

Issue Analysis Form



Date: November 23, 2021
Item: Personnel Policy Revisions
Lead Department(s): Human Resources
Contact Person(s): Corrie Hurt

Description and Current Status

Staff has revised personnel policies entitled Definitions, Employee Grievance Procedures, Equal Employment Opportunity, Leave, and Separation from the County for the Board's consideration at the November 23, 2021 meeting.

Definitions– We expanded the complaints of discrimination to be in accordance with the Human Rights Act changes that went into effect July 2021.

Employee Grievance Procedures –Changes made due to Human Rights Act changes for discrimination.

Leave – Section 24.21, made clear that there is a 7 calendar day elimination period for non-work related disabilities.

Equal Employment Opportunity – language added to cover all changes made for discrimination through the Human Rights Act updates for July 2021.

Separation from the County – Added language in section 27.3 for separation by retirement to state that employees should have at least 5 years of full-time service to the county to be eligible to continue health insurance. This truly will follow the definition under the definition in VRS where 5 years of service is considered "vested". There is also additional language regarding open enrollment and opting out of the coverage at retirement or during retirement to make this clear to those retiring with the county.

Government Path

- | | | |
|--|---|--|
| Does this require IDA action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does this require BZA action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does This require Planning Commission Action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does this require Board of Supervisors action? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does this require a public hearing? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| If so, before what date? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Fiscal Impact Statement

None.

County Impact

Notes

Board of Supervisors
County of Prince George, Virginia

Resolution

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia, this 23rd day of November, 2021:

Present:

Floyd M. Brown, Jr., Chairman
Marlene J. Waymack, Vice Chair
Alan R. Carmichael
Donald Hunter
T. J. Webb

Vote:

A-1

On motion of _____, seconded by _____, which carried unanimously, the following Resolution was adopted:

RESOLUTION; PROPOSED REVISIONS; PRINCE GEORGE COUNTY PERSONNEL POLICIES; SECTIONS 1.1 THROUGH 1.4 ENTITLED *EQUAL EMPLOYMENT OPPORTUNITY/ADA STATEMENT*, SECTIONS 27.1 THROUGH 27.6 ENTITLED *SEPARATION FROM THE COUNTY*, SECTIONS 30.1 THROUGH 30.8 ENTITLED *EMPLOYEE GRIEVANCE PROCEDURES*, SECTIONS 24.1 THROUGH 24.23 ENTITLED *LEAVE*, AND SECTIONS 2.1 THROUGH 2.35 ENTITLED *DEFINITIONS*

WHEREAS the Prince George County Personnel Policy Manual has been reviewed by staff and it has been recommended that the policies entitled *Leave, Definitions, Employee Grievance Procedures, Equal Employment Opportunity* and *Separation from the County* be reviewed and considered for revision in the County's Personnel Policies;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Prince George, this 23rd day of November, 2021 does hereby amend the Prince George County Personnel Policies by approving a revision to the policies entitled *Leave, Definitions, Employee Grievance Procedures, Equal Employment Opportunity* and *Separation from the County* as requested.

A Copy Teste:

Percy C. Ashcraft
County Administrator

COUNTY OF PRINCE GEORGE PERSONNEL POLICIES Prince George, Virginia	POLICY NUMBER: 1.1 THROUGH 1.4	Page 1 of 2
	SUPERSEDES: <u>January 1, 2006</u>	DATE ISSUED: <u>January 1, 2006</u>
SUBJECT: Equal Employment Opportunity/ ADA Statement	AUTHORIZATION: Adopted by the Board of Supervisors <u>December 13, 2005</u> ; to become effective <u>January 1, 2006</u>	

1.1 General Equal Opportunity Objectives

It is the policy of Prince George County to provide equal employment opportunity to all persons based on individual merit and fitness and to recruit and administer hiring, working conditions, benefits and privileges of employment, compensation, training, appointments for advancement, including upgrading and promotions, transfers and terminations of employment without discrimination because of race, color, ~~citizenship~~, religion, ~~creed~~, national origin, sex, ~~sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including lactation~~, age, ~~military status, or physical or mental handicaps~~ disability, where the ~~disabled~~ ~~handicapped~~ persons are able to perform the work they are seeking with reasonable accommodation.

The following Equal Opportunity Action objectives are designed to provide compliance with applicable Federal, State, and local laws relating to non-discrimination in public employment and service:

1. To assure that each department receives a copy of the County's Equal Opportunity objectives and that Department Directors and supervisors shall implement and support the plan.
2. To assure that conditions of employment, recruitment and hiring practices are in accord with the intent of the Equal Opportunity objectives.
3. To assure periodic review of job specifications, actual tasks performed and qualifications required of workers.
4. To assure that all contracts approved by the County shall contain a statement of affirmative action, specifying that the contractor, or other entity, will not practice employment discrimination based upon race, color, religion, sex, marital status, national origin, age, ~~sexual orientation, gender identity, military status, pregnancy, childbirth or related medical conditions including lactation~~, or ~~physical or mental handicap~~ disability.
5. To assure monitoring and periodic evaluation of the Equal Opportunity objectives effectiveness.

SUBJECT: Equal Employment Opportunity/ADA Statement	POLICY NUMBER: 1.1 THROUGH 1.4	DATE ISSUED: January 1, 2006	Page 2 of 2
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1.2 Americans with Disabilities Act (ADA)

Title I, of the ADA, ~~effective July 26, 1992 of 1990~~, prohibits discrimination in employment against a qualified individual with a disability, and obligates employers to make reasonable accommodation to the disability unless reasonable accommodation would impose an undue hardship.

It is the policy of the County to encourage disabled employees and applicants to come forward if reasonable accommodation is necessary to perform the job or to enhance performance. The County will strive to identify and eliminate barriers to performance and will make reasonable accommodation to provide the employee with a meaningful employment opportunity.

1.3 Responsibility for Implementation

Policy direction and program effectiveness are the responsibility of the Board of Supervisors. The implementation of the Equal Employment Opportunity/ADA policies is the responsibility of the County Administrator, who shall report directly to the Board of Supervisors. Supervisory personnel will be responsible for implementation at their respective levels.

1.4 Grievance Procedure for Equal Opportunity/AA/ADA

Employees shall have the right at any time to request consideration of any equal opportunity grievance. The submission of a grievance shall in no way adversely affect the employee or his/her employment with the County. Any employee who feels aggrieved or desires to appeal a decision regarding his/her employment shall advise the Department Director, in writing. The Department Director shall attach his/her opinion to the appeal and forward it to the County Administrator. The County Administrator shall arrange for joint discussion with the employee and the Department Director, according to the County Grievance Procedure. If the grievant is not satisfied with the outcome of that meeting, the matter may be appealed to the County Grievance Board of Appeals for hearing and disposition.

COUNTY OF PRINCE GEORGE PERSONNEL POLICIES Prince George, Virginia	POLICY NUMBER: 27.1 through 27.6	Page 1 of 2
	SUPERSEDES: February 20, 2007 <u>June 10, 2015</u>	DATE ISSUED: June 10, 2015
SUBJECT: Separation from the County	AUTHORIZATION: Adopted by the Board of Supervisors June 10, 2015 ; to become effective immediately.	

27.1 Separation by Resignation

An employee who desires to resign in good standing shall submit his/her written resignation to his/her supervisor or Department Director at least fourteen (14) calendar days prior to leaving, and must state the date the resignation shall become effective. Such resignation entitles the employee to payment of any benefits due. Failure to comply with this procedure may be considered cause for denying such employee future employment by the County.

27.2 Separation for Disability

An employee may be separated from the County when he/she can no longer perform the essential functions of the assigned position because of a physical or mental disability. The County may require an examination to be performed at its expense by a physician of its choice in order to document a disability.

Prior to separation, the County shall make every effort to reasonably accommodate the employee in his/her current capacity. These efforts may include, but are not limited to, job restructuring, revised work schedules, and improved physical access to facilities. The employee may also be reassigned to a vacant position, if available, for which he/she is qualified and able to perform the essential functions. Separation for a disability shall only occur if all reasonable efforts to accommodate the employee have been unsuccessful.

All grievances involving employee disabilities shall be handled on a case-by-case basis. The employee, supervisor, or Department Director should notify the County Administrator when there is a question regarding an employee's ability to perform the essential functions of the job because of a disability.

27.3 Separation by Retirement

Any employee who retires from the County under the definitions of the Virginia Retirement System, and with at least 5 years of full-time service to the County shall have the option of continuing health insurance coverage under the County group plan, until Medicare eligible, provided the retired employee pays the full premium. Premiums must be paid by the date established by the County Finance Department to assure prompt payment to the service provider.

SUBJECT: Separation from the County	POLICY NUMBER: 27.1 through 27.6	DATE ISSUED: June 10, 2015	Page 2 of 2
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Retirement from County service shall also include disability retirement as defined by the Virginia Retirement System. Once Medicare eligible, retirees shall no longer be eligible to participate in the County group health insurance plan. In the event a retiree terminates their health insurance, the retiree will not be eligible to participate in the plan at a later date.

Any retiree who opts out of health, dental or vision coverage at either their initial retirement date or during an open enrollment period are ineligible to re-enroll in the insurance that they dropped.

Changes in coverage are limited to the following events:

- A. Open enrollment – Each year, retirees participating in a county sponsored plan will be given the opportunity to change plans or coverage during an open enrollment period.
- B. Qualifying Family Status Change – Changes in coverage may also be made at any time, provided a qualifying family status change has occurred. Retirees are responsible for notifying HR of such changes within 30 days of the date of the family status change and providing appropriate documentation. Surviving spouses can cancel or decrease their level of coverage but cannot add new coverage or dependents. (Qualifying Family Status Changes are defined as marriage or divorce, death of spouse or child, birth or adoption of child, last eligible child no longer qualifies as dependent, loss or gain of spouse's employment, change in employment status for retiree or spouse).
- C. Medicare Eligible – Retirees (and spouses of retirees who have county coverage) must notify HR at least 90 days prior to their date of eligibility to ensure that the appropriate forms are completed with SSA.

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27.4 Separation at Death

Separation from the County shall be effective as of the date of death. All compensation and benefits due to the employee as of the effective date of separation shall be paid to the next of kin or the estate.

27.5 Separation at Dismissal

Employees separated from the County by dismissal must be notified in writing by the County.

27.6 Separation by Position Elimination

Employees whose positions have been eliminated by the County shall be notified in writing with as much advance notice as possible.

<p>COUNTY OF PRINCE GEORGE PERSONNEL POLICIES</p> <p>Prince George, Virginia</p>	<p>POLICY NUMBER: 30.1 through 30.8</p>	<p>Page 1 of 9</p>
<p>SUBJECT:</p> <p>Employee Grievance Procedures</p>	<p>SUPERSEDES: 30.1 to 30.8 dated 05/16/12 May 28, 2019</p>	<p>DATE ISSUED: May 28, 2019</p>
<p>AUTHORIZATION: Adopted by the Board of Supervisors May 28, 2019; to become effective May 28, 2019</p>		

30.1 Objective

The Prince George grievance procedure establishes the process by which eligible employees can access a grievance procedure to resolve employment disputes.

30.2 Coverage of Personnel

All nonprobationary, permanent full-time and part-time employees are eligible to file grievances, as well as volunteer members of a Prince George fire and/or EMS company identified in the Coordinated Fire and EMS system who are eligible to file grievances in accordance with § 42.1 *et seq.* of the Code of the County of Prince George, with the following exceptions:

- (1) Appointees of elected groups or employees of “constitutional” officers, unless agreed to by the constitutional officer;
- (2) Officials and employees who serve at the will or pleasure of an appointing authority;
- (3) Deputies to the County Administrator;
- (4) Department heads;
- (5) Employees whose terms of employment are limited by law;
- (6) Temporary, limited term and seasonal employees;
- (7) Law-enforcement officers, who have elected to proceed pursuant to Virginia Code § 9.1-500 *et seq.*, 1950 as amended.

30.3 Grievable Matters

A grievance is a complaint or dispute by an employee relating to:

SUBJECT: Employee Grievance Procedures	POLICY NUMBER: 30.1 through 30.8	DATE ISSUED: May 28, 2019	Page 2 of 9
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- (1) disciplinary action (defined as written reprimand, reinstatement of probationary period, dismissal, disciplinary demotion, and suspension);
- (2) the discriminatory or unlawful application of personnel policies, procedures, rules and regulations;
- (3) discrimination on the basis of race, color, creed, religion, ~~political affiliation~~, age, disability, genetic information, national origin, ~~or sex~~, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including lactation, military status; and
- (4) acts of retaliation as defined in Virginia Code § 15.2-1507(A)(1), 1950 as amended.

Under state law, Prince George County retains the exclusive right to manage operations of County government and the delivery of services to residents. Accordingly, the following complaints or disputes are not grievable:

- (1) establishment and revision of wages or salaries, position classifications or benefits;
- (2) work activity related to a job description;
- (3) the content of ordinances, statutes or personnel policies, procedures, rules and regulations;
- (4) failure to promote;
- (5) the methods, means and personnel by which work activities are to be carried out including oral or written counseling and directing of work activity;
- (6) the termination, layoff, demotion or suspension from duties because of lack of work, reduction in work force, or job abolition (except where such action affects an employee who has been reinstated within the previous six months as the result of the final determination of a grievance. In any grievance brought under this exception, the action shall be upheld upon a showing by the County that there was a valid reason for the action and the employee was notified of the reason in writing prior to the effective date of the action.);
- (7) the hiring, transfer, assignment and retention of employees;
- (8) the relief of employees from duties in emergencies; and

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(9) mobilization of paid employees for emergency responses of any kind.

30.4 Grievability Determinations

Determinations regarding whether or not a matter is grievable shall be made by the County Administrator at the request of either the County or the grievant, upon submission of a Request for Determination of Grievability Form at any time prior to the grievance panel hearing. The County Administrator's determination shall be made within ten (10) calendar days after receipt of the Request for Determination of Grievability Form. The County Administrator will notify the grievant, the County Attorney, and the Director of Human Resources of the determination.

The determination of grievability may be made only after the grievance is reduced to writing, but before the day of the grievance panel hearing. However, once raised, the issue of grievability must be resolved before the grievance process may continue. If the issue is determined to be non-grievable, the grievance process is automatically concluded.

The grievability determination of the County Administrator may be appealed by the grievant to the Prince George County Circuit Court for a hearing de novo. Proceedings for review of the grievability determination of the County Administrator shall be instituted by filing a notice of appeal with the County Administrator's office within ten (10) calendar days after the date of the County Administrator's decision and delivering a copy of the notice to the County Attorney and the Director of Human Resources. Within ten (10) calendar days, the County Administrator shall transmit to the Clerk of the Prince George County Circuit Court a record consisting of the following documents:

- (1) A copy of the County Administrator's grievability determination
- (2) A copy of the notice of appeal
- (3) The exhibits

The failure of the County Administrator to transmit the record to the Clerk within the time allowed shall not prejudice the rights of the grievant. The Court, on motion of the grievant, may issue a writ of certiorari requiring the County Administrator to transmit the record on or before a certain date.

Within thirty (30) calendar days of receipt by the Clerk of the record, the Court, sitting without a jury, shall hear the appeal on the record transmitted by the County Administrator and such additional evidence as the Court may deem necessary to resolve any controversy as to the correctness of the record. The Court may affirm the determination of the County Administrator or may reverse or modify the determination. The decision of the court shall be rendered no

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later than the fifteenth (15th) calendar day from the date of the conclusion of the hearing. The decision of the Court is final and not appealable.

30.5 Procedural Matters

If a time period ends on a Saturday, Sunday or a County holiday, the time period will be extended to the next regular business/work day.

The only persons who may be present during Steps I through III are the grievant, the appropriate local government official at the level at which the grievance is being heard, and appropriate witnesses for each side during their testimony. Witnesses shall be present only while actually providing testimony. At Step IV, the grievant, at his option, may be represented by counsel. Likewise, the County may elect to be represented by counsel at Step IV.

For a grievance involving a volunteer, at Step II, the Chief and the Director shall both be present, unless the Chief is not able to be present. If the Chief is not able to be present, the reason shall be documented in writing. The failure of the Chief to be present shall not constitute a procedural violation, nor shall it result in the grievant prevailing in the grievance.

Once an employee reduces his/her grievance to writing, he/she must specify on the appropriate form the specific relief he/she expects to obtain through use of this procedure.

After the filing of a written grievance, failure of either party to comply with all substantial procedural requirements of the grievance procedure, including the grievance panel hearing, without just cause, shall result in a decision in favor of the other party on any grievable issue, provided that the party not in compliance fails to correct the noncompliance within five regular business/work days after receipt of written notice from the other party of the compliance violation. If written notice of a compliance violation is provided by the grievant, the notice shall be provided to the County Administrator with a copy to the Director of Human Resources and the County Attorney. Failure to assert a substantial procedural violation prior to the day of the grievance panel hearing, shall constitute an express waiver as to any procedural violation.

The County Administrator, or his designee, may require a written explanation and documentation of the basis for "just cause" extensions or exceptions. The County Administrator, or his designee, shall determine all compliance issues. Compliance determinations made by the County Administrator shall be subject to judicial review by the filing of a petition with the Circuit Court within 30 calendar days of the date of the compliance determination.

Timeframes may be extended by mutual agreement of the County and the grievant and shall be documented in writing.

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30.6 Procedure

Step I:

Within twenty (20) regular business/work days after the occurrence of or condition giving rise to the grievance, the employee shall explain the basis of the grievance verbally to the employee's immediate supervisor. Within two (2) regular business/work days of this conversation, the supervisor shall give his/her response to the employee with respect to the grievance, or shall advise the employee that additional time for such decision is needed, in which case a decision must be given the employee within an additional three (3) regular business/work days.

If the supervisor is the same person for Steps I and II, these steps may be combined by mutual agreement of the grievant and the county, in writing and signed by both the grievant and the supervisor.

Step II:

If the grievance is not resolved to the satisfaction of the employee at Step I, the grievant may file a written grievance using Grievance Form A with his/her immediate supervisor not more than five (5) regular business/work days following completion of Step I. A copy of the written grievance is given to the Department Director by the grievant. This form reflects the employee's explanation of what has occurred. If additional information is necessary, addenda may be attached to Form A.

The employee's immediate supervisor and the Department Director will then meet with the grievant within two (2) regular business/work days of receipt of Form A. A written reply by the Department Director is made to the grievant within three (3) regular business/work days of this meeting on Form A.

Step III:

If the grievance is not resolved to the satisfaction of the employee at Step II, the grievant may file a written grievance not more than five (5) regular business/work days following completion of Step II with the County Administrator. A copy of the written grievance is given to the County Administrator by the grievant using Form B. The employee's Department Director and the County Administrator will then meet with the grievant within two (2) regular business/work days of receipt of the written statement.

The County Administrator shall conduct the hearing in a way that emphasizes determining the facts leading to the disciplinary action.

The grievant's immediate Supervisor may also attend if the County Administrator determines that his/her testimony is necessary to fully

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understand the matter. A written reply by the County Administrator is made to the grievant within three (3) regular business/work days of this meeting on Form B.

Step IV:

If the response of the County Administrator does not resolve the grievance, the grievant may proceed with the grievance by requesting a panel hearing. This request is made in writing on Form C to the County Administrator within five (5) regular business/work days of the grievant's receipt of a response from Step III.

The grievance panel selects its chairman and sets the time for the hearing which shall be held as soon as practicable, but no more than ten (10) regular business/work days following receipt of letter requesting a grievance panel hearing, unless mutually agreed to in writing by the grievant and the County. The grievance panel hearing shall be conducted as follows:

- (1) The County shall provide the grievance panel with copies of the grievance record prior to the hearing, and provide the grievant with a list of the documents furnished to the grievance panel. The grievant and his attorney, at least 10 regular business/work days prior to the scheduled hearing, shall be allowed access to, and copies of, all relevant files intended to be used in the grievance proceeding.
- (2) All documents, exhibits and lists of witnesses must be exchanged between the parties in advance of the hearing, except for demonstrative exhibits. In addition, those witnesses, documents or exhibits that are used in rebuttal are not required to be exchanged between the parties prior to the hearing.
- (3) At the written request of either party, the hearing shall be private. At the hearing, only the grievant and his or her attorney(s) may be present throughout the hearing as well as the appropriate County representative and the attorney(s) for the County.
- (4) At the beginning of the hearing, the chairperson shall explain the grievance panel's procedures for hearing the case. Then, each side may make a brief opening statement. The County shall present its evidence first, followed by the grievant's evidence. The County shall be permitted to present rebuttal evidence. The purpose of the hearing is for the grievance panel to hear and consider relevant evidence. For that reason, there shall be no closing argument.
- (5) All evidence must be presented at the hearing in the presence of the grievance panel and the parties.

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(6) The majority decision of the grievance panel, acting within the scope of its authority, shall be final, subject to existing policies, procedures and law; the grievance panel does not have authority to formulate policies or procedures or to alter existing policies or procedures.

(7) The grievance panel's written decision shall be provided within three regular business/work days to all parties and shall include a summary or brief explanation. The written decision is not required to contain any findings of fact.

(8) The rules of evidence do not apply. Grievance panel hearings are not required to be tape recorded. Failure to make a timely objection to any evidentiary issue shall constitute a waiver.

(9) Exhibits, when offered, may be received in evidence by the grievance panel, and when so received, shall be marked and made part of the record; demonstrative exhibits shall be permitted.

(10) The parties may offer evidence and must produce such additional evidence as the grievance panel may deem necessary to arrive at an understanding and determination of the dispute. The grievance panel is the sole judge of relevancy and materiality of the evidence offered.

(11) The decision of the grievance panel shall be final and binding and shall be consistent with provisions of law and written policy. When the grievance involves a volunteer, the grievance panel may provide the grievant with retroactive volunteer credit for any time that the grievant was suspended from duty. There shall be no appeal of the decision of the grievance panel.

(12) The question of whether the relief granted by a grievance panel is consistent with written policy shall be determined by the County Administrator, or his designee, unless such person has a direct personal involvement with the event or events giving rise to the grievance, in which case the decision shall be made by the Commonwealth's Attorney.

Implementation of final decisions:

Either party may petition the Prince George Circuit Court for an order requiring implementation of the grievance panel decision.

A final grievance panel decision which would result in the reinstatement of any employee of the Sheriff's Office who has been terminated, may be reviewed by the Prince George Circuit Court upon the petition of the County. The review

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of the Circuit Court shall be limited to the question of whether the decision of the grievance panel was consistent with provisions of law and written policy.

30.7 Grievance Panel; Members Appointed; Term

The grievance panel is composed of three (3) members, each of whom is appointed by and serves at the pleasure of the Board of Supervisors for a three (3) year term. The terms of the grievance panel members are staggered with one member being appointed each year. Members are eligible to serve more than one term. The grievance panel shall not be composed of any persons having direct involvement with the grievance being heard by the grievance panel, or with the complaint or dispute giving rise to the grievance. Supervisors

who are in a direct line of supervision of a grievant, and the following relatives of a participant in the grievance process or a participant's spouse are prohibited from serving as grievance panel members: spouse, parent, child, descendants of a child, sibling, niece, nephew and first cousin. No attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee or co-employee of such an attorney shall serve as a grievance panel member.

30.8 Pending

Amendments to the grievance procedure that have not been certified in accordance with State law at the time of initiation of a grievance shall not be effective for that grievance. However, all preexisting procedures of the grievance procedure shall control the process used for that grievance.

This amended grievance procedure has been certified by the County Attorney and the County Administrator as required by Va. Code § 16.2-1507(A), and the certification has been filed with the Clerk for the Circuit Court of Prince George County on _____.

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COUNTY OF PRINCE GEORGE PERSONNEL POLICIES Prince George, Virginia	POLICY NUMBER: 2.1 THROUGH 2.35	Page 1 of 6
	SUPERSEDES: September 28, <u>2011 August 10, 2021</u>	DATE ISSUED: August 10, 2021
SUBJECT: Definitions	AUTHORIZATION: Adopted by the Board of Supervisors August 10, 2021 ; to become effective immediately	

2.1 Definitions

As used in these policies, unless the context clearly requires otherwise, the following words shall have the meaning herein given them.

2.2 Allocate

The act of assigning each position to its proper classification.

2.3 Anniversary Date

The recurring date of original appointment or the date of promotion, except that such shall be adjusted for suspensions, unauthorized leave of absence without pay, and separation and re-employment.

2.4 Appeal

An application for review of an alleged grievance by disciplinary action.

2.5 Appointment

The offer and acceptance by a person of a position either on a full-time, part-time, temporary or seasonal basis. A temporary appointment shall terminate automatically upon completion of the project necessitating the appointment.

2.6 Class/Classification

A position or group of positions having similar duties and responsibilities, requiring similar qualifications, which can be properly designated by one title indicative of the nature of the work and which carry the same salary range.

2.7 Class Specification

A written statement describing the duties and responsibilities and minimum qualification requirements of a position.

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2.8 Continuous Service

Employment in the classified service which is uninterrupted except for authorized leave(s) of absence.

2.9 Demotion

The assignment of an employee to a position in a lower class within the same department, having a lower maximum salary than the class from which the assignment is made.

2.10 Department Director

Department Directors shall be defined as current or future positions carrying the title Department Director as established by the County Board of Supervisors as included on the county's pay plan. All Department Directors are under the supervision of the County Administrator or his/her designee, are "at-will" employees and are "exempt" employees under the FLSA.

2.11 Dismissal

For unremediable lesser offenses, unremedied or repetition of serious offenses, the occurrence of an extremely serious offense, or the demonstrated inability to perform the functions of the position, an employee may be dismissed from County employment.

The act of terminating an employee from employment on the occurrence of an extremely serious offense or after all appropriate disciplinary actions have not improved the performance or behavior of the employee in the manner specified.

2.12 Essential Employee

Essential employee shall be defined as an exempt and/or non-exempt employee who is required to work during an authorized closing for the purpose of providing critical operation/services to include, but not limited to, Police, Fire, Emergency, Communications, Utilities, and Buildings and Grounds. In addition to critical activities, employees in other departments may be required to work during an authorized closing to maintain the minimum level of staff needed to provide necessary services.

2.13 Full-Time Employee

Any employee working a minimum of a 40 hour week in either a regular or probationary position, budgeted on an annual basis.

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2.14 Grievance

A grievance shall be a complaint or dispute relative to an employee's employment involving:

1. disciplinary actions, including dismissals, disciplinary demotions and suspensions, provided that dismissals shall be grievable whenever resulting from formal discipline or unsatisfactory job performance;
2. concerns regarding the application of personnel policies, procedures, rules and/or regulations;
3. acts of retaliation for using the grievance procedure or of participation in the grievance of another County employee;
4. complaints of discrimination on the basis of race, color, religion, creed, sex, sexual orientation, gender identity, marital status, age, pregnancy, childbirth or related medical conditions including lactation, military status, ~~political affiliation~~, disability, or national origin;
5. acts of retaliation because employee has complied with any law of the U.S. or the Commonwealth, has reported any violation of such law to a governmental authority, has sought any change in the law before the Congress of the U.S. or the General Assembly; and
6. any other actions outlined in the County's Policy and Procedure Manual.

2.15 Immediate Relative

An immediate relative shall be defined as a spouse, parent, step-parent, sibling, step sibling, child, step-child, grandparent, grandchild, guardian, and same relatives of spouse, inclusive of those relationships arising from adoption.

2.16 Layoff

The involuntary, non-disciplinary separation of an employee from employment with the County.

2.17 Leave Without Pay Status

An employee who is not physically at work and is on an approved absence without pay.

2.18 Overtime

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Overtime occurs when a non-exempt employee works more than 40 hours within a work week in accordance with State and Federal law. In accordance with FLSA section 7 (k) exceptions, Police overtime is calculated based on 171 hours in a 28-day cycle, and firefighters overtime is calculated based on a 212 hours in a 28-day cycle. Refer to Section 22 for more information on overtime.

2.19 Part-Time Regular Employee

An employee working no less than 20 hours per week who is paid on an hourly basis for those hours actually worked, in a continuous year-round position, and is entitled to County benefits, as provided for in Section 5.12 herein.

2.20 Paid Status

An employee who is physically at work or is on an approved leave of absence with pay.

2.21 Position

A group of duties assigned to one person or job.

2.22 Probationary Employee

Any employee who is serving a probationary period following original hire, promotion, demotion, or as a result of disciplinary action, prior to being appointed to a regular position and class in the classification and pay plan, with the County Administrator's approval.

2.23 Probationary Period

A period following original hire, promotion, demotion, or as a result disciplinary action whereby the employee's performance is carefully evaluated in order to attain regular status. Provided, however, the probationary period for uniformed police department personnel, required to complete specialized training, shall be during such academy training and one year following the date of graduation from such training academy. At any time during the probationary period, the Department Director, as authorized by the County Administrator, may terminate the employee with or without cause. Any termination prior to expiration of the probationary period shall be final with no right of appeal.

2.24 Promotion

The assignment of an employee to a position in a higher class within the same department, having a higher maximum salary than the position from which the assignment is made.

2.25 Regular Employee

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An employee who has been appointed to a regular full-time or part-time position in the classified service in accordance with the provisions of these policies after completing a probationary period.

2.26 Suspension

The removal of an employee from his/her job duties for a period of time as a result of disciplinary action or pending the results of an administrative and/or criminal investigation.

2.27 Temporary Employee

An employee holding a position other than regular, except as provided in the policies, which is of temporary, seasonal, casual, emergency nature or of an undetermined duration. A temporary employee is not entitled to County benefits.

2.28 Temporary Position

All positions that are not designated as regular.

2.29 Transfer

The voluntary or involuntary change of an employee's assignment from one position to another position in a different department.

2.30 Verbal Reprimand

A verbal reprimand given to an employee regarding the need for improving a particular aspect of the employee's job performance, attitude, or behavior which alerts the employee as to how such improvement can be realistically achieved and of possible consequences for further repetition of the unsatisfactory conduct. Verbal reprimands are to be documented and shall be maintained until the next employee performance evaluation or for a period of one year, whichever occurs first; provided, however, that verbal reprimands shall not be maintained in the official personnel file.

2.31 Work Day

The scheduled number of hours an employee is assigned to work.

2.32 Work Period

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The scheduled number of hours an employee is assigned to work during a work cycle, for which the employee receives a paycheck. This may also be known as the Pay Period.

2.33 Work Week

The scheduled number of hours an employee is assigned to work during a calendar week.

2.34 Written Reprimand

A corrective action taken when the inappropriate performance or behavior of an employee has not satisfactorily improved or when the employee commits a more serious offense. The written reprimand should outline the facts of the offense to include a complete description of the incident(s) of misconduct, specific dates, times, and locations, personnel involved, the policy, procedure, or rule, either actual or implied, that was violated, the actual or potential consequences of the offense, and possible consequences should poor performance or behavior continue.

2.35 Vacancy

A position existing or newly created, which is not occupied, and for which funds are available.

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24.1 Annual Leave Accrual

Annual leave accrues semi-monthly at the end of each pay period. Pay periods are defined as the 1st through the 15th and the 16th through the last day of the month. An employee cannot use annual leave until it is accrued. Therefore, the amount of annual leave used during a pay period shall not exceed an employee's annual leave balance at the beginning of the pay period. Annual leave does not accrue when an employee is on leave without pay for any part of a pay period.

Annual leave shall accrue per pay period for 40 hour/week employees as set forth below:

<u>Years of Service</u>	<u>Accrual Rate</u>	<u>Days Accrued</u>	<u>Maximum Allowed</u>
Zero to Five	4 hours	Twelve Days	192 hours or 24 Days
Six to Ten	5 hours	Fifteen Days	240 hours or 30 Days
Eleven to Fifteen	6 hours	Eighteen Days	288 hours or 36 Days
Sixteen to Twenty	7 hours	Twenty-one Days	336 hours or 42 Days
Twenty-one and above	8 hours	Twenty-four Days	384 hours or 48 Days

Annual leave shall accrue per pay period for EMT/Firefighter on a 28 day 24-hour shift schedule as set forth below:

<u>Years of Service</u>	<u>Accrual Rate</u>	<u>Days Accrued</u>	<u>Maximum Allowed</u>
Zero to Five	6 hours	Twelve Days	288 hours or 24 Days
Six to Ten	7.5 hours	Fifteen Days	360 hours or 30 Days
Eleven to Fifteen	9 hours	Eighteen Days	432 hours or 36 Days
Sixteen to Twenty	10.5 hours	Twenty-one Days	504 hours or 42 Days
Twenty-one and above	12 hours	Twenty-four Days	576 hours or 48 Days

Annual leave shall accrue per pay period for part-time regular employees, as set forth below:

<u>Years of Service</u>	<u>Accrual Rate</u>	<u>Days Accrued</u>	<u>Maximum Allowed</u>
Zero to Five	2 hours	Twelve Days	96 hours or 24 Days
Six to Ten	2.5 hours	Fifteen Days	120 hours or 30 Days
Eleven to Fifteen	3 hours	Eighteen Days	144 hours or 36 Days
Sixteen to Twenty	3.5 hours	Twenty-one Days	168 hours or 42 Days
Twenty-one and above	4 hours	Twenty-four Days	192 hours or 48 Days

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24.2 Approval of Annual Leave

Annual leave must be approved in advance, except in the case of illness or emergency. An employee seeking to use his/her annual leave shall submit a Leave Request Form or submit an accrual request through Employee Self Service (ESS) to their Department Director at least forty-eight hours in advance of the first day of requested leave. Requests for annual leave of more than two (2) consecutive work days must be submitted to the Department Director at least one (1) week in advance of the first day of requested leave. All requests for use of annual leave are subject to approval by the Department Director, who in his/her sole discretion, may approve use of annual leave with shorter notice than specified in this section, if circumstances warrant. County Administrator shall endorse leave per policy and compliance. Department Directors may establish a policy, as approved by the County Administrator, which requires employees to utilize up to 5 consecutive days of annual leave within a 12 month period.

24.3 Annual Leave & PTO Payout

Employees who have accrued annual or PTO leave may request a pay out of a portion of their accrued annual or PTO leave subject to the provisions set forth in the Annual Leave & PTO Payout Administrative Policy and budgetary constraints. Employees with 40 hours or less in accrued leave will not be permitted to participate in a pay out of any portion.

24.4 Sick Leave

Sick Leave shall be defined as leave with pay granted to an employee for any of the following events related to the employee, employee's spouse, or employee's dependent children, or employee's parent; however, sick leave used for the illness or incapacity of the employee's parent shall not exceed 40 hours per calendar year:

1. illness
2. bodily injury resulting in disability
3. medical and dental appointments

An employee must notify the Department each day of absence due to illness or injury, unless the illness or injury will result in the employee's absence of more than twenty-four (24) consecutive working hours in which case the expected duration of the absence will be communicated to the Department Director. Employees who are absent for extended periods shall notify the Department Director of their status at least once each week.

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When an employee is incapacitated by an extended personal illness or disability, participating members of the Sick Leave Bank may utilize the Bank as an additional source of leave days. Refer to Section 25.

Sick leave shall accrue at the end of each pay period at a rate of 4 hours for 40 hour/week employees. Sick leave shall accrue at the end of each pay period at a rate of 6 hours for EMT/Firefighter on a 28 day 24-hour shift schedule. Sick leave shall accrue at the end of each pay period at a rate of 2 hours for part-time regular employees. There is no limit on sick leave accrual. Sick leave does not accrue when an employee is on leave without pay for any part of a pay period.

24.5 Compensatory Leave

Compensatory time may be accrued in lieu of overtime according to the Fair Labor Standards Act (FLSA). A notice to the employee that compensatory time will be given in lieu of overtime pay may evidence an agreement or understanding. This agreement or understanding to provide compensatory time off in lieu of monetary overtime compensation may take the form of an expressed condition of employment, provided the employee knowingly and voluntarily agrees to it as a condition of employment, and the employee is informed that the compensatory time received may be preserved, used or cashed out consistent with the provisions of FLSA.

An agreement or understanding is presumed to exist with respect to any employee who fails to express to the employer an unwillingness to accept compensatory time off in lieu of overtime pay. The employee's decision to accept compensatory time off in lieu of monetary overtime payments must be made freely and without coercion or pressure.

Department Directors may have the right to deny an employee's request to earn overtime if the employee is unwilling to accept compensatory time.

Full time employees generally may accrue up to 240 hours of compensatory time.

Employees who have accrued balances of compensatory time and have requested use of this compensatory time shall be permitted to use such time off within a reasonable period after making the request, if such use does not unduly disrupt the operations of the County.

Compensatory leave balances for all full-time employees may not exceed 120 hours at the end of the calendar year. To achieve this goal, Department Directors may require employees to use compensatory time first, in lieu of annual leave. Any hours that exceed the 120 hour threshold will be paid to the

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employee and they will remain at the 120 hour balance. At the discretion of the County Administrator, should extenuating circumstance arise, this time period may be temporarily adjusted. Forfeiture of accrued annual leave may occur if the balance exceeds the maximum allowed at calendar end.

24.6 Volunteer Leave

Volunteer leave is leave taken that allows employees to perform acts of a charitable or giving nature at a charity and/or organization as approved by the County Administrator. Full-time employees will be allowed to take up to sixteen (16) hours of leave per year. All part-time employees will be allowed to take up to eight (8) hours per year. A volunteer leave form must be turned in to payroll during the pay period in which the leave was taken. A Volunteer Leave Form may be obtained in Employee Self Service.

24.7 Physician's Certificate

Employees must submit a physician's certificate to their Department Director to obtain sick leave for absences due to illness/injury in excess of three or more consecutive work days (36 hours for 28 day 24-hour shift employees) within two (2) work days (24 hours for 28 day 24-hour shift employees) after returning to work. If a Physician's Certificate is not furnished, sick leave will be denied and the absences shall be considered as leave without pay, in the absence of extenuating circumstances. The Department Director may, for good cause shown, waive the certificate requirement.

24.8 Pay-Out Policy

Annual leave shall be paid out at no more than the maximum number of hours allowed in carry-over upon termination of employment at the rate of pay in effect at the time of termination.

Compensatory leave shall be paid out at 100% upon termination of employment at the rate of pay in effect at the time of termination.

Upon separation from employment, with the exception of involuntary termination, sick leave shall be paid out as set forth below:

0-90 days of service	0% of accrued leave
91 days to 5 years of service	10% of accrued leave
6 to 10 years of service	15% accrued leave
11 to 15 years of service	20% of accrued leave
16 or more years of service	25% of accrued leave

24.9 Military Leave

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Any employee who is a member of the Armed Forces of the United States, National Guard or the Military Reserve Forces of the United States and who is ordered in accordance with the Code of Virginia, article 10, section 44-93 and Title 38 of the United States Code, Chapter 43, shall be granted a leave of absence with pay, not to exceed 15 regularly scheduled work days per federal year defined as October 1st through September 30th. For 28 day 24-hour shift employees, one day equals 12 hours for military leave purposes. For all other employees, one day equals 8 hours for military leave purposes. The employee may retain both the pay check from the County and the pay check from the military.

During the period of paid military leave, the respective employee shall continue to accrue all employment benefits, including sick, annual leave, and compensatory leave, as well as paid medical and retirement benefits. Paid military leave will not count towards hours worked for the calculation of overtime. Once available paid military leave is exhausted, the employee must take available annual leave or other eligible leave time to continue to receive all employment benefits. Once the employee has exhausted all available annual leave or other eligible leave, the employee will be considered to be on military leave of absence without pay. Employees on unpaid leave of absence do not accrue benefits but may choose to continue health insurance through Cobra coverage by paying the entire monthly premium.

On receipt of orders, the employee will submit a request for leave form, with a copy of the orders attached, to their immediate supervisor and for submission to the Human Resources and Payroll offices. Unless giving notice is precluded by military necessity or is otherwise impossible or unreasonable, a copy of the employee's military orders should be submitted to the employee's supervisor as proof of authorization for the leave as soon as it is available. The copy of the military orders should be retained in the employee's personnel file in the Human Resources department.

The use of Military Leave with proper orders is mandatory and is not within the discretion of the supervisor. Additional Military Leave provisions may apply; contact Human Resources for more information. The Human Resources department will provide further information to employees regarding their benefits which will include their retirement coverage during unpaid military leave of absences.

Should the employee go on leave without pay status, the employee must adhere to the Leave of Absence without pay policy outlined in section 24.14 of the personnel policy. Employees will be afforded reemployment rights if required conditions are met.

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24.10 Civil Leave

In an attempt to help an employee perform certain civic responsibilities when called upon, the County shall provide leave for court appearances or service on a jury panel. Any person who is summoned to serve on jury duty or any person, except a defendant in a criminal case, who is summoned or subpoenaed to appear in any court of law or equity when a case is to be heard or who, having appeared, is required in writing by the court to appear at any future hearing, shall neither be discharged from employment, nor have any adverse personnel action taken against him/her, nor shall he/she be required to use sick leave or annual leave as a result of his/her absence from employment due to such jury duty or court appearance, upon giving reasonable notice to his/her employer of such court appearance or summons. No person who is summoned to serve on jury duty shall be required to work on the day of his/her service except, however, after an employee has testified and been excused or after jurors have been excused for the day, the employee shall return to work if he/she can arrive four (4) hours before working hours end. The requirement to return to work shall not apply when the employee's work shift begins on or after 5:00 p.m. on the day of his/her appearance for jury duty or begins before 3:00 a.m. on the day following the day of his/her appearance for jury duty.

Employees shall submit to the Department Director, a copy of their official summons for jury duty or witness services within 24 hours of receiving such notice. Employees acting in the capacity of a paid consultant as secondary employment when summoned or subpoenaed to appear in court, shall be required to use annual leave.

24.11 Administrative Leave

Exempt employees shall earn hour-for-hour administrative leave when called on to work a designated County Holiday or Administrative closing, having received previous authorization to do so. Administrative leave may be substituted for another prior approved leave.

Upon the written request of any employee, and with the recommendation of the Department Director, the County Administrator may grant administrative leave, with or without pay, to an employee in an amount not to exceed one day in extraordinary circumstances where the need for leave does not fit within any other leave category.

24.12 Bereavement Leave

In case of the death of an employee's immediate relative: spouse, parent, step-parent, sibling, step-sibling, child, step-child, grandparent, grandchild, guardian, and same relatives of spouse, inclusive of those relationships arising from adoption, a regular employee will be allowed up to three (3) regularly-

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scheduled work days off with pay upon notification of the employee's Department Director, who will notify the County Administrator. EMT/Firefighter on a 28 day 24-hour shift schedule may receive up to thirty-six (36) hours off with pay upon notification of the employee's Department Director, who will notify the County Administrator. The employee's time off from work, because of a death in the family, must actually be taken immediately following the death. A leave form shall be promptly submitted for bereavement leave and will supersede other leave already approved.

In the event of multiple deaths in the employee's immediate family, each death shall be treated separately and the bereavement leave shall be granted accordingly.

24.13 Family Medical Leave Act

The County will adhere to the mandates of the Family Medical Leave Act of 1993. Employees of the County who meet the guidelines established by FMLA shall be entitled to use up to, but not exceeding, twelve (12) weeks (60 work days) of family medical leave during a twelve (12) month period for the following events and/or conditions.

1. care of the employee's newborn child,
2. placement of a child for adoption or foster care,
3. care of an employee's spouse, child or parent with a serious health condition,
4. employee's own serious health condition that makes the employee unable to perform the functions of his/her position,
5. Other circumstances as may be implemented through enacted revisions to the FMLA.

For the purpose of this policy, a twelve (12) month period will begin with the first day of leave taken and extend through twelve (12) weeks. Requests for Family Medical Leave, if possible, should be submitted 30 days in advance and must be approved by the County Administrator or his/her designee. Physician certification of the qualifying leave event shall be provided by the employee prior to granting provisions of this policy.

Employees utilizing medical leave under FMLA shall be required to use paid accumulated PTO, sick and/or annual leave, if available, concurrently with FMLA. Use of accrued leave for qualifying purposes must be in accordance with the leave policies established by the Prince George County Personnel Policy Manual.

There are occurrences when an employee does not specifically request leave under FMLA, but his/her leave may qualify as FMLA leave. This leave may be

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designated by the employer as FMLA leave. The Director of Human Resources or designee must inform the employee that leave will be designated as FMLA leave in accordance with FMLA regulations.

Extended periods of sick leave (6 consecutive working days or more) shall be designated as FMLA leave and counted towards the twelve (12) week entitlement. Shorter periods of leave that qualify (any subsequent treatment or period of incapacity relating to the same condition) may be designated at the discretion of the Director of Human Resources or designee. Department Directors are required to notify the Department of Human Resources on the morning of the sixth day of continued absence for any of their employees.

If the County was not aware of the reason for an employee's leave, and the leave qualifies for FMLA, leave may be retroactively designated as FMLA leave within two (2) business days of the employee's return to work. If medical certifications fail to confirm the absence as a qualifying event under FMLA, the employer must withdraw the designation with appropriate notice to the employee.

Once an employee has exhausted FMLA leave and cannot return to work, the County is not obligated to hold the employee's position even if the employee has a remaining accrued leave balance.

In cases where both spouses work for the county (inclusive of school employees), leave for the birth or adoption of a child is limited to twelve (12) weeks combined.

(See Employee Rights and Responsibilities under The Family and Medical Leave Act at the end of this Policy for additional information)

24.14 Leave of Absence Without Pay

The County recognizes that a matter of unusual or emergency nature may cause an employee to leave the job for a specific period of time. A leave of absence without pay may be granted in necessary circumstances, not to exceed six (6) months. Approval for a leave of absence for all full-time employees should be presented in writing from the employee with the recommendation of the Department Director to the County Administrator for approval, prior to such leave. The County Administrator may approve up to eight (8) weeks leave of absence without pay. Time periods in excess of eight (8) weeks require Board approval.

The Board of Supervisors may extend the six (6) months leave of absence for an additional six (6) months resulting in a maximum leave of absence period of twelve (12) months.

An employee will not accrue any type of leave when in a leave without pay status. An employee will not be compensated for holidays while on leave without pay.

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An employee on leave due to suspension based on a criminal investigation will have annual, sick and PTO leave balances restored in full if the employee is reinstated. Holiday hours will be restored, if applicable.

Although an employee may be considered for promotion while in a leave without pay status, the date of the promotion cannot become effective while on leave without pay.

Leave without pay for less than 30 days does not affect an employee's anniversary date. When leave without pay is granted for 30 days or more, the employee's anniversary date shall be adjusted month for month.

Except for certain provisions of the Family and Medical Leave Act, and when an employee is on approved leave with or without pay status, retention of a position for the employee cannot be guaranteed.

24.15 Paid Time Off Plan

General Information regarding the paid time off plan is as follows:

1. New full-time employees hired on or after January 1, 2014 who are enrolled in the VRS Hybrid Plan will receive PTO in place of annual leave and sick leave. Holidays and all other forms of paid leave are separate and remain outside the PTO structure.

24.16 Introduction

The Paid Time Off (PTO) plan is a comprehensive program that recognizes the many diverse needs of employees for time off from work and also includes a disability plan providing income protection during periods of extended illness or injury. Hours accrued in the PTO plan may be used for any purpose when scheduled in advance or at times when unforeseen circumstances cause an unscheduled absence. For unplanned absences, employees must follow department procedures for supervisor approval.

24.17 Definitions

Elimination Period – A waiting period before an employee can utilize short-term or long-term disability benefits.

Paid Time Off (PTO) – A leave program that combines annual and sick leave into one leave bank.

Short-term Disability (STD) – A benefit that pays qualified employees in most cases, 60% of their salary for up to 125 working days.

24.18 Traditional Leave Plans

The following leave programs are available to employees in the PTO plan and employees in the traditional leave plan in accordance with the County Personnel Policy, Section 24; Leave: bereavement leave, civil leave, standard holidays, military leave, compensatory leave, charitable leave, administrative leave, and volunteer leave.

24.19 Paid Time off Accrual

PTO is a single category of leave to be used in lieu of traditional annual leave and sick leave. When properly scheduled, PTO can be used for vacations, personal or family business, illness, family illness, doctor's appointment, and other reasons. PTO cannot be used until it has been accrued and must be approved in advance for planned absences. For unplanned absences, employees must follow department procedures for supervisor approval.

PTO is accrued based on years of service for each completed pay period of service at the following rates:

PTO Accrual Schedule

					PTO Plan		
					Years of service	Total Days	Carryover
					0-5 years	21	28
					6-10 years	24	34
					11-15 years	27	38
					16-20 years	30	44
					21+ years	33	50

Years of Full-Time Service	Accrued Hours per Pay Period	Accrued Hours per Year	Carryover Maximum
0-5 years	7	168 hours	224 hours
6-10 years	8	192 hours	272 hours
11-15 years	9	216 hours	304 hours
16-20 years	10	240 hours	352 hours
21+ years	11	264 hours	400 hours

PTO is accrued during 24 pay periods each calendar year. At the end of each year, all PTO leave in excess of the maximum carryover balance, which is

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unused by the pay period which includes December 31, is forfeited. It is the employee's sole responsibility to monitor his or her PTO balance. Any notices received by management are a courtesy and do not relieve employees of the responsibility to monitor PTO balances.

A full-time employee who changes their status to part-time and later back to full-time status with no break in service shall be given credit for previous full-time service for the purposes of establishing the employee's PTO accrual rate.

When employees have exhausted all of their PTO, they may be placed in a leave-without-pay status. During the time employees are in a leave-without-pay-status, they will not accrue PTO leave.

PTO will not be counted as hours worked for the purposes of calculating overtime pay.

Upon separation or retirement, employees are paid for accumulated PTO leave at their regular hourly rate up to the maximum allowable balance.

A former full-time employee separated from the county in good standing or due to a reduction in force, who is reemployed full-time within 31 consecutive calendar days, shall be given credit for previous service solely for the purpose of accruing PTO. See Personnel Policy 5.15; Reinstatement of Former Employees.

24.20 Scheduling and Use of Paid Time Off Hours

PTO leave requests may be granted if the request does not conflict with the needs or objectives of the department. The decision of department management as to when PTO leave may be taken is final. Operational needs of the department may be considered when preparing leave schedules. Unscheduled PTO leave should be kept to a minimum whenever possible by planning and scheduling absences. Supervisors may request verification of unscheduled absences by requiring a physician's statement. When an unforeseen need for PTO occurs, employees must notify the appropriate supervisor prior to the start of the shift. Failure to notify the supervisor of an absence or excessive unscheduled leave is considered grounds for disciplinary action.

It is recommended that employees maintain sufficient PTO hours to cover the 7-day elimination period and to supplement any anticipated short-term disability. Employees are not provided job protection when in leave-without-pay or STD status except when they have been concurrently approved for FMLA. For more information on FMLA, refer to section 24.13; Family Medical Leave Act in the County Personnel Policies.

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24.21 Short-Term Disability

1. Short-term Disability Plan – Short-term disability (STD) is a component of the PTO plan that provides, in most cases, income replacement at 60% of an employee’s base pay when an employee is unable to work due to an illness, injury, or disability. All PTO enrollees are eligible to participate in short-term disability at no cost to them.
2. Waiting Period for New Employees– Work-related disability is provided when an employee begins employment in the VRS – Hybrid plan; non-work related disability has a one-year waiting period.
3. Exceptions to the waiting period – The waiting period of seven calendar days will be waived for catastrophic or chronic conditions.
4. Elimination Period – There is a 7 calendar day elimination period before STD benefits are payable when an employee is unable to work due to a work-related or non-work related illness, injury, or disability. An employee must use accrued leave or PTO for the first 7 consecutive calendar days of missed work. Leave without pay may not be taken until such time that the PTO bank or other accruals have been exhausted. Once PTO and other accruals have been exhausted, the employee may be placed on leave without pay.
5. Worker’s Compensation Claim – If the employee is unable to work due to a work-related injury, and worker’s compensation benefits have been approved, the employee would be paid in accordance with the county personnel policies; section 26.1; Worker’s Compensation Insurance and no STD benefits would be due to the employee. If the employee has been denied worker’s compensation for a work-related injury, the STD claim is subject to approval by the third party advice-to-pay vendor and if approved, there is a 7 calendar day waiting period before income replacement is paid.
6. Filing a Claim – It is the employee’s responsibility to immediately initiate a claim form as soon as they believe they will be out of work for more than 7 calendar days in the event of a work-related illness, injury, or disability, but in no case shall it be later than the last day of the elimination period. Employees must contact the Human Resources Department or their supervisor to begin the claim process through our third-party vendor. When possible, the medical certification should be submitted with the claim form; however, the employee has a maximum of 15 days to submit the medical certification form.
7. STD Benefits – Upon the advice to pay from our third party vendor, employees are eligible for the following income replacement for work-

related illness, injury, or disability and non-work related disabilities for a maximum period of 125 working days:

Income replacement for work-related disabilities

Months of continuous service	Workdays of income replacement at 100%	Workdays of income replacement at 80%	Workdays of income replacement at 60%
Fewer than 60	0	0	125
60-119	85	25	15
120 or more	85	40	0

Income replacement for non-work-related disabilities

Months of continuous service	Workdays of income replacement at 100%	Workdays of income replacement at 80%	Workdays of income replacement at 60%
Less than 12	0	0	0
13-59	0	0	125
60-119	25	25	75
120-179	25	50	50
180 or more	25	75	25

Employees must use any remaining PTO or other accruals to supplement STD to remain at 100% of their pay. In no instance shall the supplement exceed 100% of the employee’s regular base pay rate. Employees will not accrue PTO while they are receiving benefits under STD. STD benefits are paid by the county on regular county paydays and are based on the employee’s regular rate of pay. STD benefits are subject to state and federal withholdings in the year they are received. Deductions from the employee’s pay check will continue. County contributions will also continue as long as the employee is on STD. Employees receiving benefits from STD will receive VRS service and salary credit as defined in VRS guidelines.

*VRS - Hybrid employees have the option to purchase a supplemental Short-term disability policy that will assist should their claim be denied or during the one year waiting period. These policies are offered through a third-party vendor and are available for payroll deductions.

- 8. Pre-Existing Limitation – There is no pre-existing condition clause.

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9. Discontinuation of STD Benefits – STD benefits will be terminated at the earliest of the events below:
 - a. At the conclusion of the 125 working day STD maximum benefit
 - b. When an employee is no longer sick, injured, or disabled based on medical determination
 - c. Failure of the employee to provide medical certification of illness, injury, or disability
 - d. Termination of employment
 - e. The employee becomes deceased
 - f. Failure of the employee to provide documentation that he continues to be unable to work due to illness, injury, or disability or any other required documentation
 - g. Falsification of records or other fraud or misuse

10. Return to Work – When an employee who has been out on STD for his own serious health condition is ready to return to work, the employee will be required to present a statement from his health care provider certifying that the employee is medically able to return to work. If an employee returns to work prior to the end of the STD - 125 working day benefit maximum for less than 45 calendar days and becomes disabled again due to the original disability (a recurrence), STD benefits will resume without a new elimination period.

A recurring disability or a new disability occurring after a return to work of 45 or more calendar days will be deemed a new disability. This will result in a new STD claim, with a new elimination period before benefits apply.

If an employee is able to return to work on a modified or reduced schedule during the 125 work day benefit period, a request for part-time STD benefits must be reviewed and approved. Once this has been approved, and during the 125 working day benefit period, wages for hours worked are paid and STD replaces the regular hours not worked at the 60% pay replacement level.

11. Request for an Independent Medical Examination – The employee’s department Director, in coordination with the Human Resources Department, may at any time request that the employee receiving STD report to the Medical Center for an independent medical review to provide a second opinion.

12. Overpayments – If STD benefits are overpaid for any reason, the County has the right to recover the amount overpaid.

24.22 Long-Term Disability

When an employee is not expected to be able to return to work at the expiration of STD benefits, LTD benefits will begin upon the expiration of the maximum period of 125 working days for which the employee receives STD benefits. The county's third party vendor will be responsible for payment to the employee directly for any LTD benefits that they are eligible for.

1. Maximum Benefit Period – The following table will display the maximum benefit period for LTD:

Age at date of disability	Maximum benefit period
59 or younger	To Social Security normal retirement age (SSNRA)
60 through 64	5 years
65 through 68	To age 70
69 or older	1 year

2. Military Disability Benefits Offset – LTD benefits will not be offset for any military disability benefits received by the employee.
3. Worker's Compensation Benefit Offset – Any amount received by the employee from worker's compensation, including amounts for partial or total disability, will reduce the LTD benefit.
4. Group Insurance Disability Offset – Any amount received from another group disability plan provided by the employer will reduce LTD benefits provided through the PTO plan.
5. Taxability – The benefit is taxable since the employer pays premiums for the disability insurance. The third party vendor will provide appropriate income tax forms to the employee for the period in which they are on LTD.
6. Employee Contributions – The third party vendor will be responsible for collecting the required minimum 1% contribution for the defined contribution while the employee is on LTD. The third party vendor will submit those premiums to the county for submission to VRS during such time as the employee is on LTD. The employee is eligible to remain on the employer's health and dental insurance and shall pay the entire premium (employee + employer portion) to the county on a monthly basis as indicated by the county.
7. Retirement Benefit – When the employee's 1% defined contribution is received, this ensures that the employee continues to receive credible compensation for their retirement. The employer will not contribute to the employee's retirement during such time as the employee is on LTD.

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8. Mental Disorder Limitation – Mental disorders will not be limited under the policy.
9. Rehabilitation Incentive – While the employee is participating in an approved rehabilitation plan, the LTD benefit will be increased by 10% of pre-disability earnings.
10. Survivors Benefit – If the employee dies while LTD is payable and the employee had been continuously disabled for 180 days, a lump-sum survivor benefit in the amount of three times the monthly benefit is paid.

24.23 Healthy Living Day

1. General Provisions - It is the policy of Prince George County to allow county employees an additional source of administrative leave for utilizing minimal personal sick leave from work. This is known as the Healthy Living Day.
2. Eligibility for Participation - The Healthy Living Day is a voluntary benefit offered on an annual basis to county employees who utilize minimal personal sick leave from work. Full-time employees who meet the identified criteria and use less than 24 hours of personal sick leave in a 12 month period will be awarded eight hours of administrative leave. Part-time regular employees who meet the identified criteria and use less than 12 hours of personal sick leave in a 12 month period will be awarded four hours of administrative leave. 24 hour shift employees who meet the identified criteria and use less than 36 hours of personal sick leave in a 12 month period will be awarded 12 hours of administrative leave in a 12 month period. Time will be earned after the 12 month period has ended.
3. Terms of Participation - Employee participation is voluntary. In order to participate in the Healthy Living Day, each employee will be required to sign a form agreeing to the eligibility requirements and submit that form to the Wellness Committee during the month of December. The program will run from January 1 to December 31st each year.

Employees must submit a leave slip, to be approved by their supervisor, for personal sick time used. A leave slip will be required for personal sick time though employees may be allowed to flex their hours of work. Employees will not have sick leave deducted from their accrual balances if it is not needed. This is for record keeping purposes only for the Healthy Living Day. Wellness visits, to include all preventive services such as the eye doctor, dentist, annual exams, etc. would not count against the designated hours of sick leave. Leave used for sick children or parents, nor their

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wellness visits, would count against the designated hours of sick leave. Employees that utilize FMLA during the calendar year would no longer be qualified to participate for the initiative. According to the Personnel manual, extended sick leave of six working days or more will be designated as FMLA.

4. Use of Administrative Leave - Employees would be required to use Administrative Leave, earned from the Healthy Living Day, before the use of annual leave or compensatory time.
5. Disqualification of Participation -When an employee utilizes the maximum designated amount of personal sick time, the employee would be disqualified from earning the Healthy Living Day.
6. Administration - The personal sick leave used will be recorded by the Finance Department. All approved personal sick time leave slips must be forwarded to the Finance Department for record keeping purposes and for posting of the designated hours of administrative leave at the end of the calendar year.

**EMPLOYEE RIGHTS AND RESPONSIBILITIES
UNDER THE FAMILY AND MEDICAL LEAVE ACT**

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee’s child after birth, or placement for adoption or foster care;
- To care for the employee’s spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee’s job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections

During FMLA leave, the employer must maintain the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from

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performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the 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. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to: (1) Interfere with, restrain, or deny the exercise of any right provided under FMLA; and (2) Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.