be eligible to take scheduled PTO hours until the completion of six months continuous employment unless negotiated during the hiring process and pre-approved by the department head. Unpaid days off may be granted or approved by the department head during the initial introductory period. Accrued PTO hours may be used in cases of emergency or illness within the first six months of employment, though documentation of the need and/or a statement from the employee's health care provider may be required at the discretion of the department head.
- L. Time off taken by employees under this policy shall be considered time worked in accruing leave under the PTO but is not used in the calculation of overtime pay.
- M. The maximum amount of accrued PTO hours that can be carried over annually at the beginning of each fiscal year shall be 480 hours (60 working days).
- N. PTO may be used in the event an immediate family member falls ill, as defined under the Family and Medical Leave Act (FMLA), but not to exceed five working days per fiscal year unless approved for FML.
- O. Refer to *Terminal Leave and Pay* regarding potential payout of PTO upon termination of employment.

## ***Terminal Leave and Pay***

Regardless of which retirement plan an employee is covered under, payment for accrued compensatory time upon termination of employment shall be calculated at the final regular rate of pay received by the employee.

### VRS Plan 1 or Plan 2—Covered Employees:

Upon separation of employment, an employee in good standing is entitled to payment for unused Annual Leave, unless any deduction for Annual Leave or Sick Leave used is in excess of the amount 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 years.

Payment for accrued sick leave upon retirement from employment shall be paid using the Average Final Compensation (AFC) rate established by VRS.

### Hybrid Retirement Plan & PTO—Covered Employees:

Upon termination of employment, an employee in good standing is entitled to payment for unused accrued leave as noted below:

<u>Length of Employment</u>	<u>Percentage of Unused Leave</u>	<u>Maximum Payout</u>
< 1 Year	0%	0 Hours
1 – 9 Years	25%	120 Hours
10 – 19 Years	50%	240 Hours
20 + Years	75%	360 Hours

The Town shall not make payment for unused annual leave or accrued PTO hours, as applicable, to employees who are not in good standing at termination of employment. In order to be in good standing, the employee must not have been terminated for a violation of Town rules and/or policies, resigned in lieu of termination for violating Town rules and/or policies, and/or resigned without appropriate notice as described under Resignation Courtesies Policy. Exceptions to this policy shall only be granted at the discretion of the Town Manager.

## ***Bereavement Leave***

Bereavement leave may be used in the event of the death of an immediate family member (for purposes of the bereavement policy: spouse; children (including foster and step); grandparents; parents, including in-laws and/or step; and siblings). Bereavement leave is not to exceed 40 hours total per fiscal year.

Bereavement leave in excess of 40 hours total per fiscal year will be charged against the employee's available accrued leave in the order of comp-time or flex-time then annual leave or PTO.. Sick leave may only be used for purposes of health care and should not be deemed eligible for use otherwise. Employees who have exhausted all the aforementioned may not use sick time but may request leave without pay.

## ***Family Medical Leave Act (FMLA) of 1993, as amended in 2009***

This notice is meant to provide employees with a basic framework concerning when Family and Medical Leave (FML) can be taken, how much FML may be taken and how the leave may be requested. By no means is this policy intended to be all-inclusive. Each case is unique. Employees should contact Human Resources with specific questions about FML.

Eligible employees who work for a covered employer can take up to twelve weeks of unpaid, job-protected leave in a twelve-month period for the following reasons:

- Birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition; and/or
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered service member's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the service member with a serious injury or illness.

An immediate family member for purposes of using sick leave, PTO, and FML are an employee's spouse, child, and parents. The term parent does not include in-laws. The term child does not include individuals age 18 or over unless they are incapable of self-care because of a mental or physical disability that limits one or more of the major life activities as those terms are defined in regulations issued by the Equal Employment Opportunity Commission (EEOC) under ADA regulations.

#### Eligibility

Employees are eligible for FML once they have worked for the Town for at least one year and performed at least 1,250 hours of work during the previous 12 months, subject to other legal requirements. The Town uses a rolling 12-month backward-looking period to evaluate eligibility and usage of FML.

#### Use of Leave

Except for employees taking leave to care for a newly born or newly placed child, employees are not required to use their leave entitlement in one block. Leave may be taken intermittently or on a reduced leave schedule where medically necessary. Employees must make reasonable efforts to schedule leave for medical treatment to avoid unduly disrupting the Town's operations. Leave due to qualifying exigencies may also be taken intermittently. Employees wishing to use intermittent leave to care for a newly born or newly placed child must obtain prior written approval from the department head with a copy sent to Human Resources.

#### Employee Responsibilities when Requesting FML

Employees should contact Human Resources when requesting FML. Employees must provide 30 days advance notice of the need to take FML when the need is foreseeable. When 30 days' notice is not possible, employees must provide notice as soon as possible. Employees requesting leave using the Town's call-in procedure must indicate if the absence is related to a FMLA request. Excessive delay could lead to delay in designation of absences as FMLA-protected leave.

Employees must provide sufficient information for the Town to determine if the leave requested qualifies for FMLA protection. Sufficient information may include that the employee is unable to perform job functions, the employee's family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. The employee is not required to provide a medical diagnosis as long as sufficient information is given. Employees must also inform the Town if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees may be required to provide certification and periodic

recertification supporting the need for leave. If the Town determines a written certification is incomplete, it will provide a written notice indicating what additional information is required.

#### Employer Responsibilities in Responding to Request for FML

The Town will inform an employee requesting leave whether they are eligible under FMLA. If the employee is eligible, the Town will also specify any additional required information, as well as provide a description of the employee's rights and responsibilities. If the employee is not eligible, the Town will provide a reason for ineligibility.

The Town will inform the employee if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement.

#### Substitution of Paid Leave or Unpaid Leave

The Town requires use of accrued paid leave while an employee is taking FML until all accrued leave has been exhausted. Once all accrued leave has been exhausted, an employee will go into unpaid FML.

#### Benefits

Subject to limitations under the law, while employees are on FML, the Town will continue health insurance coverage as if the employees were not on leave. Employees on unpaid leave must make arrangements with the Town to pay their share of the premium.

With certain exceptions, on return from FML, an employee must return to their original or equivalent position with equivalent pay, benefits, and other employment terms as if he or she had remained in the workplace.

### ***Short-Term Disability Leave***

The short-term disability plan is only available to employees covered under the Hybrid Retirement Plan (i.e. those employees hired on or after January 1, 2014 with no prior creditable service in the Virginia Retirement System or employees who opted into the Hybrid plan). To be eligible for short-term disability coverage, employees must meet one year of continuous employment with the Town of Christiansburg. Once a short-term disability claim is approved and a benefit waiting period of seven calendar days has been met, employees will receive partial income replacement of 60%, 80% or 100% of their pre-disability income, based on length of service, for up to 125 workdays, including paid holidays. Workdays missed during short-term disability will run concurrently with FMLA.

### ***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 or PTO Leave. Compensation from the court system for jury duty may be retained by the employee. A copy of the summons will be required for use of this leave type.

### ***Military Leave***

In accordance with applicable law, the Town will grant a leave of absence to any employee who is enlisted in the Armed Forces Reserve, National Guard, Naval Militia, the Virginia State Defense Force, or National Defense Executive Reserve while engaged in active duty, reserve duty, time away for a physical examination to determine fitness for duty, or periods of training that are approved by the Governor or the Governor's designee.

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 15 days (150 hours) per federal fiscal year (October 1 – September 30). No charge for this absence shall be made against annual leave and no loss of pay or seniority shall result from taking this leave. Once military leave is exhausted, the employee may opt to use his/her accrued leave for other military leave absences. However, the employee is not required to use his/her accrued leave while on military leave.

An employee requesting leave under this policy must furnish a copy of their military orders when submitting their request for leave. If written orders are not available when the request for leave is submitted, the employee must provide a copy of their military orders immediately upon return to work.

Town employees, with a minimum of twelve months of employment with the Town, will be entitled to military supplemental pay when serving in an active duty status for a purpose other than annual training and drills. Military supplemental pay must be preapproved prior to departure. The employee is responsible for providing Human Resources with a copy of the military orders and military pay information for the employee's military service.

Please contact the Human Resources Office with any questions.

### ***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 or department head, or while attending professional conferences and meetings authorized by the Town Manager with full pay without charge against Annual Leave or PTO. Depending on the total hours worked within the pay period, this time may be eligible for overtime or compensatory time (for non-exempt employees) or flex time (for exempt employees). Employees will be paid for food expenses and mileage at established per diem reimbursement. All receipts and accurate mileage must be turned into 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 benefits, leave without pay (or continued leave of absence using accrued annual or sick leave beyond twelve weeks of FML absence) may be granted only by the Town Manager, with conditions set at their discretion. Employees covered under an approved short-term disability claim but who have exhausted their FMLA benefits do not need additional approval from the Town Manager.

Unauthorized and unexcused absences 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 reductions made from pay for that period. Unauthorized and unexcused absences may be grounds for disciplinary action as determined by the Town Manager. In the event that an employee is absent from work without approved leave of absence for three or more days, then, at the discretion of the Town Manager, the employee may be considered as having voluntarily separated from the Town and employment will be terminated.

### ***Holidays***

The Town of Christiansburg follows the state's holiday schedule provided by the Virginia Department of Human Resources Management, except for Columbus Day. Columbus Day will be applied as a full day off on the Wednesday preceding Thanksgiving. Payment for any holiday will be forfeited by an employee who is in an unpaid leave status on the last regular workday preceding a holiday or the first working day following a holiday. For Holiday Pay, a "day" is defined as eight (8) hours or total hours an employee is normally scheduled to work for any given shift, whichever is greater. Full-time employees that work on a

holiday will receive holiday pay for the day as well as an additional one-and-a-half times their base pay for all hours worked. Some departments may use compensatory leave as a preference to overtime payment for holidays worked so employees are encouraged to check with their supervisors.

When a holiday falls on the last day of the month, employees scheduled to retire on the first day of the following month will receive holiday pay if they worked or were on paid leave on the last workday prior to the holiday. Employees separating for reasons other than retirement will not receive holiday pay if they do not work or are not on paid leave the workday prior to and the workday following a holiday.

Employees receiving short-term disability benefits will receive holiday pay based on the percentage of income replacement they are receiving (100%, 80% or 60%). If employees are receiving less than 100% income replacement, they can supplement with accrued leave to receive 100% of their pre-disability income for the holiday. Holiday hours count towards the 7-calendar day waiting period for employees eligible for short-term disability benefits.

### ***Community Service Leave***

When a full-time employee chooses to participate in Town-approved community service activities that occur during their normal work week, the employee will be granted up to eight hours or the equivalent of one full shift each fiscal year with pay, subject to the approval of the department head. Employees who volunteer with the Town of Christiansburg's Rescue and Fire departments may receive 32 hours of community service time off, in addition to the eight hours already provided. The additional 32 hours of community service time off must be applied specifically to ongoing training in the Fire and/or Rescue Departments. Employees of Christiansburg Fire and Rescue Departments are not eligible for the additional community service leave.

The employee must notify their department head, in writing, of the desire to participate in an activity that will benefit the Town of Christiansburg or another community. If approved, the employee will work in conjunction with their immediate supervisor to ensure that the essential duties of their position are covered by remaining Town resources during the period of absence. The immediate supervisor must notify the department head if there is reason to believe that the essential duties of the employee requesting time off for community service will not be completed in the employee's absence.



## **BENEFITS**

### ***Benefits Disclaimer***

A variety of benefits, combined with an employee's salary, are used to establish a total compensation package that helps to attract, reward, and retain employees. From time to time, conditions or circumstances may require that the Town make changes, additions, or deletions in its benefits program for all employees and retirees, as the Town determines are appropriate. All benefits available to employees do not constitute any form of contract, implied or otherwise, and do not guarantee current or future benefits or continuance of benefits in any form. All benefits are subject to change or cancellation with or without notice.

In the event of any conflict between this Handbook and the employee benefit plan document(s), the provisions of the official benefit plan document(s) will govern. In the event of any conflict between a statement by Human Resources or any other Town employee and the employee benefit plan document(s), the provisions of the official benefit plan document(s) will govern.

### ***Christiansburg Aquatic Center & Recreation Center Memberships***

Full-time employees and volunteers with Christiansburg Rescue and the Christiansburg Fire Department are eligible to receive free memberships to the Christiansburg Aquatic Center and Christiansburg Recreation Center. This membership will include facility use and two free health and wellness classes at both the Christiansburg Recreation Center and the Christiansburg Aquatic Center.

### ***Life Insurance***

The Town of Christiansburg provides group life and accidental death and dismemberment (AD&D) insurance for all full-time employees at no cost to the employee. The amount of life insurance is equal to one year's salary rounded to the nearest \$1,000 (limited to \$75,000). The amount of the AD&D insurance is equal to one year's salary rounded to the nearest \$1,000 (limited to \$75,000). Additional life insurance is available at the employee's expense through payroll deduction. Plan design or carrier may be subject to change. For more information, to sign-up, or to make changes to beneficiaries, please contact Human Resources.

### ***Medical Insurance***

The Town provides a medical care insurance program for its employees. Employee contributions for medical insurance are taken through payroll deduction after employee enrollment and authorization. These contributions are subject to change. Payment of premiums for employee and dependent coverages shall be based on the plan and funds allocated in the annual budget. Detailed coverage information may be obtained from the Human Resources Department.

### ***Short-term and Long-term Disability Coverage***

The Town provides employees covered under the Hybrid Retirement Plan with short-term and long-term disability coverage at no additional cost after one year of continuous service with the Town. Once eligible, employees with a non-work related disability will be required to serve an additional benefit waiting period of 7 days and may then receive income replacement at 60% of their pre-disability income. The maximum short-term disability period is 125 workdays, including paid holidays. If an employee continues to be disabled after 125 workdays, they may be approved for long-term disability coverage with a maximum benefit period of normal retirement age under the Federal Social Security Act, as amended. Detailed eligibility and coverage information may be obtained from the Human Resources Department.

## ***Supplemental Insurance***

A variety of supplemental insurance plans are available at the employee's expense through payroll deduction. Any payroll deduction must have the prior written authorization of the employee. Plan designs and/or carriers may be subject to change, and employees should contact Human Resources for current information. Supplemental insurance benefits are not administered by the Town.

## ***Employee Assistance Program (EAP)***

An Employee Assistance Program is provided for full-time employees and those family members residing in the same household as well as part-time employees and Fire and Rescue volunteers. This program offers four free professional counseling service visits per problem per year and may be accessed through confidential self-referral. For information regarding this program or to schedule an appointment, please contact Carilion EAP directly at 1-800-992-1931, option 2. For further information or assistance with plan benefits, please contact Human Resources.

## ***Tuition & Training Reimbursement***

Employees who have passed their initial introductory period and completed one full year of employment may be eligible for tuition reimbursement. For regular full-time employees seeking degreed coursework, the Town may reimburse employees for grades of a "C" (70%) or higher (Undergraduate) or a "B" or higher (Graduate level). Courses or related degree programs must be beneficial to the employee's current position and/or logical career path for that position. The course must be pre-approved by the Town Manager and department head prior to enrollment to be eligible for reimbursement. Contact Human Resources for the preapproval form. The Town Manager and department head reserve the right to limit the number of classes subject to reimbursement due to budgetary constraints and to reserve adequate resources for all employees eligible under the program. Further, reimbursement will only be given toward tuition and required books and materials for the class, not to include items such as pens, paper, binders, etc. Tuition reimbursement will be no higher than the lowest local four-year institution tuition credit hour rate for the applicable or equivalent program. For example, an employee pursuing an undergraduate degree in criminal justice at Virginia Tech would be reimbursed at a maximum of Radford University's current rate because Radford University offers a criminal justice program that is the lower of the two schools' tuition rates. Whereas, an employee pursuing an undergraduate degree in civil engineering would be reimbursed at a maximum of Virginia Tech's current credit hour as that degree program is not offered at Radford University.

The reimbursement is in the form of a loan that will be forgiven after the completion of three years employment beyond the date of the final tuition reimbursement payment. If the employee voluntarily separates from Town employment within three years of completion of coursework, the employee is expected to repay the loan for all courses reimbursed on their behalf on a 1/36 pro rata basis. For example, if an employee took classes that cost \$2,000 and leaves seven months after completing the course or testing, the employee would have to repay 36 months minus seven months or 29/36 of the amount (29 months remainder), which equals \$1,611.11. Once coursework reimbursed by the Town is completed and once a period of three consecutive years employment with the Town thereafter is completed, the loan will be forgiven with no further obligation for repayment.

The Town will reimburse employees seeking voluntary non-degree classes or professional certifications or licenses with the understanding that if the employee voluntarily separates from Town employment within one year of the final date of the certification or training course and/or test, the employee is expected to repay the cost of the training, testing, and any expenses (mileage, lodging, meals, materials, etc.) paid on their behalf based on a 1/12 agreement. For example, if a training class or test plus expenses cost \$1,000

and an employee leaves seven months after completing the course or testing, the employee would have to repay 5/12 of the amount (five months remainder), which equals \$416.67.

### ***Service Award Program***

The purpose of the service award program is to build individual morale, to give long-service employees a measure of individual distinction, to show appreciation to employees for their faithful service, and to strengthen their feelings towards being a part of Town government. This program applies only to regular full-time employees.

Service awards shall be a one time, three percent bonus calculated from the employee's current annual salary. The service award bonus shall be given at the completion of each five-year anniversary of continuous full-time service. It is not to be applied retroactively prior to the implementation of this policy, and an employee's service shall be considered continuous so long as he or she remains uninterrupted on the Town's payroll, and/or

1. The employee is on an approved leave of absence by the Town Manager.
2. Furlough or temporary lay-off.
3. The employee enters military service and returns to work within ninety days after their release from active duty status, excluding dishonorable discharge.

No credit for prior service shall be considered in the service award program in a case where an employee is terminated by reason of voluntary resignation or discharge and then re-hired. An employee whose service terminates for any reason prior to their appropriate employment anniversary date shall not be eligible to receive an award excluding point one through three above. The service award will not be provided because an employee's anniversary date was adjusted due to transitioning from part-time to full-time employment and the adjusted anniversary date met or surpassed a five-year increment.

Questions concerning an individual employee's eligibility under this program shall be determined by Human Resources and the Town Manager.

### ***Town Computer Decommissioning***

Town personal computers (PCs) are replaced every five years in order to ensure the computers can adequately keep up with the Town's workload. Although PCs are decommissioned from Town use after five years, they may be well suited for home environments where workloads are lighter. As such, the Town will offer working, decommissioned PCs for purchase by Town employees for a nominal fee. When a PC is decommissioned, it will first be offered to the current user for purchase. If the current user declines or does not purchase within one week, the PC will be offered to all employees, with first preference going to full-time employees. If no employee purchases the PC within the first month after decommissioning, the PC will be disposed as surplus. The purchase of a PC includes the keyboard, mouse and Windows Home Edition. All Town owned software and data will be removed. Monitors and printers are not included and no more than three PCs may be purchased per person per year. Additional information is available from the Department of Information Technology.

## **RETIREMENT**

### ***Virginia Retirement System (VRS)***

Both the Virginia Retirement System and Social Security cover all full-time employees. The Town contributes to VRS, and employees are also required to contribute a portion of their pay toward VRS. There are currently three VRS Plans. To learn more about which plan you are eligible for and what your required contributions will be, visit <http://www.varetire.org/>, call 1-888-827-3847 or contact Human Resources. Deductions from the employee's salary for Social Security are made in accordance with federal law.

### ***International City/County Management Association Retirement Corporation (ICMA-RC) 457 Plan***

The Town of Christiansburg offers an optional ICMA-RC 457 supplemental retirement plan in which employees can invest monies on an IRS approved tax-deferred basis through payroll deduction. For more information, to sign-up or to make changes to deductions or update beneficiaries, please contact Human Resources. For specific questions regarding fund selection, investment advice, and maximum contributions permitted by the IRS, please contact ICMA-RC Representative at 1-800-669-7400.

### ***Sick Leave Divestiture***

The Retirement-Sick Leave Divestiture program is only available for employees covered under VRS Plan 1 or Plan 2 who retire with a minimum of five years of service to the Town who are collecting VRS retirement benefits.

Option A: Employees retiring from the Town of Christiansburg who have a minimum of five consecutive years of service and are eligible for full VRS retirement (not reduced), may withdraw 25% of their accrued sick leave up to a maximum of \$10,000 (taxable).

Option B: Employees hired on or before June 30, 2011, who retire immediately upon separation from the Town of Christiansburg with a minimum of 20 years of service to the Town, have the option to take their total accumulated accrued sick leave in 120 monthly payments (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. Option B is not available for any employee hired on or after July 1, 2011.

### ***Town Sponsored Service Merit***

Employees retiring immediately upon separation with the Town of Christiansburg with a minimum of 20 years of service to the Town and retiring in accordance with VRS guidelines and collecting VRS retirement benefits are eligible for Town Sponsored Service Merit retirement benefits. The formula for calculation is \$10/month 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 (i.e. medical insurance premiums, physician co-pays, prescription co-pays, etc.). If the retiree dies, 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. 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.

# **EMPLOYEE PERFORMANCE**

## ***General Rules of Conduct & Performance***

Proper conduct and performance of all employees is necessary to ensure a safe, productive, and pleasant working environment. Employees must always use good judgment, discretion, and the highest standards of ethical conduct in carrying out Town business. While on Town of Christiansburg premises or while conducting Town business off the premises, rude, profane, or obscene remarks or gestures made to or about clients, customers, fellow employees, or management will not be tolerated, regardless of circumstances or location. It is not possible to list all the forms of conduct and performance that are considered unacceptable in the workplace. Certain guidelines are used to govern improper conduct and unsatisfactory work performance and to provide uniform corrective action when necessary. Employees are expected to follow the established guidelines that include, but are not limited to:

- Provide the highest level of customer service and be fair, courteous, and cooperative in dealing with the public and with fellow employees;
- Know and observe all established Town policies and procedures;
- Perform the job assigned as instructed by the supervisor without delay or hesitation barring any safety hazard;
- Report to work as scheduled, perform all work competently, and devote full attention to work while on duty;
- Know and abide by the safety rules of the Town for the employee's own protection and that of fellow employees and the public; and
- Maintain the highest moral and ethical standards in order to build and maintain the trust of the public and fellow employees.

Depending upon the seriousness and circumstances of each individual case, misconduct and poor work performance may result in various degrees of corrective action, up to and including, termination of employment. Employee conduct outside of work that reflects poorly on the Town, diminishes public trust or disrupts the working relationship with peers and management may result in disciplinary action, up to and including, termination of employment.

## ***Employee Performance Evaluations***

Performance evaluations will be performed based on the schedule and guidelines as approved by the Town Manager in consultation with Human Resources. Each full-time employee shall receive a performance evaluation at least annually on standard forms developed by the Town. The first six months of service for a regular full-time employee is considered an introductory assessment period. Any full-time employee who assumes a new full-time position will begin a new introductory assessment period.

Evaluations shall be conducted primarily by the employee's immediate supervisor with input from other staff or supervisors as deemed appropriate and shall be available for review by the employee. The Town may provide employees with a merit award increase or compensation based on available budgetary appropriations, and if so, the extent of the merit award will be tied to the results of the annual performance evaluation. Performance evaluations shall be performed on a schedule set by the Town Manager. The amount of merit increases for an individual employee shall be based on the results of the individual performance evaluation relative to the merit plan as adopted for the given budget year.

## ***Corrective Action***

Where appropriate, and at the discretion of the Town, these stages are sequential: documented warning, written reprimand, final written reprimand, or suspension and termination of employment. However, in

particularly serious instances, corrective action may begin at later stages, including immediate termination of employment. Employee conduct at work and outside of work that reflects poorly on the Town of Christiansburg may result in disciplinary action, up to and including, termination of employment. The Town of Christiansburg is not obligated to follow any specific corrective action process and reserves the right, in its sole discretion, to issue the form and level of discipline it believes appropriate under the circumstances. Employees should receive a written notification from their supervisor or another member of management identifying their rationale and intent to apply corrective action, usually three days before a final determination is made. Police and firefighters have additional rights and guarantees as elaborated upon in the Grievance Procedure.

All supervisors have the right to send any employee home at any time in order to assess conduct and/or performance and the next course of action. It is the supervisor's responsibility to notify their department head and Human Resources of the action and work collaboratively to determine the next step.

When the corrective actions are taken, the employee should be notified of performance or conduct concerns, necessary improvements and consequences for failing to comply with Town standards. Supervisors are advised to consult with their department head and Human Resources before delivering any corrective action. Employees on disciplinary probation are not eligible for any pay increases and pay increases will not be awarded retroactively once the employee comes off probation. Termination of non-introductory, full-time classified employment requires the authorization from the Town Manager or Assistant Town Manager or their designee. Performance and conduct deficiencies addressed in performance evaluations may be considered part of the corrective action process and result in a corrective action, up to and including, termination of employment.

Non-introductory, employees are entitled to use the Town's Grievance Procedure.. Introductory employees are not entitled to use the Grievance Procedure unless they allege discrimination on the basis of race, color, gender/sex, pregnancy, childbirth or related medical condition, religion, national origin, citizenship, political affiliation, age, disability, genetic information, family medical history, veteran status, military membership, marital status, sexual orientation, gender identity, protected activity (including but not limited to opposition to prohibited discrimination or participation in the complaint process), or any other status protected by law.

Employees who serve in a sworn law enforcement capacity for the Police Department as well as employees who serve as firefighters and emergency medical technicians are eligible for certain procedural guarantees provided by the Code of Virginia. For further information, please refer to the Grievance Policy and Title 9.1 of the Code of Virginia.

### ***Disciplinary Investigation***

Upon receiving a report of a violation of the law or a violation of a department or disciplinary regulation from a member of the municipal government or from any citizen, the department head or Town Manager will investigate. The investigation will ascertain the 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.

# **WORKPLACE HEALTH AND SAFETY**

## ***Safety***

The Town puts great emphasis and concern on the safety of its employees. We are governed by the Occupational Safety and Health Administration (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 a 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. Failure to adhere to any safety practice, policy, or procedure is subject to corrective action, up to and including, termination of employment.

## ***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 in the Town workplace is prohibited, and disciplinary action will be taken against employees for violation of this 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 for reasons that include, but are not limited to, reasonable suspicion, work-related injuries, moving violations while operating a town vehicle, property damage involving Town machinery, equipment and/or vehicles under the control of an employee, and any work-related incident or accident as deemed necessary.

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.

Employees required to have a commercial driver's license (CDL) who operate a commercial motor vehicle as defined in Part 382 of Title 49 of the Code of Federal Regulations will also be subject to random drug and alcohol testing. Random testing will be conducted without notice to randomly selected employees.

## **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 an employee's ability to perform their job must be reported to Human Resources by the employee and their supervisor prior to beginning the work-shift. It is the employee's responsibility to have the physician or 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 their immediate supervisor and Human Resources. Under no circumstances should a supervisor contact healthcare professionals for verification or clarification of health conditions or other confidential medical information. Instead, Human Resources will conduct all medical inquiries.

## ***Prohibition of Smoking & Other Forms of Tobacco Use***

No smoking or other tobacco use, including vaping, is permitted inside any worksite building or in Town vehicles. Individual departments may submit a separate policy for review and approval by the Town Manager. Use of tobacco products is permitted only in designated areas.

## ***Safe Operation of Cell Phones***

Employees whose job responsibilities include driving or equipment operation must refrain from using phones and communication devices while driving or operating equipment. Additionally, Virginia law prohibits holding a personal communications device (e.g., a cell phone) while driving and carries stiff penalties for violations. Virginia state law does include exceptions for some drivers such as: the operator of any emergency vehicle while engaged in the performance of official duties; an operator who is lawfully parked or stopped; any person using a handheld device to report an emergency; the use of an amateur or CB radio; or the operator of any Department of Transportation vehicle. Employees driving a Town vehicle or operating Town equipment must pull off to the side of the road and safely stop the vehicle or shut down equipment before placing or accepting a call, unless meeting one of the exceptions listed above. Employees will be solely responsible for any traffic violations or convictions resulting from the use of a personal communications device while driving. Town employees may be subject to disciplinary action for failure to adhere to this policy with or without a citation from law enforcement.

A personal cellular telephone stipend may be available for employees who need to use a cellular telephone as part of their official duties and prefer to use their personal cellular telephone instead of a Town-issued device. Employees should contact their department head for further information.

Personal cell phones should only be used during breaks or lunch except in the event of an emergency or when use is part of official job duties. If an employee's personal cell phone presents a safety hazard or proves to be disruptive to work operations, the immediate supervisor may mandate that it be left in the employee's vehicle or off-premises during working hours. Employees should share their supervisor's office and cellular telephone number with anyone who may need to contact them in the event of an emergency during their work-day.

## ***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 must provide a written report of the damage to their 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 damage to any vehicle, equipment, and/or private property due to carelessness or negligence (as determined by the Town Manager and department head) may be subject to drug and alcohol screening per the Drug and Alcohol Free Workplace policy. Careless or negligent damage to equipment may result in corrective action in accordance with this handbook.

## ***Seatbelt Requirement***

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 and exit the cab of a vehicle with such frequency to render the use of seatbelt systems impractical. Such exceptions must be requested by the department head on behalf of the position and approved by the Town Manager.
- 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, supervisors in public works, 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.

### ***Workers' Compensation***

The Town provides workers' compensation in accordance with the provisions of the Virginia Workers' Compensation Act.

The Town maintains a list of physicians who are authorized to treat Town employees who suffer compensable work-related injuries and illnesses. Upon reporting an injury, this list will be provided to the employee. If you are injured on the job or in the line of duty, it is your responsibility to report the injury to your supervisor as soon as possible, immediately if feasible. Failure to promptly report an injury may result in the denial of a workers' compensation claim.

### ***Incident Reporting***

Workplace incidents shall be reported to the affected employee's supervisor immediately, and no later than the end of the workday the incident took place. In incidents where town vehicles, heavy equipment, or property damage is involved, the employee shall report the incident to their supervisor immediately. Drug and alcohol testing may be administered at the Town's expense and discretion for reasons that include, but are not limited to, reasonable suspicion and any work-related incident or accident as deemed necessary. Supervisors or their designated contact should complete and submit the Incident Report before the end of the workday, and no more than 24 hours after the incident has occurred. Failure to report an incident within the required time frame may affect employee access to workers' compensation and may also result in corrective action, up to and including, termination of employment.

### ***Violence Prevention***

The Town does not tolerate employee violence or threats of violence on Town property or on Town time. The Town strives to provide each employee with a safe working environment and to provide our customers with a comfortable business climate. Employees who jeopardize this safe atmosphere by engaging in violent behavior will be disciplined, up to and including, discharge for a first offense. Any employee with knowledge of any violation of this policy should report to their supervisor, department head, or the Town Manager without delay. Except as permitted by law or authorized by Town policy, possession of firearms, illegal knives, blackjacks, explosives, or other weapons on Town property or on Town time is absolutely prohibited. Violation of this rule warrants discharge for a first offense.

Violent behavior includes fighting, threats, harassment, verbal assault, and other aggressive or intimidating behavior that places another individual in discomfort or fear for their well-being. If an employee is subjected to violent behavior, the employee should inform their supervisor instead of responding with violence. An employee should not escalate a potentially hostile situation. This excludes self-defense and situations of imminent bodily harm or death.

## **GRIEVANCE POLICY & PROCEDURE**

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.

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.

### Coverage of Personnel

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

1. Appointees of Council and department heads.
2. Temporary, limited term and seasonal employees.
3. Law-enforcement officers as defined in Chapter 5 (§9.1-500 et seq.) of Title 9.1 whose grievance is subject to the provisions of Chapter 5 (§9.1-500 et seq.) if Title 9.1 and who have elected to proceed pursuant to those provisions in the resolution of their grievance, or any other employee electing to proceed pursuant to any other existing procedure in the resolution of their grievance.

### Definition of Grievance

A grievance shall be a complaint or dispute by an employee relating to his employment, including (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 clause (iii) of subdivision 2; (iii) discrimination on the basis of race, color, creed, religion, political affiliation, age, disability, national origin, sex, marital status, pregnancy, childbirth or related medical conditions, sexual orientation, gender identity, or status as a veteran; and (iv) acts of retaliation as the result of the use of or participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, has sought any change in law before the Congress of the United States or the General Assembly, or has reported an incidence of fraud, abuse, or gross mismanagement. For the purposes of clause (iv), there shall be a rebuttable presumption that increasing the penalty that is the subject of the grievance at any level of the grievance shall be an act of retaliation.

### 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 duties;
- (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 sub-section, 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 is covered by this procedure and who is aggrieved in matters other than those covered in the Management Rights Policy may file their grievance using the procedures below. An employee must be personally and directly affected by an occurrence or condition before he or she shall be permitted to pursue a grievance. Disputes as to an employee's standing to file a grievance shall be determined as shall any other disputes as to grievability as set forth later in the Grievability section of this procedure. Employees must use Grievance Form A throughout the grievance process.

#### Step I: Supervisor Level

To pursue a grievance, an employee must identify the grievance verbally to the employee's immediate supervisor within 20 calendar days after the occurrence or condition giving rise to the grievance. Within five business days of such presentation, the supervisor shall give their 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 business days thereafter. Second, if a satisfactory resolution is not reached by this process, the employee shall reduce the grievance to writing in 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 business days of the supervisor's verbal reply or for a time equal to the time initially taken by the supervisor to respond. The supervisor must then reply in writing within five business days. The written grievance must contain sufficient information for the Town Manager to determine grievability. If it does not contain sufficient information, it may be determined to be nongrievable.

#### Step II: Management Level—Department Head

If a satisfactory resolution is not reached at the first step, the employee may so indicate on Grievance Form A and submit the grievance to the department head within five business days. A face-to-face meeting to review the grievance shall be held between the employee and the department head within five business days after receipt thereof. The time limit between submitting Step II and the Step II meeting may be extended by mutual agreement. At the Step II meeting, the employee may have a witness of their choosing 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 Step II written reply to the grievance shall be provided to the employee within five business days after the Step II meeting.

#### Step III: Upper Management Level – Town Manager

If a satisfactory resolution is not reached at Step II, the employee may so indicate on Grievance Form A and submit the grievance to the Town Manager within five business days. A face-to-face meeting to review the grievance shall be held between the employee and the Town Manager within five business

days after receipt thereof. The time between the Step III meeting may be extended by mutual agreement. The employee may have legal counsel or a representative of their choosing present at the Step III meeting. Likewise, if the employee is represented by council, then the Town Manager may have legal counsel or a representative of their choosing present at the Step III meeting. The Town Manager shall render a written reply to the grievance within five business days following the Step III meeting.

#### Step IV: Panel Hearing

If a grievance is not settled in Step III, the employee 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 business days of the employee's receipt of a response from Step III and a copy sent to the Town Manager.

##### *Panel*

The panel shall consist of one member appointed by the grievant, a second member appointed by the Town Manager or their designee, and the third selected by the first two appointees. Both the grievant and the Town Manager or their designee shall select the first and second members of the panel within five business days after the request for a panel hearing was submitted. In the event an agreement cannot be reached as to the final panel member within ten business days after selection of the first two members, the Chief 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 majority 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 Section 54.1-3904 of the Virginia 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 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 panel chairperson, in consultation with all persons involved, shall set the time for the hearing which shall be as soon as practical, but no more than 30 business days after the panel has been selected, and notify the grievant and the Town Manager or their designee. The grievant may have present at this meeting a representative or legal counsel at their 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 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 authority to formulate policies or procedures or to alter existing policies or procedures.. It is constituted solely for the purpose of determining whether a grievance filed by an employee has merit and what remedy, if any, should be provided.

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, and, at the request of either party, the hearing shall be private.
- 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 town administration designee, or their representatives, 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 without formal rules of evidence. All evidence shall be taken in the presence of the panel and of the parties, except by mutual consent of the parties.
- 7) The grievant shall proceed first and the panel has the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence. The grievance panel shall determine whether the grievant has demonstrated, by a preponderance of the evidence, that the action complained of was without cause, or done in violation of a law, rule, regulation or other policy. It shall not otherwise substitute its judgment for that of management.
- 8) The panel chairperson shall specifically inquire of all parties whether they have any further proofs to offer or witnesses to be heard. Upon receiving negative replies, the chairperson shall declare the hearing closed.
- 9) The decision of the grievance panel shall be submitted in writing by the panel chairperson on Grievance Form B to the Town Manager with copies to the grievant and the town administration designee not later than 15 business 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 their designee, unless such person has a direct involvement with the grievance, in which case the decision shall be made by the Commonwealth Attorney for 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 business days of receipt of the decision. The panel by majority rule may elect to review its decision and/or reopen the hearing if good cause is shown.

### Exceptions to Four-Step Procedure

Employees of the Town who wish to file a grievance must follow a step-by-step procedure, except as follows:

- An employee whose immediate supervisory level is above that which is set forth in Step I, and below the supervisory level as set forth in Step III, shall initiate their grievance with the next level of supervision using the appropriate step level fitting the particular situation. The initial procedure for filing such a grievance shall be set forth in that step.
- Departments and offices which do not have the number of levels or supervision paralleling the supervisory levels, as set forth in the steps of this grievance procedure, may omit non-applicable intermediate steps, provided, however, the initial procedure for filing a grievance shall conform to the requirements of the step in which the employee initiates the grievance.

### Procedural Guarantees

Title 9.1 of the Code of Virginia contains several procedural guarantees for full-time law enforcement officers, firefighters, and emergency medical technicians. The guarantees do not prohibit the informal counseling of an employee by a supervisor in reference to a minor infraction of policy or procedure which does not result in disciplinary action being taken against the employee.

### *Law Enforcement Officers*

For the Police Department, the procedural guarantees apply to any sworn full-time officer who in his official capacity, is authorized by law to make arrests and who is a non-probationary member of the Police Department, other than the Chief of Police. These procedural guarantees provide an alternative to the Town Grievance Procedure and can be found in Chapter 5 of Title 9.1 of the Code of Virginia, Sections 500 et seq.

Before any dismissal, demotion, suspension without pay or transfer for punitive reasons may be imposed, the following must be complied with:

- The law enforcement officer shall be notified in writing of all charges, the basis therefore, and the action which may be taken.
- The officer must be given an opportunity, within a reasonable time limit after the date of the written notice provided for above, to respond orally and in writing to the charges. The time limit shall be determined by the Police Chief, but in no event shall it be less than five calendar days unless agreed to by the officer.
- In making their response, the officer may be assisted by counsel at their own expense.
- The officer shall be given written notification of their right to initiate a grievance under this procedure. The officer shall be provided with an additional copy of the grievance procedure upon request.

The officer may, within a reasonable amount of time, request a hearing to be conducted in accordance with Title 9.1-504 of the State Code. In lieu of following the notice of charges steps listed above, the Chief of Police may give the officer a written statement of the charges, basis for the action which will be taken, and provide a hearing as provided for in the Code of Virginia prior to taking the action. The recommendations of the hearing officer shall be advisory only but shall be accorded significant weight.

A law enforcement officer may proceed under the grievance procedure or the procedural guarantees, but not both.

### *Firefighters & Emergency Medical Technicians*

For full-time firefighter and emergency medical personnel, these procedural guarantees apply whenever an officer, a firefighter, or an emergency medical technician is subjected to an interrogation that could lead to dismissal, demotion, suspension or transfer for punitive reasons. These procedural guarantees can be found in Chapter 3 of Title 9.1 of the Code of Virginia, Sections 9.1-300 through 9.1-304.

The procedural guarantees for full-time firefighters and emergency medical technicians include the following:

- The interrogation shall take place at the facility where the investigating officer is assigned or at the facility that has jurisdiction over the place where the incident under investigation allegedly occurred.
- No firefighter or emergency medical services personnel shall be subjected to interrogation without first receiving written notice of sufficient detail to reasonably notify the firefighter of the nature of the investigation.
- All interrogations shall be conducted at a reasonable time of day, preferably when the firefighter or emergency medical services personnel is on duty, unless the matters being investigated are of such a nature that immediate action is required.
- The firefighter or emergency medical services personnel under investigation shall be informed of the name, rank, and unit or command of the officer in charge of the investigation, the interrogators, and all persons present during the interrogation.
- Interrogation sessions shall be of reasonable duration and the firefighter or emergency medical services personnel shall be permitted reasonable periods for rest and personal necessities. The firefighter or emergency medical services personnel may have an observer of his choice present during the interrogation, as long as the interview is not unduly delayed. This observer may not participate or represent the employee, may not be involved in the investigation, and must be an active or retired member of the department, for purposes of confidentiality.
- The firefighter or emergency medical services personnel being interrogated shall not be subjected to offensive language or offered any incentive as an inducement to answer any questions.
- If a recording of any interrogation is made, and if a transcript of such interrogation is made, the firefighter or emergency medical services personnel under investigation shall be entitled to a copy without charge. Such record may be electronically recorded.

No full-time firefighter or emergency medical services personnel shall be discharged, disciplined, demoted, denied promotion or seniority, or otherwise disciplined or discriminated against in regard to their employment, or be threatened with any such treatment as retaliation for or by reason solely of their exercise of any of the rights granted or protected by these guarantees.

## ***Grievability***

### Determination of Grievability

When either the employee or the department head so request, the Town Manager shall decide, within ten calendar 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 Step IV panel hearing and a copy of the decision shall be sent to the grievant. The issue of grievability shall be decided prior to the Step IV 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 Section 15.2-1507 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 calendar days after the date of the decision. Within ten calendar days thereafter, the Town Manager shall transmit to the Clerk of the Circuit Court a copy of their decision, a copy of the notice of appeal, and the exhibits with copies to the grievant. Within 30 calendar 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, in its discretion, may receive such other evidence as the ends of justice require. The Court may affirm the decision of the Town Manager or may 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.

#### 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 Step IV 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 business 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 their designee.

#### Timelines

Unlike a “calendar” day, a “business” day is defined as a day which is Monday through Friday, 8 a.m. - 5 p.m., excluding holidays and other closures that the Town may have from time to time. Except where otherwise provided, time periods under this procedure shall be deemed to begin on the day following that on which any action is to be taken or response rendered.

Time limits established under this procedure are intended to be strictly construed and enforced. Time limits may be extended by mutual agreement of all parties.

#### Assistance

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



## **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 (ADA) 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 this handbook upon hire. Reasonable efforts will be made to notify employees when significant changes are made. Department heads have 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 with or without notice, for any reason.
- The Town of Christiansburg reserves the right to forgo progressive discipline at its discretion.
- The Town of Christiansburg reserves the right to suspend employee pay increases in the event of extraordinary economic conditions. As such, pay increases should not be considered guaranteed, but are instead related to factors that include, but are not limited to, market value and market indicators, employee performance, cost of living, knowledge skills and abilities, applicable experience and budget constraints.
- All benefits available to employees do not constitute any form of contract, implied or otherwise, and do not guarantee current or future benefits or continuance of benefits in any form, unless required by law. All benefits are subject to change or cancellation with or without notice.

# Acknowledgement of Receipt of Employee Handbook

I have received a copy of the Town of Christiansburg's Employee Handbook. The handbook has been prepared from relevant laws, regulations and policies, but is not intended to be a summary of all applicable laws. I will become familiar with the specific guidelines in the handbook because it summarizes policies and procedures that may affect my daily work, and it provides important information, including, but not limited to, the Town's policies regarding equal employment opportunity and its policies prohibiting discrimination, harassment, and retaliation, and how to report suspected violations of those policies. I understand the Town reserves the right to monitor and inspect its property, including inspecting and monitoring Town technology (which includes, but is not limited to, computers, data storage, email accounts, internet access, and mobile devices). If I have any questions or need further assistance with matters covered by it, I will contact my immediate supervisor.

This handbook is subject to change with or without notice. It is understood that revisions in policies, procedures, and employee benefits in this Employee Handbook will supersede or eliminate those found in pre-existing Employee Handbooks and pre-existing policies, procedures, and benefits. I may be notified of such changes through communication channels as deemed appropriate by the Town Manager.

Nothing in this handbook is intended or should be interpreted to create a contract (stated or implied) or guarantee of employment and/or benefits for any specific period of time, or for any specific policy or procedure, or type of work. This means that either the Town of Christiansburg or I may end the work relationship at any time for any reason. This practice is not a change from long-standing Town policy and is only referred to here to avoid any misunderstanding.

I understand it is my responsibility to review the Employee Handbook and ask questions if necessary. I agree to comply with the guidelines, policies, and procedures of the Town. I further agree that failure to comply with any policy, procedure, or standard practice of the Town may result in corrective action, including termination of employment.

I further understand no supervisor, manager, or representative of the Town, other than the Town Manager or Town Council by means of majority vote, can make any agreement guaranteeing employment for any specified period. I also understand any such agreement, if made, will not be enforced unless it is in writing and is signed by the Town Manager or Mayor.

I understand that all benefits available to employees do not constitute any contract implied, or otherwise, and do not guarantee current or future benefits or continuance of benefits in any form, unless required by law. I further understand no supervisor, manager, or representative of the Town, other than the Town Manager or Town Council by means of majority vote, can revise, change or update the Town's benefits package. I understand that all benefits are subject to change or cancellation with or without notice.

I acknowledge that a signed copy of this completed form will be retained in the Human Resources Office in my personnel file.

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Print Name of Employee

Employee's Signature/Date

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Print Name of Witness

Signature of Witness/Date