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## CITY OF WILLIAMSBURG

Effective Date: 01-01-92  
Revision Date: 10-01-04  
Revision Date: 03-01-07  
Revision Date: 07-01-13

### 101 PURPOSE

The purpose of these Personnel Policies (“Policies”) is to provide a uniform system of personnel administration for the staff of the City of Williamsburg (city), based on merit principles, equitable compensation, open competition in hiring and advancement, and equal employment opportunities.

It is the policy of the City to establish reasonable rules of employment conduct (i.e., guidelines for management and employees to follow) and to ensure compliance with these rules through a program consistent with the best interests of the City and its employees. THIS MANUAL IS NOT, AND SHALL NOT BE CONSTRUED AS, AN EXPLICIT OR IMPLIED CONTRACT, SHALL NOT MODIFY ANY EXISTING AT-WILL STATUS OF ANY CITY EMPLOYEE, AND SHALL NOT CREATE ANY DUE PROCESS REQUIREMENT IN EXCESS OF FEDERAL OR STATE CONSTITUTIONAL OR STATUTORY REQUIREMENTS. THE TERM AT-WILL MEANS AN EMPLOYEE CAN TERMINATE HIS OR HER EMPLOYMENT OR BE TERMINATED AT ANY TIME FOR ANY REASON WITH OR WITHOUT CAUSE. EXCEPTIONS ARE EMPLOYEES HAVING WRITTEN CONTRACTS SIGNED BY THE MANAGER. NO CONTRACT OR WRITTEN AGREEMENT WITH THE CITY OF WILLIAMSBURG SHALL BE CONSTRUED AS A CONTRACT FOR EMPLOYMENT UNLESS THE AGREEMENT CLEARLY AND UNEQUIVOCALLY STATES THAT INTENT.

Additionally, it is the policy of the City to strive for safety in all activities and operations, and to comply with health and safety laws applicable to the City by enlisting the help of all employees to ensure that public and work areas are free of hazardous conditions. Employees must therefore comply with all mandated health and safety requirements. Employees have a duty to see that city facilities and departments are maintained in a safe and proper manner. If an employee notices a problem which may affect the safe operation of city

facilities, he or she is instructed to inform his or her department head immediately.

## EMPLOYMENT CATEGORIES

Each employment position will be categorized according to the following three categories:

### 1. Full-Time/ Part-Time

#### A. Full Time

1. Full-time with Benefits. A full-time position is one funded in the budget, entitled to the benefits outlined in Section 301 of this manual, authorized by the City Council, and projected to be continued indefinitely unless eliminated. Full-Time employment status shall require a minimum of 40 hours per week, or 2080 hours per year. The City Manager shall prescribe hours of work for each position.

2. Full-time with No Benefits. A temporary or contractual position consisting of 40 hours worked per week with no benefits. A temporary position is defined as one authorized by the City Manager, within budgeted funds, to supplement existing work force, or perform a specific project or task. It shall be maintained no more than 12 months, unless extended by the City Manager. Temporary employees are not eligible for benefit programs other than legally mandated benefits such as workers' compensation insurance and Social Security. Temporary employees may be discharged at the will of the City Manager with or without cause or hearing. A contractual position is one that is governed by a written employment contract.

#### B. Part-Time

1. Part-time with Partial Benefits. A part-time with partial benefits position is one funded in the budget, entitled to partial benefits, authorized by City Council, and projected to be continued indefinitely unless eliminated. Part-time with partial benefits employment status is assigned less than 30 hours per week, but not less than 20 hours per week. Benefits of a part time position include half rate vacation, sick leave, and holiday pay, as stated in

Section 301 of this manual, and workers compensation insurance and Social Security.

2. Part Time with No Benefits. Part time employment of less than 30 hours per week, authorized by the City Manager from budgeted funds, with no sick or vacation leave, or holiday pay. This position shall not include any other benefits except for workers compensation insurance and Social Security as mandated by law.

3. Seasonal Position. A temporary position, authorized by the City Manager or his designee from budgeted funds, corresponding to an event or activity sponsored by the city. This position is of a defined length but is short-term in nature. This position may be held by part-time employees, either partial or no benefit, as a supplement to the part-time position. In no event however, shall seasonal employment change part-time employment to full-time employment. This position may not be held by full-time employees in addition to their full-time position. Seasonal employees must reapply for each seasonal position.

## 2. Non-Exempt/Exempt Employment

A. Non-Exempt. An employee who is entitled to overtime pay under the specific provisions of federal and state law.

B. Exempt. A salaried employee who performs executive, administrative, or professional duties as defined under the Fair Labor Standards Act and its regulations. Full-time, part-time, and temporary employees may be exempt.

## 3. Probationary/Non-Probationary Employment

A. Probationary. A full-time employee whose performance is being evaluated to determine whether continued employment is appropriate, or in the case of promotions, whether the promotion will be sustained (see Section I 10).

B. Non-Probationary. An employee who is a full-time employee not in a probationary status.

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92

Revision Date: 05-01-01

Revision Date: 08-01-07

Revision Date: 06/01/09

### 102 EMPLOYMENT PROCESS

#### General

The City Manager shall authorize filling vacant positions prior to announcing a job opening. Department Heads shall follow the procedure outlined on the Employment Checklist when filling a position. The Manager shall determine if the position will be filled, and if so, whether by promotion or recruitment.

The City Manager, or his designee, shall announce and publicize vacancies to be filled in the manner deemed most effective for producing a pool of qualified candidates. Qualified city employees are encouraged to apply for vacant positions.

Announcements of positions to be filled shall include the job title, beginning salary range, a brief description of job duties, a summary of minimum qualifications, and a location and deadline for receipt of applications. All job announcements shall state that the City is an Equal Opportunity Employer.

Department heads shall review applications and interview applicants for vacancies within their department. Department heads may use appropriate testing for job related skills and knowledge. Department heads will check the employment references of all applicants recommended for appointment. Department heads shall then recommend applicants for appointment to the City Manager. The Conditional Offer of Probationary Employment must be approved by the City Manager before any job is offered to a candidate.

The City Manager shall appoint all employees, including regular full-time, part-time, and temporary. No appointment shall be final until pre-employment examinations (Section 106) are complete.

Appointments, and subsequent personnel actions, shall be documented using the Personnel Action Sheet, as appended to this section.

### Conditional Offer of Probationary Employment

In the case of all full-time and part-time employees who will work over 20 consecutive weeks, no matter how many hours a week, the following applies:

1. Offer a position by presenting the potential employee with the city's **CONDITIONAL OFFER OF PROBATIONARY EMPLOYMENT** which has been signed by the City Manager. The potential employee then signs this form indicating he accepts the position.
2. At the same time, the potential employee must sign form APPENDIX A, whereby they agree to have a urine test for substance abuse or chemical dependency.
3. After the forms are complete, the City Manager's office will schedule an appointment for the medical examination and drug screen. Give the potential employee a copy of their job description to take along for the doctor.
4. Finally, after the above are completed, the Personnel Action Sheet, I-9 Form, and tax forms will be completed and the potential employee put on payroll, and thus ready for work.

### Employment Statement

The employee's relationship with the City of Williamsburg is considered at will. This means that an employee's employment with the City of Williamsburg has no defined or definite duration. Either the employee or the City of Williamsburg may terminate the employment relationship with or without cause, with or without notice, for any reason that is not prohibited by law. This Personnel Manual is not a contract and is subject to change without notice.

## EMPLOYMENT CHECKLIST

The following procedure should be followed by Department Heads, or their designee, when hiring a new employee (full time employees and certain part time employees ):

### Position Title

- \_\_\_ Obtain City Manager approval to fill position: \_\_\_\_\_  
**(CM initial)**
  - \_\_\_ Update current job description to include ADA data. (City Manager's Office will assist)
  - \_\_\_ Prepare job announcement, to include:
    - job title
    - salary grade, range, and starting salary
    - brief description of job duties
    - summary and deadline to receive application
    - EOE non-discrimination cause
  - \_\_\_ Advertise job opening in newspaper, unless alternate method of announcing position approved by City Manager.
  - \_\_\_ Provide application forms and job description to applicants, and be ready to accommodate applicants (Example: Read as job description to them, fill out an application for them, produce an application in enlarged print.)
  - \_\_\_ Department mails postcard to applicant informing them of receipt of application.
  - \_\_\_ Review applications, conduct skills testing (if applicable), conduct interviews, conduct reference checks.
  - \_\_\_ Conduct Background Investigation.
  - \_\_\_ Driver's License and Driving Record check through DMV.
  - \_\_\_ Recommend candidate for employment by completing "Conditional Job Offer" letter. Obtain City Manager's signature.
  - \_\_\_ Send "Conditional Job Offer" to candidate.
  - \_\_\_ Receive signed "Conditional Job Offer" letter from candidate accepting employment, return this letter to the City Manager's Office.
  - \_\_\_ City Manager's Office schedules pre-employment physical examination and drug screening.
  - \_\_\_ If candidate successfully completes pre-employment checks, complete PERSONNEL ACTION SHEET to recommend appointment. Include starting salary and starting date.
- City Manager executes PERSONNEL ACTION SHEET authorizing appointment, and forwards to Payroll.
- \_\_\_ Accompany new employee through orientation using "EMPLOYEE ORIENTATION CHECKLIST" (Section 109, Personnel Manual)
  - \_\_\_ Complete Payroll Documents.
  - \_\_\_ Send request to Information Technology for "New User Setup" by accessing the "Network Access Request" on the Intranet.



**CITY OF WILLIAMSBURG  
CONDITIONAL OFFER OF  
PROBATIONARY EMPLOYMENT**

**I. PURPOSE**

The purpose of this agreement is to extend to the applicant a conditional offer of employment with the City of Williamsburg as a probationary employee. The applicant must meet the applicable listed terms and conditions in paragraph III Section I before being hired and the applicable terms and conditions in paragraph III Section II after being hired. All entering applicants for the listed position of \_\_\_\_\_ within the Department of \_\_\_\_\_ are required to successfully comply with these same terms and conditions.

**II. PARTIES**

This is an agreement between the City of Williamsburg and the applicant, \_\_\_\_\_ Social Security No. \_\_\_\_\_

**III. TERMS AND CONDITIONS**

**Section I.**

The offer of employment is conditional upon applicant successfully completing the following prior to employment: (Only checked items are applicable)

**NOTE      APPLICANT MUST INITIAL ALL APPLICABLE ITEMS.**

**NOTE      All interviews, examinations, and investigations will be at the expense of the City of Williamsburg.**

Initials

- \_\_\_\_ ( ) Psychological examination conducted and interpreted by a licensed psychologist or psychiatrist.
- \_\_\_\_ (X) Drug Screen
- \_\_\_\_ ( ) Interview and examination by a licensed physician employed by the City of Williamsburg. The physician, after reviewing the applicants Medical History and results of the physical examination, must certify that the applicant is physically fit to perform the essential functions of the position offered.
- \_\_\_\_ (X) Background investigation.
- \_\_\_\_ (X) DMV Driver's License and Driver's Record check.
- \_\_\_\_ ( ) High School or GED Diploma

- Minimum 4 year college degree
- Valid Virginia Drivers License
- United States Citizen
- Physical agility test
- Polygraph examination
- Other

**Section II.**

After employment, applicant will serve a probationary period of \_\_\_\_\_ months, during which time applicant must:

- Successfully complete any compulsory minimum training standards for the position offered as required by regulation established in accordance with the Virginia Department of Criminal Justice Services Board.
- Successfully complete field training/OJT and evaluation of abilities to perform the requirements of the position offered.
- It is understood by the applicant that if the conditions of any applicable items as set forth in Section II are not met, applicant's employment will be terminated.

**IV. LENGTH OF AGREEMENT**

This conditional offer of employment shall remain valid and in effect from the effective date of this agreement and extend through the probationary period as specified in paragraph III, Section II, provided however, this offer shall be immediately withdrawn and become null and void upon the applicant's failure to meet any one of the foregoing indicated terms and conditions.

The effective date of this agreement is \_\_\_\_\_.

\_\_\_\_\_  
City Manager /Date

\_\_\_\_\_  
Applicant/Date

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92

Revision Date: 11-30-98

Revision Date: 12-09-04

### 103 EQUAL EMPLOYMENT OPPORTUNITY

Recognizing the value of a diverse workforce and promoting principles of equity and fairness, it is the policy of the City of Williamsburg to afford equal opportunity to all persons regardless of race, religion, color, sex, age, sexual orientation, national origin or mental/ physical impairment; except where one or more of such factors is a bona fide occupational qualification reasonably necessary to the performance of the job which is the subject to the employment or promotion, and regardless of prior participation in claims before the Virginia Commission of Human Rights (VCHR) or the United States Equal Employment Commission (EEOC). It is the policy of the City of Williamsburg not to discriminate on the basis of age in affording equal employment opportunities, except to the extent that the City is prohibited by applicable law from employing persons below a specific age. Further, while the City has no maximum age limit for employment or promotion of employees in general, it reserves the right as permitted by law to establish mandatory retirement ages for its managerial personnel. This policy and its related procedures are intended to be a tangible expression of the City's commitment to equal opportunity. Pursuant to, the spirit of this Policy, and within its limitations, the City will strive to:

1. Recruit and hire persons in all job classifications, without regard to race, sex, creed, color, age, sexual orientation, religion, national origin, mental/physical impairment, or prior participation in claims before the VCHR or the EEOC, and base decisions on employment so as to further the principles of equal employment opportunity.
2. Base promotion decisions on principles of equal opportunity by imposing only valid requirements for promotional opportunities; and
3. Administer all personnel actions such as compensation, benefits, transfers, training and education, without regard to race, sex, color, age, sexual orientation, religion, national origin, mental/physical impairment, or prior participation in claims before the VCHR or the EEOC.

## UTILIZATION ANALYSIS

The City maintains an annual Utilization Analysis Report which is a statistical picture of the community, identifying the available workforce by ethnicity and sex in order to provide a comparison with actual City employees. The Report is maintained by the City Manager and is available upon request. Steps shall be taken to improve recruitment/promotion for City departments that are found to be substantially out of balance with community make-up as reflected in the report.

## IMPLEMENTATION OF THE PLAN

- A. The City Manager, as chief administrative officer of the City, is responsible for oversight of the City's Equal Employment Opportunity program. To assist the City Manager, each Department Head is responsible for ensuring that the policy is carried out within his/her respective department. These responsibilities include:
  - 1. Identifying problem areas concerning the use of under represented groups;
  - 2. Implementing the Equal Opportunity Actions described below and devising other solutions to the identified problems;
  - 3. Using the utilization analysis report to monitor the effectiveness of the Equal Opportunity Program.
  
- B. Equal Opportunity Actions:
  - 1. Employment Selection Process
    - a. All application forms will be reviewed for the purpose of eliminating items which would represent an impediment to equal access to employment.

- b. Interview procedures will be reviewed for elements which would tend to be discriminatory or to impede access to employment.
  - c. All tests will be reviewed to determine whether they are directly and demonstratively related to work skills needed to perform successfully on the particular job.
  - d. All selection processes will be reviewed for the purpose of removing elements which would tend to be discriminatory or to impede equal access to employment.
- 2. Promotions and Assignments - Policies regarding promotions and assignments will be reviewed for the purpose of removing elements which would tend to be discriminatory.
  - 3. Employee Benefits - The benefits afforded employees will be reviewed to assure that they do not unlawfully discriminate.
  - 4. Terminations - Practices with regard to terminations will be examined to ascertain that there is no element in the separation process which would tend to discriminate.
  - 5. Training Programs (formal and informal) - The policies and procedures that govern training programs administered by the City will be reviewed so as to ensure that training opportunities are administered in a nondiscriminatory manner.
  - 6. Facilities - Any gender separated facilities, such as restrooms, will be comparable for both sexes.
  - 7. Data Retention - To determine adverse impact in a selection process, data on new hires, terminations, promotions, applications will be kept on file.

## DISSEMINATION OF POLICY:

The City of Williamsburg is cognizant that one of the key factors in effective implementation of the Equal Opportunity Program is knowledge and understanding of the Programs objectives throughout the work force, in the community, and in the areas where the City recruits personnel. Therefore, the following steps will be taken concerning dissemination of this policy:

### A. Dissemination of the Policy to City employees as follows:

1. The City of Williamsburg's equal opportunity policy is included in the Personnel Manual.
2. Equal Employment Opportunity posters provided by the Equal Employment Opportunity Commission shall be posted in conspicuous places on the City's premises.
3. The Equal Employment Opportunity policy is noted in all advertisements or similar publications.
4. Meetings will be held periodically with supervisory personnel to review with them the intent of the Equal Employment Program and the responsibility of individual supervisors in implementing the program. The commitment of top administrative staff to the goals of the Equal Opportunity Program is emphasized at these meetings.

### B. Dissemination of the Policy Outside the City of Williamsburg

1. In those instances when City departments conduct active recruiting, recruiting sources will be informed of the Equal Employment Opportunity policy.
2. The City's workforce will be fairly represented in recruitment publicity photographs.

Nothing in this Policy shall be construed as a waiver or modification of the City's rights to direct and manage its employees in accordance with the procedures and policies contained elsewhere in this employee manual and in accordance with applicable laws.

Effective Date: 01-01-92

Revision Date: 01-01-99

Revision Date: 12-09-04

Revision Date: 03-01-05

## 104 EMPLOYMENT APPLICATIONS

The employer relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the City's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

Employment applications are for use by candidates applying for a specific job for which the City is actively recruiting.

Reasonable accommodation will be provided to a qualified individual with a disability in the job application process to enable the applicant to have an equal opportunity to be considered for a job.

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92

Revision Date: 03-01-09

### 105 HIRING OF RELATIVES AND OTHER EMPLOYEE RELATIONSHIPS

Employment of relatives in the same department or line of authority can lead to serious conflicts and problems with favoritism. Personal conflicts from outside the work environment can be carried into the working relationships, and all employees involved are open to charges of partiality.

It is the City of Williamsburg's policy that relatives of persons currently employed by the City may be hired only if they will not be working directly for or supervising a relative, or will not occupy a position in the same department or line of authority (reporting relationship). If already employed, they cannot be transferred into such a relationship.

If a reporting relationship is established after employment, one of the individuals in conflict with this policy will be reassigned, discharged, or the conflict may otherwise be resolved in some other manner, in the discretion of the City. The person to be reassigned, or discharged, or subject to other resolution provided, is a decision to be made by management.

In cases where a conflict or the potential for conflict arises, even if there is no reporting relationship involved, the parties may be separated by reassignment or discharged from employment.

For the purposes of this policy, a relative is defined to include spouses, parents, children, brothers, sisters, brothers- and sisters-in-law, fathers- and mothers-in-law, stepparents, stepbrothers, stepsisters, stepchildren, grandparents, and grandchildren. This policy also applies to individuals who are not legally related but who reside with another employee.

Additionally, personal relationships of a close or romantic nature, established after employment by individuals who are in a reporting relationship, are not permitted. Failed relationships leave the City vulnerable to potential claims for sexual harassment. Supervisors are expressly prohibited from initiating or

participating in any kind of romantic relationship with anyone directly or indirectly subordinate to the supervisor. Violation of this policy will result in reassignment, immediate discharge, or may otherwise be resolved in any manner as deemed appropriate in the discretion of the City.

This policy applies to all categories of employment. The City Manager is authorized, however, to approve waivers of this policy in the case for temporary or part-time personnel in cases where the facts clearly demonstrate that no conflict will arise.

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92

Revision Date: 02-01-94

Revision Date: 08-01-07

### 106 PRE-EMPLOYMENT REQUIREMENTS

All new hires may be subject to the following pre-employment requirements, as outlined on the Conditional Offer of Employment.

#### Physical Examination

After a conditional job offer is extended, but before beginning work, each employee must undergo a pre-employment physical examination performed at the employer's expense by a physician of the employer's choice. The purpose of the examination shall be to determine if the prospective employee is physically qualified for the position sought, and to provide a baseline of the prospective employees physical condition at the time of employment.

#### Drug Testing

Pre-employment drug testing will be part of the pre-employment physical examination per Section 706.

Medical examination and drug testing results paid for by the city are the property of the city and are to be treated as confidential and held in separate files in the office of the City Manager.

#### Background Investigation

Criminal background investigations will be conducted on all employees.

#### Valid Driver's License and Driver's Record Check

A Valid Driver's License and Driver's Record check will be conducted on all employees.

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92

Revision Date: 05-01-01

### 107 IMMIGRATION LAW COMPLIANCE

The City of Williamsburg complies with the Immigration Reform and Control Act of 1986 and is committed to employing only United States citizens and non-U.S. citizens who are authorized to work in the United States.

As a condition of employment, each new employee must properly complete, sign, and date the first section of the Immigration and Naturalization Service Form I-9. Before commencing work, newly rehired employees must also complete the form if they have not previously filed an I-9 with the city, if their previous I-9 is more than three years old, or if their previous I-9 is no longer valid.

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92  
Revision Date: 10-01-04  
Revision Date: 08-01-07

### 108 PERSONNEL FILES

Personnel files are the property of the City of Williamsburg, and access to the information they contain is restricted. Only city officials, the direct supervisor and the employee of the City who have a legitimate reason to review information in a file are allowed to do so. With reasonable advance notice, an employee may review material in his or her file, but only in the employer's offices and in the presence of the individual appointed by the City to maintain the file.

Notwithstanding the above, the following information relating to employees is available for public inspection per the Virginia Freedom of Information Act:

- Job classification
- Salary rate of pay
- Allowances and reimbursement for expenses

All medical documents for employees are strictly confidential and are maintained in a separate secure and confidential file.

It is the responsibility of each employee to promptly notify the employer of any changes in personnel data. Personal mailing addresses, telephone numbers, number and name of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all times.

Employee records, either in original or duplicated form, shall be kept permanently.

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92  
Revision Date: 10-01-04  
Revision Date: 03-01-05  
Revision Date: 08-01-07  
Revision Date: 07-01-08

### 109 ORIENTATION OF NEW EMPLOYEES

All new employees in full-time, benefited positions will be introduced to the City of Williamsburg, their jobs and benefits, using the Employee Orientation Checklist provided as an appendix to this section. Thorough orientation is necessary both to inform new employees, and to make them feel a part of the City.

Normally, orientation will be conducted within the first two days of work. Supervisors, Department Heads, City Manager's Office staff (Personnel), and the City Manager all have a role to play. Each will sign and date the checklist upon completing their portion of the orientation.

Completed Employee Orientation Checklist will be entered in the employees personnel record.

CITY OF WILLIAMSBURG  
EMPLOYEE ORIENTATION CHECKLIST

A. Departmental Briefing

Department	Position
Employee	Date
Department Head	Date
Supervisor	Date

*Initial*

	<u>Supv./DeptHead</u>	<u>Employee</u>
1. Introduce to Co-Workers	_____	_____
2. Conduct familiarization tour of work areas and other city facilities.	_____	_____
3. Review <u>Employment policies</u> (100 Series) (110 Probation Period, 111 Outside Employment)	_____	_____
4. Review <u>Classification and Pay</u> (200 Series) (203 Performance Evaluation-Merit Pay, 205 Overtime)	_____	_____

- |     |   |       |       |
|-----|---|-------|-------|
| 5.  | Review Work Rules and Policies<br>(600 Series)  | _____ | _____ |
| 6.  | Review Code of Ethics and Ethical<br>Standards (Section 701)                                      | _____ | _____ |
| 7.  | Review Safety Rules   | _____ | _____ |
| 8.  | Review Environmental Management<br>Policy (Section 4.2 Environmental<br>Management System Manual) | _____ | _____ |
| 9.  | Review Standards of Conduct (700 Series)  | _____ | _____ |
| 10. | Advise on Uniform Policy (307)  | _____ | _____ |
| 11. | Provide copy of job description.  | _____ | _____ |
| 12. | Brief on Disciplinary and Grievance<br>Procedures. (800 Series)                                   | _____ | _____ |

B. City Manager's Office Briefing

\_\_\_\_\_  
Human Resources Specialist

\_\_\_\_\_  
Date

Initial

Technician    Employee

- |   |                                 |                                 |
|---|---------------------------------|---------------------------------|
| 1. Brief on Employee Benefits (300 Series)<br><br>(302 Medical and Dental Coverage, 303 Retirement and Life Insurance, 304 Worker's Compensation, 306 Deferred Compensation). | _____<br><br>_____<br><br>_____ | _____<br><br>_____<br><br>_____ |
| 2. Complete VRS, Medical Insurance, and Deferred Compensation Enrollments, HIPPA Authorization  | _____                           | _____                           |
| 3. Review Completed Payroll Documentation.  | _____                           | _____                           |
| 4. Employee read and acknowledges <u>Personnel Manual</u> :   |                                 |                                 |

"I have read the Personnel Manual of the City of Williamsburg and I have had any questions concerning the personnel policies of the City answered".

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Initial (City Manager)

5. Interview with City Manager

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## CITY OF WILLIAMSBURG

Effective Date: 01-01-92

Revision Date: 01-01-92

Revision Date: 03-01-05

### 110 PROBATIONARY PERIOD

The probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The employer uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or the employer may end the employment relationship at will at any time both during and after the probationary period, with or without cause or advance notice.

All new and rehired employees work on a probationary basis for the first 183 calendar days after their date of employment. However, all classes of Police personnel, Communications Operators, and all classes of Fire Fighting personnel will have a probationary period of 365 calendar days from their date of employment. Any significant absence will automatically extend a probationary period by the length of the absence. If the Department Head determines that the designated probationary period does not allow sufficient time to thoroughly evaluate the employee's performance, the probationary period may be extended for a specified period.

Employees who are promoted must complete a promotional probationary period of the same length as newly hired employees. During the promotional probationary period the City Manager, upon recommendation of the Department Head, may rescind the promotion and return the employee to his or her former pay grade and pay rate in either his or her former job or any other job for which qualified. Management reserves the right to take such action with or without cause or advance notice.

Employees in the promotional probationary status enjoy the same benefits as other employees of the same employment category, with the exception

of access to the City Grievance procedure for purposes of contesting removal of the promotion as set forth herein.

## 111 OUTSIDE EMPLOYMENT

An employee may engage in employment of and in addition to their employment with the City provided that the following guidelines are adhered to:

- No City owned materials or equipment are utilized.
- The work is performed on the employee's own time.
- The work does not interfere with the employee's satisfactory performance of job responsibilities with this organization.
- The employee's position (not expertise or credentials) is not used to obtain or continue the work performed during off-duty hours.
- The outside employment can in no way be a conflict of interest.

Employees should consider the impact that outside employment may have on their health and physical endurance. All employees will be judged by the same performance standards and will be subject to the employer's scheduling demands, regardless of any existing outside work requirements.

Employees who wish to engage in outside employment are required to notify their Department Head of such intent prior to beginning outside employment.

If the employer determines that the outside employment violates any of the above guidelines or the work interferes with performance or the ability to meet the requirements of employment with the City (as they are modified from time to time), the employee will be required to choose between engagement in the outside employment and continued employment with the City or could be subject to appropriate disciplinary action.

Employees who are absent from work due to the use of sick leave or Family Medical Leave requested as the result of an illness or a chronic

condition of the employee are prohibited from continuing to report to his or her outside employment while absent from his or her employment with the City. It is considered an abuse of the City's sick leave and Family Medical Leave policies for an employee to report to work for another employer after requesting sick leave or Family Medical Leave from the City on the basis that he or she is too ill to report to work. Doing so may result in denial of sick leave or Family Medical Leave benefits or the de-certification of previously approved Family Medical Leave, and may also result in disciplinary action pursuant to Section 801 of the Personnel Manual. Continuing outside employment while utilizing City sick leave or Family Medical Leave (intermittent) for regular doctor's appointments or for the care of a family member, or due to extenuating or extraordinary circumstances, may be permitted, but must be approved in advance by the City Manager. Volunteer positions utilizing the same skills as those used in the course of employment with the City will be considered employment for purposes of this policy.

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92

Revision Date: 10-01-04

Revision Date: 03-01-05

Revision Date: 06-13-14

### 112 EMPLOYMENT SEPARATION

Terminations are an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

- **RESIGNATION** - employment termination initiated by an employee who chooses to leave the City voluntarily. To resign in good standing, an employee must give at least two weeks advance written notice of resignation. Failure to give the required advance notice will result in forfeiture of compensation for accrued leave. Resignations are considered final when rendered.
- **DISMISSAL** - employment termination initiated by the City per the disciplinary procedures detailed in Section 801 of this Manual.
- **LAYOFF** - involuntary employment termination initiated by the City for lack of available work or funds. Decisions regarding positions to be eliminated are made by the City Manager and are based on workforce needs.
- **RETIREMENT** - service or disability retirement, voluntary or involuntary, from active employment status due to age or disability. The effective date of a service retirement or disability retirement application rendered by an employee will be considered notice of termination of employment with the city.
- **TERMINATION FOR INABILITY TO PERFORM**  
An employee may be terminated if he or she becomes physically or mentally unable to perform the duties of the position. However, any such action shall be taken in a manner that complies with the

requirements of the American's with Disabilities Act and the Family Medical Leave Act.

The City invites exit interviews for terminating employees. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the City, or return of employer-owned property. Suggestions, complaints, and questions can also be voiced.

Employee benefits will be affected by employment termination in the following manner. All accrued, vested benefits that are due and applicable will be paid at termination or as soon as practicable thereafter. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. Employees must return all City property to the City that is in their possession or control at the time of employment separation, or immediately upon request. Where permitted by applicable laws, the City may withhold from the employee's final paycheck the cost of any items that are not returned when required. The City may also take all action deemed appropriate to recover or protect its property.

# CITY OF WILLIAMSBURG

Effective Date: 04-01-04

Revision Date: 04-01-04

Revision Date: 03-01-05

Revision Date: 11-25-15

## 113 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT

The City of Williamsburg no longer sponsors a group health plan. Medical information maintained by the City of Williamsburg obtained prior to the City's discontinued sponsorship of a group health plan shall be maintained as provided herein below. Although HIPAA does not apply to medical information obtained by the City for employment related purposes after said discontinuation, the City shall make reasonable efforts to maintain medical information obtained for employment related purposes confidentially.

"Protected Health Information." Protected Health Information (PHI) is information that identifies the employee and relates to an employee's physical or mental health, or information related to paying for his or her health services.

### Procedures

#### 1. Administrative Level

The following procedures will be used to ensure compliance with HIPAA regulations at the Administrative Level. Administrative Level refers to Department Heads, Supervisors and any other City of Williamsburg employee who assists employees with their health and dental insurance or has access to any health information covered by this regulation.

##### A. Designation of a Privacy Officer and Contact Person

The City of Williamsburg has designated a Privacy Officer and contact person who is responsible for the development of policies and procedures for HIPAA compliance. The Human Resources Specialist is the City's Privacy Officer and contact person.

## B. Training

Training will be provided at least annually to all employees within the Administration Level. Training will be in documented in paper or electronic form and will be maintained for seven years, beginning April 1, 2004.

## C. Employee Confidentiality Agreement

The City of Williamsburg has established an *Employee Confidentiality Agreement* which must be signed by each Administrative Level employee which states he or she has read and understands the City's policies regarding the privacy of PHI and that the employee has received training on the City of Williamsburg's policies concerning PHI, disclosure, storage, and destruction as required by HIPAA.

## D. Safeguards

The City of Williamsburg has established appropriate technical and physical safeguards to prevent PHI from intentionally or unintentionally being used or disclosed in violation of HIPAA's requirements. Technical safeguards include maintaining access controls and restrictions to the minimum necessary, user monitoring and authentication, and using passwords for security. Physical safeguards include locking doors and filing cabinets.

### 2. Employee Level

#### A. Authorization for Release of Health Information

In order for the City to release any PHI, the Employee must authorize the release of the information. The city may not release PHI to any person who is not authorized to receive the information. The City will use the information solely for the purpose of administering its health plan. Every employee of the City of Williamsburg is required to complete an *Authorization For Release Of Health Information* form. An employee is also required to have a completed form on file for every family member, 18 years of age or older, who is on their health insurance plan provided by the City.

#### B. Right to Revoke Authorization

An employee may revoke his/her authorization as to all persons except the City of Williamsburg and its health and dental insurance providers at any time by notifying the City of Williamsburg in writing and delivering the revocation to the City's Privacy Officer. The revocation is only effective after it is received and logged by the City of Williamsburg. Any use or disclosure made prior to the revocation under this authorization will not be affected by a revocation.

#### C. Right to Access Protected Health Information

The City of Williamsburg recognizes the right of an employee to have access to his or her PHI. The employee may access his or her PHI by completing an *Individual Request to Inspect Health Information* form. The completed form must be presented to the Human Resources Specialist who in turn will complete a *Group Health Plan's Response to Inspection Request* form.

#### D. Request to Correct or Amend Protected Health Information

The City of Williamsburg recognizes the right of an individual to request an amendment of his or her PHI maintained in the City's personnel records. An employee must complete an *Individual Request to Correct or Amend a Record* form. The completed form must be presented to the Human Resources Specialist who, in turn, will complete a *Group Health Plan's Response to Amendment or Correction Request* form.

#### E. Complaints

All complaints regarding HIPAA and any Privacy Act Violations shall be addressed to the Privacy Officer. The complaints must be in writing. A note of complaint resolution, if any, will be noted and documented by the Privacy Officer.

An employee, either during his or her employment or association with the City of Williamsburg, or after his or her employment or association ends, may not use, access, or disclose PHI to any person or entity, internally or externally, except as is required and permitted in the course or duties and responsibilities with the City of Williamsburg, as set forth in the City of

Williamsburg's privacy policies and procedures or as permitted under HIPAA. Any unauthorized use or disclosure of PHI will result in disciplinary action, up to and including the termination of employment or association with the City of Williamsburg, and the imposition of any civil penalties or criminal penalties under applicable federal and state law, as well as professional disciplinary action, as appropriate.



**THE CITY OF WILLIAMSBURG  
HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT  
EMPLOYEE CONFIDENTIALITY AGREEMENT**

I, \_\_\_\_\_, have read and understand the City of Williamsburg's policies regarding the privacy of individually identifiable information or Protected Health Information (PHI), as mandated by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and Code of Virginia (1950), as amended, §32.1-127.1:03. In addition, I acknowledge that I have received training in the City of Williamsburg policies concerning Protected health Information, disclosure, storage and destruction as required by HIPAA.

In consideration of my employment or compensation from the City of Williamsburg, I hereby agree that I will not at any time – either during my employment or association with the City of Williamsburg, or after my employment or association ends – use, access, or disclose PHI to any person or entity, internally or externally, except as is required and permitted in the course of my duties and responsibilities with the City of Williamsburg, as set forth in the City of Williamsburg's privacy policies and procedures or as permitted under HIPAA. I understand that this obligation extends to any PHI that I may acquire during the course of my employment or association with the City of Williamsburg, whether in oral, written, or electronic form and regardless of the manner in which access was obtained.

I understand and acknowledge my responsibility to apply the City of Williamsburg's policies and procedures during the course of my employment or association. I also understand that unauthorized use or disclosure of PHI will result in disciplinary action, up to and including the termination of employment or association with the City of Williamsburg and the imposition of civil penalties and criminal penalties under applicable federal and state law, as well as professional disciplinary action, as appropriate.

I understand that this obligation will survive the termination of my employment or end of my association with the City of Williamsburg, regardless of the reason for such termination.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

## AUTHORIZATION FOR RELEASE OF HEALTH INFORMATION

In order to release any protected health information, you must authorize the city to release the information. The city may not release your health information to any person who is not authorized to receive the information, except that the city will use the information to administer its health plan. The city will release information to Anthem, and to any other person you designate on this form. **Other than minor children, every person covered under your health plan must designate those individuals who may receive their health information by filling out the Authorization for Release of Health Information form.** If you wish your spouse to receive your health information, you must designate your spouse as a recipient. If your spouse wishes you to receive his or her health information, your spouse must authorize you as a recipient.

Please complete the form below. If at any time you wish to change this information, please contact the Human Resources Specialist.

I \_\_\_\_\_ hereby authorize the use or disclosure of my health information as described in this authorization.

1. Specific person and or organization, which you authorize to provide the information:

Please check the option of your choice:

\_\_\_\_\_ City of Williamsburg

\_\_\_\_\_ City of Williamsburg for limited purpose of administering the health care plan.

2. Specific person and or organization, which you authorize to receive and use the information:

Please check all that apply:

Anthem (The City of Williamsburg grants its authorization to Anthem, pursuant to Anthem's assurance that private medical information shall be kept confidential by Health Management Corporation (HMC), with access to private medical information provided only to those HMC employees or independent contractors who require the information to deliver health benefits or administer the health plan, and that all other privacy protections have been implemented to protect the private medical information of all covered persons under the plan, pursuant to the Business Association Agreement dated March 6, 2003).

\_\_\_\_\_ Other (Spouse, child, parent, life insurance co., etc.)

Please list the names of the specific person(s)/organization(s) which you authorize to receive and use the information on the lines below:

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3. Information to be provided or released:

\_\_\_\_\_ Information regarding payments for services provided under the City of Williamsburg's health care plan; and medical information held by the City of Williamsburg either as a result of its administration of its health care plan, or as a result of pre-employment or fitness for work periodic medical examinations.

\_\_\_\_\_ Other (Please list any other specific information you authorize to be provided or released on the lines below):

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**Right to Revoke:** You may revoke this authorization as to all persons except the City of Williamsburg and Anthem at any time.

I understand that I have the right to revoke this authorization at any time by notifying the City of Williamsburg in writing and delivering said revocation to the Human Resources Specialist of the City of Williamsburg, 401 Lafayette Street, Williamsburg, Virginia 23185. I understand that the revocation is only effective after it is received and logged by the City of Williamsburg. I understand that any use or disclosure made prior to the revocation under this authorization will not be affected by a revocation.

I understand that after information is disclosed, that federal law might not protect it and the recipient might re-disclose it.

I understand that my initial (or continued) employment and position are subject to my agreement to this authorization, and any additional authorization the City of Williamsburg requests. I understand that my coverage or continued coverage as a part of the health care plan offered by the City of Williamsburg is subject to this authorization and any additional authorization the City of Williamsburg requests.

I understand that I am entitled to receive a copy of this authorization.

I understand that this authorization will expire when my employment with the City of Williamsburg terminates or my coverage under the group health care plan offered by the City of Williamsburg terminates.

Are you an employee of the City of Williamsburg? Yes \_\_\_\_\_ No \_\_\_\_\_

Are you the spouse of an employee of the City of Williamsburg?  
Yes \_\_\_\_\_ No \_\_\_\_\_

If you check yes, please print your spouse's name \_\_\_\_\_

Are you a dependent (over 18 years of age) of an employee of the City of Williamsburg?  
Yes \_\_\_\_\_ No \_\_\_\_\_

If you checked yes, please print your parent/guardian's name \_\_\_\_\_

Printed Name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_



**CITY OF WILLIAMSBURG  
INDIVIDUAL REQUEST TO  
CORRECT OR AMEND A RECORD**

I request the group health plan to amend the protected information in its designated record set.

**SPECIFIC STATEMENT OF AMENDMENT REQUEST**

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**SPECIFIC REASON FOR AMENDMENT REQUEST**

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I understand that if the protected health information was not created by the group health plan, the group health plan is not required to honor my request. For example, if the information I wish to amend is in a medical report created by my physician, I must ask the physician, not the plan, to amend the report. I also understand that if the information is not available for my inspection, is not part of the plan's designated record set or is already accurate and complete, I cannot amend the information.

I understand that the group health plan will respond to my request within 60 days.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

or

(Personal Representatives)

I, \_\_\_\_\_, personal representative of \_\_\_\_\_, hereby warrants that I have authority to sign this form under a valid General or Durable Power of Attorney or under the following authority: \_\_\_\_\_.

Personal Representative: \_\_\_\_\_

Signature

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone



**CITY OF WILLIAMSBURG  
GROUP HEALTH PLAN'S RESPONSE TO  
AMENDMENT OR CORRECTION REQUEST**

**Grant**

\_\_\_\_\_ Your request to amend or correct your health information has been granted. The Plan will make an appropriate amendment to the designated records set.

You must provide the Plan with the names of any persons to which you wish to provide the amended information. The Plan will then make reasonable efforts to inform these individuals and persons that the Plan knows may have relied on or could rely on the information, of the amendment within a reasonable time.

**Need for an Extension of Time**

\_\_\_\_\_ The group health plan received your request to amend health information on \_\_\_\_\_, 20\_\_\_. The group health plan has evaluated your request to amend health information. A delay in action is necessary for the following reason:

\_\_\_\_\_

The group health plan will respond to your request by no later than 60 days from the date your request was received.

**Denial of Access**

\_\_\_\_\_ The group health plan received your request to amend health information on \_\_\_\_\_, 20\_\_\_.  
\_\_\_\_\_

Your request is denied for the following reason: \_\_\_\_\_  
\_\_\_\_\_

**Statement of Disagreement**

You have the right to file a written statement disagreeing with the denial of amendment. The statement of disagreement must be limited to two single-sided 8 -1/2 x 11 pages. The statement of disagreement should be filed within 60 days of this notice with the following office:

Human Resources Specialist, City of Williamsburg, 401 Lafayette Street, Williamsburg, Virginia 23185. The plan has a right to prepare a rebuttal statement to your statement of disagreement. If it does, you will receive a copy.

If you do not submit a statement of disagreement, you may request that the Plan provide your request for amendment and this denial of amendment with any future disclosures of protected information that is the subject of this request.

You may file a complaint regarding this decision with the group health plan or the U. S. Department of Health and Human Services. If you file a complaint with the group health plan, please file it in writing with the following person: Human Resources Specialist, City of Williamsburg, 401 Lafayette Street, Williamsburg, Virginia 23185.



**CITY OF WILLIAMSBURG  
GROUP HEALTH PLAN'S  
RESPONSE TO INSPECTION REQUEST**

**Grant**

\_\_\_\_\_ Your request to access your health information has been granted. Access will be provided at the City of Williamsburg Municipal Building, Office of the Human Resources Specialist, 401 Lafayette Street, Williamsburg, Virginia 23185 on or after \_\_\_\_\_, 20\_\_.

\_\_\_\_\_ A summary has been created based on the advance agreement you provided.

**Need for an Extension of Time**

\_\_\_\_\_ The group health plan received your request to access information on \_\_\_\_\_, 20\_\_. The group health plan has evaluated your request to access health information. A delay in providing the information is necessary for the following reason:

\_\_\_\_\_

The group health plan will respond to your request by no later than 60 days from the date your request was received.

**Denial of Access**

\_\_\_\_\_ The group health plan received your request to access health information on \_\_\_\_\_, 20\_\_.

Your request is denied for the following reason: \_\_\_\_\_.

You may file a complaint regarding this decision with the group health plan or the U. S. Department of Health and Human Services. If you file a complaint with the group health plan, please file it in writing with the following person:  
\_\_\_\_\_, Human Resources Specialist, City of Williamsburg, 401 Lafayette Street, Williamsburg, Virginia 23185.

In certain cases you are entitled to appeal the denial of access. You are entitled to an appeal if access was denied because in the opinion of a licensed health care professional, granting access is likely to endanger the life or physical safety of you or another person. If you appeal, your appeal will be reviewed by a licensed health care

professional designated by the plan who did not participate in the original decision. The appeal and notice of the appeal decision will be conducted promptly.



## USE AND DISCLOSURE OF PROTECTED HEALTH INFORMATION (PHI)

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### I. THE CITY OF WILLIAMSBURG'S USE OF PRIVATE HEALTH INFORMATION

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The City of Williamsburg is committed to protecting the confidential nature of your medical information to the fullest extent of the law. As the administrator of your Group Health Plan, the City of Williamsburg possesses a limited amount of PHI as a result of its relationship with Anthem Blue Cross and Blue Shield as a self-insured entity, which insurance program is administered by Anthem. As such the City is required to use and protect PHI to the extent of and in accordance with the uses and disclosures permitted by the Health Insurance Portability and Accountability Act of 1996 (HIPAA). For purposes of this notice, City of Williamsburg is the plan sponsor. The Plan will disclose PHI to the Plan Sponsor only upon receipt of a certification from the Plan Sponsor that the plan documents have been amended to incorporate the following provisions.

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### II. HOW THE CITY OF WILLIAMSBURG MAY USE AND SHARE YOUR PROTECTED HEALTH INFORMATION

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Specifically the City may use and disclose your PHI without your specific authorization for purposes related to the administration of its health insurance plan, including payment for health care and health-related services.

- **Payment.** We may use and disclose your medical information to health insurance companies and to third party administrators so they can assess our insurance risk and determine our premiums for your health plan, or perform quality assessments and improvement activities, so that we can pay our premiums and other related expenses, or so that we can fulfill our responsibilities for coverage and provision of plan benefits. These include activities such as determining eligibility or coverage, reviewing trends in health care costs, and reviewing claims, billing, and claims management. For example, we may use PHI to determine whether a particular medical service given or to be given to you is covered under the terms of your coverage. We may also disclose PHI to health care providers or other health plans for their payment activities, such as to coordinate benefits.
- **Health Care Operations.** We may also use and disclose PHI to perform activities related to our provision of health care benefits such as business planning and

development, quality assessment and improvement, premium rating, enrollment, underwriting, customer service, medical management, fraud and abuse detection, and business management. For example, we may use or disclose your PHI for underwriting, premium rating, or other activities associated with the creation, renewal, or replacement of a contract of health insurance or health benefits. We may also share PHI with health plans or health care providers for certain health care operation activities as described in the HIPAA privacy regulation.

We, or one of the third party administrators, may also use your PHI to give you information about one of its disease/care management programs. We may also give you information about treatment alternatives or other health-related benefits and services that may interest you.

When using and sharing your PHI for payment and health care operation activities, we will request, use, and disclose only the minimum amount of your PHI necessary to complete the activity.

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### III. OTHER USES & DISCLOSURES OF YOUR PHI

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The following is a description of other possible ways we may (and are permitted by law) to use and/or disclose your PHI without your specific authorization.

- **Family and Friends.** If you are unavailable to agree, we may share your PHI with a family member, friend or other person when the situation indicates that disclosure would be in your best interest. An example of this could be a medical emergency or an emergency situation caused by a disaster, in which you're not able to communicate with us. If you are available and agree, we may disclose your PHI to a family member, friend or other person to the extent necessary to help with your health care or with payment for your health care.
- **Research, Death, and/or Organ Donation.** We may use or disclose your PHI for research purposes in limited circumstances specified in the HIPAA privacy regulation. We may disclose the PHI of a deceased person to a coroner, medical examiner, funeral director, or organ procurement organization for certain purposes.
- **Public Health and Safety.** We may disclose some of your PHI permitted by state law to the extent necessary to prevent a serious and imminent threat to your health or safety or the health or safety of others. We may disclose your PHI to a government agency that oversees the health care system or government programs or its contractors, and to public health authorities for public health purposes. Also, we may disclose your PHI to appropriate authorities if we reasonably believe that you are a possible victim of abuse, neglect, domestic violence, or other crimes.
- **Required by Law.** The City of Williamsburg may use or disclose your PHI when

required to do so by law. For example, we must disclose your PHI to the U.S. Department of Health and Human Services upon their request. Their request would occur only if they were trying to determine if the City were in compliance with federal privacy laws. We may disclose your PHI to comply with workers' compensation or similar laws.

- **Legal Process and Proceedings.** We may disclose your PHI in response to a court or administrative order, subpoena, discovery request, or other lawful process. These disclosures are subject to certain administrative requirements imposed by the HIPAA privacy regulation and permitted by state law.
- **Law Enforcement.** We may disclose limited information to a law enforcement official concerning the PHI of a suspect, fugitive, material witness, crime victim, or missing person. However, these disclosures are subject to certain administrative requirements approved by the HIPAA regulation and permitted by state law. We may disclose the PHI of a prison inmate or other person in lawful custody to a law enforcement official or correctional institution under certain circumstances specified by the HIPAA privacy regulation. We may also disclose PHI when necessary to assist law enforcement officials to capture an individual who has admitted to participation in a crime or has escaped from lawful custody.
- **Military and National Security.** We may disclose to military authorities the PHI of Armed Forces personnel under certain circumstances specified by the HIPAA privacy regulation. We may also disclose to authorized federal officials PHI required for lawful intelligence, counterintelligence, and other national security activities.

With an authorization, the Plan will disclose PHI to the following:

- Anthem Blue Cross Blue Shield and its affiliated HMOs
- Professional Pharmacy of Williamsburg (or other pharmacy designated by individual)
- Health Management Corporation
- Well Baby Plan
- Worker's Compensation Carrier
- Health Care Provider designated by individual
- Designated Attorney

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#### IV. WITH RESPECT TO THE PHI, THE CITY OF WILLIAMSBURG AGREES TO CERTAIN CONDITIONS

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The City of Williamsburg agrees to:

- not use or further disclose PHI other than as permitted or required by the plan document or as required by law;

- ensure that any agents, including a subcontractor, to whom the Plan Sponsor provides PHI received from the Plan agree to the same restrictions and conditions that apply to the Plan Sponsor with respect to such PHI;
- not use or disclose PHI for employment-related actions and decisions unless authorized by the individual;
- not use or disclose PHI in connection with any other benefit or employee benefit plan of the Plan Sponsor unless authorized by the individual;
- report to the Plan any PHI use or disclosure that is inconsistent with the uses or disclosures provided for of which it becomes aware;
- make PHI available to an individual in accordance with HIPAA's access requirements;
- make PHI available for amendment and incorporate any amendments to PHI in accordance with HIPAA;
- make available the information required to provide an accounting of disclosures.

## CITY OF WILLIAMSBURG

Effective Date: 02-01-09

Revision Date: 02-01-09

### 114 AMERICANS WITH DISABILITIES ACT

The City of Williamsburg does not discriminate against persons with disabilities. An employee (or applicant) who has a qualifying disability (a long term or permanent condition that significantly effects one or more of the employee's major life or bodily functions) and requires reasonable accommodation(s) in order to perform the essential functions of his or her position, shall request reasonable accommodation(s) from the City. The employee must be able to perform the essential functions of his or her position with or without reasonable accommodations in order to be a qualified employee with a disability under the Americans with Disabilities Act.

Employees shall make any request for reasonable accommodations to their supervisor or department head, AND file a written request with Human Resources. The request should specifically state the disability giving rise to the need for an accommodation, the accommodation(s) requested, and what essential function(s) of the position said accommodation will permit the employee to perform and how. Medical verification of the disabling condition may be requested by the City, and must be provided by the requesting employee prior to any determination of the employee's eligibility for reasonable accommodations under ADA. After receiving all required documentation, the City will consider the request for accommodation and respond to the employee within 5 working days regarding the availability of the accommodation requested. If the accommodation is reasonable, in the discretion of the City, taking considering of the cost of the accommodation requested as well as the employee's position and staffing requirements of the employee's department (if applicable), the accommodation may be provided to the employee requesting said accommodation.

Each situation is different. Some accommodations may be reasonable in one circumstance, and unreasonable in another,

depending on the particular job duties of the employee, the size of the department, and the cost of the requested accommodation. However, by way of example, any accommodation that requires the City to purchase prohibitively expensive equipment will be deemed unreasonable. Any accommodation that requires the reassignment of essential job duties to other employees, or requires the alteration of other employees' work schedules will be deemed to be unreasonable.

Employees are encouraged to discuss alternative accommodations with Human Resources if the requested accommodation is deemed to be unreasonable. If the employee's request is deemed to be unreasonable, no alternative accommodation is identified, or an alternative accommodation is not acceptable to the employee, and the employee is unable to perform the essential functions of his or her position without accommodations, the employee may be discharged from his or her position.

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92

Revision Date: 01-01-92

### 201 CLASSIFICATION OF POSITIONS

A Classification Plan has been established and shall be maintained by the City Manager. The Classification Plan consists of grades 1 through 15 and covers all full-time employees. It contains job class titles, job specifications for each class of positions, and salary grades.

The City Manager shall make all assignments of position to classes and pay grades, and this authority may not be delegated. When circumstances warrant, the Plan itself may be amended by the City Manager, consistent with budgetary authority of the City Council.

Department Heads shall be responsible for advising the City Manager of any material changes in duties, qualifications, working conditions or other factors affecting the classification of any position. Upon the receipt of such information, the City Manager will restudy the position and determine if the classification should be changed.

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92  
Revision Date: 02-01-97  
Revision Date: 07-01-05

### 202 PAY ADMINISTRATION

#### Pay Plan

The pay of all full-time employees is established by the Pay Plan for the class of position in which they are employed. The City Manager shall be responsible for the development of a uniform and equitable pay plan which will consist of minimum and maximum rates of pay for each position listed. In arriving at salary ranges, consideration shall be given to prevailing rates for comparable work in other public employment and private business, the current cost of living, responsibilities of the position, and the City's financial condition and policy. The Pay Plan will be reviewed periodically using regional statistics as a common denominator, to determine if salaries of employees are compatible with other area employers. The rate of pay within the assigned pay range will be determined as hereinafter provided.

#### New Appointees

Generally, a new employee will be paid the minimum rate of pay for his class. The minimum rate for each class is based upon the assumption that a new employee meets the minimum qualifications stated in the class description.

Exceptions may be granted upon the prior written approval of the City Manager in the following cases:

- A. When it is necessary to appoint a new employee whose qualifications are less than the minimum, such employee may be given trainee status and shall be compensated during the trainee period in accordance with an individual training schedule of pay rates as determined by the City Manager.
- B. When a new employee more than meets the minimum qualifications stated in the Class Specification and will not accept appointment at the minimum rate of the class, such employee may, with the approval of the City Manager, be appointed at a

higher rate in the pay range for that class of work. Such cases should be analyzed and measured against objective standards. Consideration should also be given to a review of the salaries of employees in the class whose present salaries are below the recruiting rate.

### Police Career Development Program

Police officers participating in the department's "Career Development Program" (CDP), will receive a fifteen hundred dollar (\$1500) increase in pay for each of the three CDP levels. For the purpose of this program, officers will be placed in the pay classification assigned to each level. Reclassification for the purpose of CDP, however, is exempt from minimum pay requirements as assigned to pay grades. Moreover, CDP levels are not promotions and therefore policy 204 "Promotions and Transfers" is not applicable.

### Salary Increases Within Ranges - Merit Pay Plan

- A. The salary ranges are intended to furnish administrative flexibility in recognizing individual differences between positions allocated to the same class, in providing employee incentives, in rewarding employees for meritorious service, and in meeting emergency conditions requiring pay adjustments.
- B. Salary increases or decreases within ranges are based on job performance of each employee, the employee's current pay position within the range, and the financial capacity of the City. There are no "steps" within pay ranges. Salary adjustments will be considered annually for all employees using the following procedure.

<u>Action</u>	<u>Annual Time Frame</u>
City Manager recommends aggregate funding for pay adjustments in Proposed Annual Budget to City Council.	March
Supervisors prepare and submit annual employee Performance Reports through Department Heads to the City Manager (per Section 203)	April 30
City Council adopts budget for fiscal year beginning July 1.	May
City Manager and Department Heads determine prospective annual pay adjustment based on Employee Performance Reports and adopted budget.	June
Pay adjustments effective with beginning of new fiscal year.	July 1
C. Salary increases within ranges for unusual or meritorious service may be granted without regard to limitations of time by the City Manager within available budgeted funds.	
D. The example which follows illustrates how <u>performance</u> and <u>position within the range</u> relate to the amount of a salary increase. The percentage amounts are illustrative only, and would depend upon employment market conditions, changes in the cost of living, and budgetary and fiscal considerations in any given year.	

## ILLUSTRATIVE SALARY INCREASE GUIDELINES

(for illustrative purposes only)

<u>Performance Level</u>	<u>Type of Merit Increase</u>	<u>Discounted* Range</u>	<u>1st&amp;2nd Quartile</u>	<u>3rd&amp;4th Quartile</u>
Singularly Outstanding	Extraordinary Merit Increase	8% to 10%	7% to 9%	6% to 8%
Fully Satisfactory	Full Merit Increase	5% to 8%	4% to 7%	3% to 6%
Less than Fully Satisfactory	Partial Merit Increase	2% to 4%	1% to 3%	No Increase
Unsatisfactory	None	No Increase	No Increase	No Increase

\* The "Discounted Range" is the range below the 1st quartile.

## 203 PERFORMANCE EVALUATION SYSTEM

### I. PURPOSE AND SCOPE

The performance evaluation system is an essential and integral part of the City's personnel management program in general, and of the pay administrative system in particular. Self-Appraisal, Goal Setting and Performance Evaluation enable supervisors and employees to ascertain methods for improvement and progression based upon the employee's ability and previous performance, with emphasis on continual improvement. The formal performance evaluation system is designed:

- A. To evaluate employees objectively based on job related and behaviorally anchored criteria and to build upon employee/supervisor interaction.
- B. To ensure supervisors and employees set goals and discuss approaches to accomplishing those goals.
- C. To counsel employees on work standards and expected levels of job performance, which will identify employee strengths and weaknesses.
- D. To recognize and encourage outstanding job performance.
- E. To identify and lead to correction of work deficiencies.

- F. To support personnel actions, such as promotions and demotions, transfers and re-employment, and disciplinary actions including suspensions and dismissals.
- G. To assist the City Manager in recommending aggregate funding for pay adjustments in the proposed annual budget to City Council, consistent with pay plan guidelines identified in Policy 202 "Pay Administration."

## II. PROGRAM COVERAGE

Full-time, part-time, and probationary employees are included in the rating program. Temporary employees may be rated at the discretion of department heads. The City Manager may use an alternative evaluation system, such as narrative evaluation of goal/objective accomplishment, for specific classes of employees, such as department heads.

## III. TIMING OF PERFORMANCE REPORTS

Annual performance reviews are conducted for all employees for the period of April 1 through March 31, with submission of completed evaluations to the City Manager no later than April 30. In addition, supervisors may submit special evaluations at any time to recognize outstanding performance or unsatisfactory performance without waiting for the annual review cycle.

Supervisors should not wait until a performance rating is due to recommend the separation or demotion of an unsatisfactory probationary employee who does not respond to counseling and additional instruction. The supervisor should initiate corrective action as soon as it is concluded that the employee is unable or unwilling to meet the requirements of the position.

#### IV. EMPLOYEE SELF-APPRAISAL AND INPUT OF GOALS

The purpose of the employee self-appraisal and input of goals is to give the employee an opportunity to reflect over the past year, self-evaluate his or her performance, summarize his or her accomplishments of prior year's goals, and propose future personal/organizational goals for the new year.

##### A. Filling Out the Employee Self-Appraisal and Input of Goals (Appendix A)

1. The Employee Self-Appraisal and Input of Goals Form shall be prepared on computer or handwritten by the employee.
2. Employees shall self-evaluate their work performance over the prior year based on the behaviorally anchored criteria listed. Employees are encouraged to cite specific, concrete examples of performance and list any performance achievements and any work behavior that needs improvement.
3. Employees shall list their personal & organizational goals from the last evaluation and summarize their accomplishments and progress toward each of the goals.
4. Employees shall list at least three (3) to five (5) personal/organizational goals to propose for the next year.
5. The Employee Self-Appraisal and Input of Goals Form also gives the employee the opportunity to indicate any challenges the employee experiences that make it difficult to effectively fulfill his or her responsibilities and to reference any subjects he or she would like to discuss with the supervisor during the performance appraisal.

B. Steps in Conducting the Employee Self-Appraisal and Input of Goals Form

1. The supervisor, by February 15, shall notify the employee to complete the Employee Self-Appraisal and Input of Goals Form.
2. The supervisor is to allow the employee time and access to a computer to complete the Employee Self-Appraisal and Goals Form. The employee shall complete the form and submit it to their supervisor by March 1.
3. During the employee performance evaluation meeting, the supervisor and employee will review the employee Self-Appraisal and Input of Goals Form.

V. PERFORMANCE EVALUATION

The Performance Evaluation is the final step in the Performance Evaluation System. The purpose of the Employee Performance Evaluation is to evaluate the employee accurately and objectively based on the job description and behaviorally anchored criteria.

A. Definitions

1. Rater—Employee's immediate supervisor or an individual designated by the department head.
2. Reviewer—Rater's superior or an individual designated by the department head.

B. Designations of Raters and Reviewers

1. Each department head shall designate the individuals who shall serve as Rater and Reviewer for the employees in the various units of the department.

2. The Rater's responsibility is to tentatively rate the employee accurately and objectively as set forth on the performance evaluation form.
3. The Reviewer's responsibility is to review the ratings for consistency of standards and cooperation with the intent of the rating program.
4. Any disagreement between a Rater and Reviewer shall be resolved by a discussion between the two. If changes are agreed upon, a new performance evaluation report shall be prepared. In rare cases where agreement cannot be reached, the Reviewer's superior shall be consulted. The Reviewer does not have the authority to make unilateral changes on the performance evaluation report without expressed approval of the Reviewer's supervisor.
5. The department head shall conduct a general review of ratings to encourage uniform standards throughout the department.

### C. Job Requirements

To evaluate performance effectively, both the supervisor and the employee must know the duties and responsibilities the job requires and the expected standard of performance.

This information should be recorded in:

- Job description.
- Records of verbal counseling or instruction on job performance.
- Citywide and departmental procedure manuals or instructions.
- Orders and memoranda, which contain performance standards.
- Previous Statement of Goals/Objectives from previous evaluation.

Many jobs have work results, which can be quantified and checked for quality. Performance standards need not be in writing provided the supervisor and employees have the same understanding of them, but written performance standards are preferable.

#### D. Records of Work Performance

Performance reports cover spans of time up to a year. Over such an extended period, a Rater's memory is often inadequate. The Rater may tend to remember the good things concerning those employees he personally likes and the bad things about those he dislikes.

The Rater's task will be improved by use of informal notes on day-to-day work performance, which exceeds or falls short of normal requirements. Notes should be sufficiently detailed without becoming burdensome to the supervisor. Employees will tend to more readily accept a rating that can be substantiated with specific examples.

Supervisors should be careful not to create the impression that they keep a "black book" of negative data. Notes are best made without considerable show.

In addition to informal notes, other types of useful records are:

1. Memoranda to the employee's personnel file (with a copy to the employee) describing highly significant incidents involving above average or below standard performance at the time of the occurrence.
2. Regular counts or reports of amount of work performed, measures of quantity and quality.

3. Records of the results of spot checks of the employee's performance at periodic intervals.

E. Pointers on Rating Performance

A supervisor's job requires continual judgments concerning each subordinate's work performance. Each time the supervisor makes such a judgment, he is rating the employee. Thus, ratings are made daily with or without the benefits of a systematic approach. The question is not whether ratings will be made, but how they will be made.

The role of the performance evaluation program in employee development is to insure that the supervisors do not overlook their coaching responsibilities due to the pressure of the daily workload. Also, it is desirable for the supervisor to take time out once or twice a year to systematically put together fragmentary impressions of the subordinate's career progress. This overall picture should be the basis of a mutually agreed-upon development plan tailored to the needs of the individual employee.

1. The rating on each dimension should be representative of the employee's typical performance over the entire period. The past ratings should not influence the current rating.
2. The employee's performance on each dimension on the rating form should be considered on its own merits. Because an employee's performance is above or below standard on one area is no reason to rate him or her that way on other areas.

3. Raters and Reviewers should guard against leniency in the preparation of evaluation reports. Remember that un-warranted ratings will cause problems later.
  - a. Unsatisfactory employees will cite their favorable ratings when appealing disciplinary action.
  - b. When less than satisfactory service goes uncorrected, the supervisor's job is that much more difficult.
  - c. Conscientious employees will tend to be let down if they are rated the same as those who just meet minimum requirements.
  - d. Unwillingness to face up to problem employees reflects poorly on the supervisory ability of the Rater.
  
4. Everyone has likes and dislikes concerning the people with whom he/she works. Raters have a special obligation to try to overcome any bias towards their subordinates. The Rater should concentrate on employees' performance and not their personalities or their racial, religious, national, regional or cultural backgrounds.
  
5. Ratings should be prepared with sufficient thought and reference to available records. A hasty, carelessly prepared performance report constitutes a definite injustice to the employee and a neglect of an important supervisory responsibility.

F. Steps in Completing the Performance Evaluation Form by Rater. (Appendix C)

1. Fill out the Performance Evaluation Report Form Heading. The heading of the rating form shall be prepared on computer or handwritten by the Rater. All information must be provided: Name, Period Covered, Department and Reason for Evaluation.
2. Rate the employee on twelve performance dimensions. The definitions are not all inclusive, and individual departments may give raters specific criteria to enhance the evaluation process:
  - a. **Adherence to Policy**- The degree to which this employee follows work place regulations, such as safety rules, purchase procedures, and other written standards.
  - b. **Dependability**- The degree to which this employee can be relied upon to be on time, complete tasks (without reminding), be available, and respond when needed.
  - c. **Appearance**- The degree to which grooming, dress, and physical fitness meet professional standards.
  - d. **Behavior and Ethics** - The degree to which this employee exhibits honesty, loyalty, politeness, good conduct, and good judgment.
  - e. **Productivity** - The degree of accuracy, completeness, and timeliness in accomplishing tasks; the degree to which this employee sets goals and achieves goals.

- f. **Knowledge of Job** - Degree of professional knowledge and proficiency, achievement of job certifications and qualifications.
- g. **Initiative and Creativity** - The degree to which this employee seeks out new tasks and expands abilities, works independently with little supervision, and creates better ways to achieve goals.
- h. **Teamwork** - The degree to which this employee communicates, cooperates, and works well with coworkers and supervisors and respects other people.
- i. **Leadership** - The degree to which this employee sets a good example for others to follow. For supervisors, effectiveness in directing/counseling subordinates.
- j. **Public Service** - The degree to which this employee gives superior service to the public and to other internal and external customers.
- k. **Goals and Objectives** – The degree to which this employee achieved goals set in the last evaluation.
- l. **Potential**- The degree to which this employee is ready for greater responsibility

3. **Keyword Ratings, Factors and Definitions:** The Rater is to combine the keywords for each Performance Dimension which *best describe the degree to which the employee "Meets," "Exceeds" or "Falls Below" performance standards.*

#### 4. Raters Comments

Raters are to cite specific, concrete examples of performance and give recommendations for improvement. Group comments for Performance Dimensions are divided into Five Groups:

Group I: Conduct and Reliability

Group II: Job Performance

Group III: Leadership and Service

Group IV: Goal Achievement

Group V: Potential Summary

#### 5. Review, Approval and Signature of Reviewer.

##### a. Steps in conducting the Performance Evaluation

1. Rater shall schedule with the employee a date and time for the performance evaluation meeting.
2. During the performance evaluation meeting, the Rater and employee will discuss the Employee Self-Appraisal and Input of Goals form, and the Performance Evaluation form.
3. The rater will review the employee's personal and organizational goals from the Employee Self-Appraisal and Input of Goals Form with the employee. The rater and employee shall set personal and organizational goals that will affect them directly and contribute to their department's goals for the coming year.

One of the most vital parts of the rating program is the discussion of the performance report between the employee and the Rater. An effective discussion can encourage an employee to increase effort and resolve misunderstandings.

Should a Rater give an employee his/her rating without talking it over with him/her, the employee may easily misconstrue its contents. The employee may conclude (at times correctly) that the supervisor has little interest in him/her as a person. The same negative results can occur when a hasty, superficial discussion takes place.

Raters should have definite purposes in mind when planning and conducting a rating discussion. Some of the more important purposes are:

- To let the employees know how well they have met job requirements during the period.
- To give employees credit and praise for special effort and above average results.
- To discuss specific ways of upgrading performance.
- To eliminate hidden misunderstandings.
- To discuss ways of helping an employee who is interested in advancement to prepare for higher responsibilities.
- To give special help to probationary employees.

The suggestions below will make for more productive discussions of performance reports:

- Try to pick a time when the cooperative feeling is strong, and hold the talk in private.
- Prepare in advance for the talk. Jot down the special points you wish to cover. Review appropriate records and notes.
- Try to put the employee at ease. Strive for an informal, positive atmosphere. Start with favorable performance factors wherever appropriate.
- Point out that the rating forms are treated as confidential. Stress that an important purpose of the program is to help the employee further his/her career with the City.
- Use a factual approach. Talk about the employee's performance, not the employee. Don't permit yourself to be drawn into an argument. Avoid a negative approach, which consists entirely of criticism and faultfinding.
- Emphasize the specific steps the employees should take to improve work or conduct. Ask for their suggestions as to what they can do.
- Give the employee a chance to ask questions and express feelings about their job situation. It isn't necessary to comment on everything the employee may bring up. Listen carefully to what employees have to say.
- Conclude the discussion by summarizing the important points of agreement and the specifics steps that are to be taken to improve performance. End on a positive note.

- At the end of the performance evaluation meeting, the Rater shall provide the employee with a signed copy of all forms and attachments that were discussed.

#### G. Corrective Action and Follow-Up

The performance report is not intended to be an end in itself. The employee's good intentions and the supervisor's exhortations that are expressed in the rating discussion should not be permitted to die there. Words have to be translated into action.

The supervisor should follow-up to see that the employee actually changes his/her work behavior, if such was decided. The employee's progress should be observed and efforts at improvement encouraged. Additional short talks may be needed.

Action by the supervisor frequently will be in order. It may be desirable to assign new duties to the employee or give him/her special on the job instruction to remedy knowledge and skill deficiencies. The supervisor should initiate action to replace a probationary employee whose work is unsatisfactory if it appears that further coaching will be of no avail.

#### H. Appeal Procedure

Since an employee's performance report may influence many vital personnel decisions affecting him/her, it is important that he/she has the right to an impartial appeal if requested. However, only below standard ratings are subject to appeal.

In view of the nature of performance rating appeals, the special procedure below has been provided. Accordingly, appeals of performance reports shall not be subject to review as grievances.

Upon the written request of a full-time employee within ten (10) days after receipt of an evaluation report, the department head shall appoint a three person review committee of division heads or supervisors who are not a party to the performance report under appeal. The committee shall conduct an informal hearing and make a written report and recommendation to the department head.

The department head shall review the report and present a decision to the employee in writing within 15 days of the appeal request. The City Manager shall be furnished a copy of all correspondence and reports involved in the appeal.

Should an employee who has appealed the performance report feel that proper appeal procedures have not been followed, the assistance of the City Manager may be requested within ten (10) days after receipt of the department head's decision.

The City Manager shall not consider the contents of the performance evaluation, but only the question of whether proper appeal procedures were followed. If the City Manager concludes that proper procedure was not observed, he may request that the department head appoint a new review committee to rehear the appeal.

#### I. Merit Increase Recommendation

For annual evaluations, the Rater will recommend whether or not the employee should be considered for a merit increase.

#### J. Signatures

Spaces are provided on the report form for signatures of the Rater, Reviewer, Department Head, and the employee. Rater and Reviewer signatures are to be affixed before the employee sees the report.

An employee's signature does not necessarily mean he/she agrees with the rating. Should an employee refuse to sign the evaluation report, the words "refuses to sign" shall be entered in the signature block.

K. Employee Comments

Employees who desire to comment on their rating may do so on the Performance Evaluation Form, and/or if needed, on an attachment. Comments should accompany all three copies of the form.



# Employee Self-Appraisal and Input of Goals

(To be completed by the employee)

Employees complete this form prior to the annual performance review with their supervisor. The goal of this form is to provide information from which the employee and the supervisor can create career, personal goals and action plans by communicating and working together. Please complete and return to your supervisor at least one week prior to your scheduled performance appraisal meeting time.

Name \_\_\_\_\_

Signature \_\_\_\_\_

Department \_\_\_\_\_

Position Title \_\_\_\_\_

Date \_\_\_\_\_

Supervisor Signature \_\_\_\_\_

## 1. Conduct and Reliability

- Adheres to policy – follows work place, safety, and other written standards
- Dependability – arrives to work on time, good attendance and completes tasks in a timely manner (without reminding)
- Respects and preserves City property
- Appearance meets professional standards
- Exhibits professional, courteous behavior and good ethical standards

How I exhibit positive performance in this area: \_\_\_\_\_

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How I can improve in this area: \_\_\_\_\_

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## 2. Job Performance

- Completes tasks in a timely manner and performs with accuracy, thoroughness and effectiveness.
- Sets goals and achieves goals
- Possesses professional knowledge and seeks to obtain additional certifications and qualifications.
- Works independently with little supervision.
- Expands abilities and creates better ways to achieve goals.

How I exhibit positive performance in this area: \_\_\_\_\_

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How I can improve in this area: \_\_\_\_\_

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**3. Leadership and Teamwork**

- Sets a good example for others to follow.
- Respects other people
- Provides superior service to the City, public and other external customers.
- Establishes and maintains respectful and cooperative working relationships with coworkers and supervisors.

**How I exhibit positive performance in this area:** \_\_\_\_\_

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**How I can improve in this area:** \_\_\_\_\_

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**4. List the Goals-Individual and Organizational-from your last evaluation and summarize your accomplishments and progress toward each of the goals.**

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**5. List three (3) to five (5) individual/organizational goals you propose for next year:**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

**6. List your most significant achievements or contributions to your department since your last appraisal:**

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**7. Describe any challenges which make it difficult for you to effectively fulfill your responsibilities (ex: work load, training, resources, etc.)**

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**8. List other subjects that you would like to discuss with your supervisor during your performance appraisal:**

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## City of Williamsburg Performance Evaluation

<b>Employee Name:</b> _____ <b>Job Title:</b> _____ <b>Department/Division:</b> _____ <b>Period Covered From:</b> _____ <b>To:</b> _____
<b>Reason for Performance Evaluation</b>
<input checked="" type="checkbox"/> <b>Annual Performance</b> <input type="checkbox"/> <b>Promotion</b> <input type="checkbox"/> <b>Probation</b> <input type="checkbox"/> <b>Other</b>

KEYWORD RATINGS
Apply the keyword for each Performance Dimension which <i>best describes the degree of the employee's</i> performance standards: <b>“Meets,” “Exceeds,” “Falls Below.”</b>

RATER'S COMMENTS
Cite specific, concrete <i>examples of performance</i> , and give <i>recommendations for improvement</i> . Group comments for Performance Dimensions in five groups.

PERFORMANCE DIMENSIONS	KEYWORD RATINGS	RATER'S COMMENTS
<b>Adherence to Policy</b> - <i>The degree to which this employee follows work place regulations, such as safety rules, purchase procedures, and other written standards.</i>		<b>GROUP I - CONDUCT AND RELIABILITY:</b>
<b>Dependability</b> - <i>The degree to which this employee can be relied upon to be on time, to complete tasks (without reminding), to be available and respond when needed.</i>		
<b>Fitness &amp; Appearance</b> - <i>The degree to which grooming, dress and physical fitness meet professional standards.</i>		
<b>Behavior and Ethics</b> - <i>The degree to which this employee exhibits honesty, loyalty, politeness, good conduct and good judgment.</i>		
<b>Productivity</b> - <i>The degree of accuracy, completeness and timeliness in accomplishing tasks; degree to which employee sets goals and achieves goals.</i>		<b>GROUP II - JOB PERFORMANCE:</b>
<b>Knowledge of Job</b> - <i>Degree of professional knowledge and proficiency; achievement of job certifications and qualifications.</i>		
<b>Initiative and Creativity</b> - <i>The degree to which this employee searches out new tasks and expands abilities; works independently with little supervision; creates better ways to achieve goals.</i>		

<i><b>Teamwork</b> - The degree to which this employee communicates, cooperates, and works well with coworkers and supervisors; respects other people.</i>		<b>GROUP III - LEADERSHIP AND SERVICE:</b>
<i><b>Leadership</b> - The degree to which this employee sets a good example for others to follow. For supervisors effectiveness in directing/counseling subordinates.</i>		
<i><b>Public Service</b> - The degree to which this employee gives superior service to the public and to other internal and external customers.</i>		
<i><b>Goals and Objectives</b> – The degree to which this employee achieved goals set in the last evaluation.</i>		<b>GROUP IV – GOAL ACHIEVEMENT</b>
<i><b>Potential</b> - The degree to which this employee is ready for greater responsibility.</i>		<b>GROUP V - POTENTIAL AND SUMMARY:</b>

<b>EMPLOYEE AND RATER AGREE ON THE FOLLOWING GOALS FOR THE COMING YEAR</b>	
<b>INDIVIDUAL GOALS</b>	<b>ORGANIZATIONAL GOALS</b>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Employee should be considered for  No Merit Raise  Merit Raise  Other \_\_\_\_\_

Employee Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Signature:

Rater \_\_\_\_\_ Reviewer/Dept. Head \_\_\_\_\_ Employee \_\_\_\_\_

Date \_\_\_\_\_ Date \_\_\_\_\_ Date \_\_\_\_\_

**Original: Employees Personnel File (CM Office)      Copy 1: Employee's Copy      Copy 2: Departmental File**

## 204 PROMOTION AND TRANSFER

### Promotion

When an employee is promoted to a position in a higher class, the salary will be increased to the minimum rate for the higher class. In the case of overlapping ranges and the employee to be promoted is at or above the minimum of the class to which promoted, the promoted employee's salary will be increased to afford such employee a minimum of a five-percent salary increase. Upon promotion, a new probationary period will commence (see Section 110). Promotional salary increases may be delayed for a period not to exceed 90 days pending proven ability to perform the job to which promoted. On all promotions to a higher position, an oral and/or written examination will be given as a prerequisite for filling vacant employment positions. Promotions must be approved by the City Manager based on the recommendation of the Department Head.

### Transfer/Demotion

The pay of an employee transferred to another position of the same pay grade shall remain unchanged. The pay of an employee demoted to a position in a lower pay range shall be paid at a rate which is within the approved range for the lower position. The rate of pay shall be set by the City Manager, taking into consideration the circumstances surrounding, and the reasons for the demotion.

### Reallocation Downward

When an employee's position is reallocated to a class in a lower pay grade, the employee shall be permitted to receive merit increases only to the maximum of the lower range. If such employee's present salary is above the maximum rate provided for the new position, the employee may be permitted to continue at their rate of pay, but shall not be entitled to any further salary increases as long as they are out of range.

### Temporary Work in Higher Position

Employees may be assigned to work in a higher position in a temporary or "acting" capacity. Employees may be so assigned for periods not to exceed 90 days at no increase in pay. For periods exceeding 90 days, a pay differential of not less than five percent (5%) will be added to the employee's pay. Within these guidelines the City Manager will determine the amount of additional pay based on the pay range of the higher position and the particular circumstances of each case.

### Nondiscrimination and Opportunity for Advancement

The city does not discriminate in promotion, job classification, evaluation, disciplinary action, opportunities for training, or participation in meetings and conferences. Qualified individuals with a disability will be considered for advancement and provided with accommodation(s), unless the accommodation(s) would cause an undue hardship for the City or other employees.

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92

Revision Date: 05-01-01

Revision Date: 06-15-05

Revision Date: 08-01-08

Revision Date: 08-01-12

Revision Date: 04-01-13

### 205 OVERTIME AND COMPENSATORY TIME

#### Overtime

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of mandatory assignments will be provided. All overtime work must receive the supervisor's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour restrictions. As required by law, overtime pay is based on actual hours worked. The minimum number of hours credited for emergency call back shall be two hours up to the number of hours actually worked. Time off for vacation leave, sick leave, paid holidays, bereavement leave, school leave, and witness or jury duty will be considered hours worked for purposes of performing overtime calculations.

Failure to work assigned overtime may result in disciplinary action, up to and including possible discharge.

Work periods and maximum allowable hours for non-exempt employees are as follows:

<u>Employee</u>	<u>Work Period (Consecutive Days)</u>	<u>Allowable Hours</u>
Fire Department Shift Personnel	28	212
Police Department Shift Personnel	28	171
All Others	7	40

Compensatory Time - Exempt Employees

Exempt employees may be authorized reasonable amounts of compensatory time for extended periods of overtime, subject to prior approval of department heads. Unlike non-exempt employees, administrative and professional employees work the number of hours necessary to "get the job done", often more than 40 hours per week. Compensatory time for exempt employees is not a matter of right, never accumulated, and not intended to compensate hour for hour for extended work hours or late meetings. It is not used in lieu of, or in conjunction with, vacation, holidays, or sick leave. It is intended to meet professional and personal needs which surface during the work day, usually not exceeding four (4) consecutive hours. This unstructured concept of compensatory time is in keeping with generally accepted standards and spirit of professional conduct, and not a matter of hourly entitlement.

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92

Revision Date: 01-01-92

### 206 PAYDAYS AND TIMEKEEPING

All employees are paid biweekly on every other Friday. Each paycheck will include earnings for all work performed through the end of a designated payroll period.

In the event that a regularly scheduled payday falls on a day off (e.g., a holiday), employees will receive pay on the last day of work before the regularly scheduled payday.

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and state laws require the employer to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Supervisors of nonexempt employees shall accurately record the time such employee actually works each day. Overtime work must always be approved before it is performed.

Tampering, altering, or falsifying time records, or recording time on another employee's time record may result in disciplinary action, including discharge. Nonexempt employees should report to work no more than 15 minutes prior to their scheduled starting time nor stay more than 15 minutes after their scheduled stop time without prior authorization from their supervisor.

## 207 PAY CORRECTIONS AND DEDUCTIONS

The City takes all reasonable steps to assure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the supervisor so that corrections can be made as quickly as possible.

Once underpayments are identified, they will be corrected in the next regular paycheck. Overpayments will also be corrected in the next regular paycheck unless this presents a burden to the employee (where there is a substantial amount owed). In that case, the City will attempt to arrange a schedule of repayments with the employee to minimize the inconvenience to all involved.

The law requires that the City make certain deductions from every employee's compensation. Among these are applicable federal and state income taxes. The City also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." The City matches the amount of Social Security taxes paid by each employee.

The City offers programs and benefits, such as Deferred Compensation, beyond those required by law. Eligible employees may voluntarily authorize deductions to cover the costs of participation in these programs. In addition, when authorized by the employee, the City will make deductions for United Way contributions, health insurance, and life insurance. Direct deposit to designated financial institutions is also available.

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92  
Revision Date: 09-11-97  
Revision Date: 10-01-04  
Revision Date: 07-01-12

### 301 EMPLOYEE BENEFITS

Eligible employees in this organization are provided a wide range of benefits. Benefits eligibility depends upon a variety of factors, including employee classification, and your supervisor can identify the programs for which you are eligible. The following benefit programs are available to eligible employees:

Awards Program	Premium Conversion
Benefit Conversion at Termination	School Leave
Bereavement Leave	Sick Leave
Cedar Grove Cemetery Plots	Social Security
Dental Insurance	Tax Deferred Compensation
Direct Deposit of Pay	Training
Disability Coverage (Long-term)	Unemployment Insurance
Educational Financial Assistance	Uniforms
Educational Leave	Uniform Cleaning
Family and Medical Leave	Vacation Leave
Holidays	Virginia Retirement System
Jury Duty Leave	Voting Time Off
Life Insurance	Witness Duty Leave
Medical Insurance	Workers Compensation
Military Leave	
Parking	
Personal Leave	

Some benefit programs require contributions from the employee, but most are fully paid by the employer. A number of the programs such as Social Security, Workers Compensation, Virginia Retirement System and Unemployment Insurance, cover all employees in the manner prescribed by law.

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92  
Revision Date: 03-01-05  
Revision Date: 07-01-06  
Revision Date: 10-01-07  
Revision Date: 10-01-10  
Revision Date: 07-01-12

### 302 MEDICAL AND DENTAL COVERAGE

The City provides medical coverage which includes dental and vision coverage and an Employee Assistance Program for eligible employees:

Full-time benefited employees who have completed thirty (30) days of service.

Enrollment: Employees shall be eligible the first day of the month following completion of the 30 day service requirement.

The City has established a plan of health care benefits for its employees. Medical Insurance Plans are discussed comprehensively in brochures available from the City Manager's Office. Information regarding rates, extending coverage should an employee terminate and information regarding extending coverage for dependents of an employee, under certain conditions, are also available.

#### Premium Conversion

Employees who pay a portion of their medical insurance premium are eligible for premium conversion. Making your contribution towards your insurance coverage before taxes is allowed under Section 125 of the Internal Revenue Service (IRS) Code. These contributions are not taxed if they are payroll deducted following IRS regulations. This reduces your taxable income, so you will pay less in taxes. Employees not wishing to take part in the Premium Conversion should complete the waiver form declining to participate.

#### Open Enrollment Period

Once each year, employees are given the opportunity to add dependents to their medical plan, or choose a different medical plan. The enrollment period

is two (2) to four (4) weeks before the plan renewal date. Employees may drop a dependent at any time during the year, but cannot add dependents unless there is a change in family status. Normally, the change to the policy must be made within 30 days of the event. More information is available in the City Manager's Office.

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92  
Revision Date: 10-01-98  
Revision Date: 05-08-03  
Revision Date: 03-01-05  
Revision Date: 07-01-10  
Revision Date: 07-01-12  
Revision Date: 01-01-14

### 303 RETIREMENT, DISABILITY AND LIFE INSURANCE COVERAGE

The City provides retirement, disability and life insurance benefits through the Virginia Retirement System and Social Security to:

- Full-time benefited employees (VRS and Social Security)
- Temporary employees (Social Security only)
- Part-time employees (Social Security only)

#### VRS

All full-time benefited employees are required to join the Virginia Retirement System (VRS). VRS exists to provide its members with benefits at retirement, or upon disability or death. VRS is funded by contributions from the employer and the employee. The member contribution is five percent of salary and is paid by the employee. An employee becomes vested (eligible for monthly retirement benefit) when five or more years of credited service is accumulated.

#### Service Retirement

##### Plan 1

Employees whose membership date is before July 1, 2010 are covered under the provisions of the VRS Plan 1. Employees may be active or deferred. Active members are currently working in a covered position. Deferred members are not currently working in a covered position but have not withdrawn their funds and have service credit in VRS as of June 30, 2010. Deferred members who return to covered employment will be rehired under Plan 1.

Employees covered under Plan 1 are eligible to retire with full benefits at age 65 with at least 5 years of service, or as early as age 50 *with at least 30 years of service*. Employees may take early retirement as early as age 50 with 10 years of service; however, the monthly benefit will be reduced.

## Plan 2

Employees whose membership date is July 1, 2010 or later are covered under the provisions of the VRS Plan 2. Employees who were previously employed in a covered position and withdrew their funds will be rehired under Plan 2 if they return to covered employment with no service credit in VRS.

Employees covered under Plan 2 are eligible for an unreduced retirement benefit upon reaching normal Social Security retirement age with at least five years of service credit, or when age plus service credit equals at least 90. (*Example: An employee who reaches age 60 and who has 30 years of service credit is eligible for an unreduced retirement benefit.*) Employees covered under Plan 2 may retire with a reduced benefit as early as age 60 with at least five years of service credit.

VRS requires service retirement applications to be submitted to the employer 90 days before the date of retirement. Submittal of a service application will be considered notice of termination. A retirement date (always the first day of a month) must be given to the City Manager's office at the time of application. The City Manager's office can assist employees with the application process.

## Disability Retirement

Employees in Plan 1 or Plan 2 may apply for disability retirement if they become mentally or physically unable to perform their present duties, and the disability is likely to be permanent. Employees may apply for disability retirement from the first day of employment, provided the disability did not exist at the time of employment. A work-related disability results from a cause compensable under the Virginia Worker's Compensation Act. In the case of either regular disability or a work-

related disability, employees must also apply for Social Security benefits at the same time they apply for VRS disability retirement. Submittal of a disability retirement application will be considered notice of termination. A retirement date (always the first day of a month) must be given to the City Manager's office at the time of application.

### Early Retirement Benefit for Police/Firefighters

The city has elected to provide full time law enforcement officers and firefighters with early retirement benefits at age 50 with at least 25 years service. If an EMS employee has at least 20 years hazardous duty service as a law enforcement officer or firefighter, they may receive a special monthly supplement to the retirement benefit.

### Hybrid Retirement Plan Employees

Employees hired on or after January 1, 2014 are required to participate in the Virginia Retirement System (VRS) Hybrid Retirement Plan. Employees who were employed by the City on December 31, 2013, or those who were VRS members prior to January 1, 2014, may elect to opt into the Hybrid Retirement Plan during the period(s) prescribed and pursuant to terms established by the Commonwealth of Virginia. Hazardous duty employees (police and fire) are not eligible to participate in the Hybrid Retirement Plan. New hazardous duty employees shall be considered Plan 2 employees at the time of hire unless they were VRS members prior to July 1, 2010, in which case they will be considered Plan 1 employees.

### Retirement

The Hybrid Retirement Plan consists of two parts; a defined benefit portion and a defined contribution portion. Employees are required by the Commonwealth of Virginia to participate in both portions of the Hybrid Retirement Plan. Retirement age for Hybrid Retirement Plan employees is normal Social Security retirement age with at least 5 years of creditable service, or when an employee's age and years of service equal 90 for the defined benefit component. For the defined contribution component, employees are eligible to receive distributions upon leaving employment, subject to restrictions imposed by VRS.

Employees are required to contribute 4% of their salary to the defined benefit portion of the Hybrid Retirement Plan. The City will contribute to the defined benefit portion of the employee's retirement plan at an actuarial rate determined by the Virginia Retirement System (VRS), minus the employer defined contribution match as described below.

The Hybrid Retirement Plan also contains a defined contribution portion, contributions to which are eligible for an employer match. Hybrid Plan employees are required to contribute 1% of their salary to the defined contribution portion of the plan. The City shall provide a 1% match to the required defined contribution portion of the plan. Employees may contribute up to an additional 4% of their salary to the defined contribution portion of the Hybrid Retirement Plan ("voluntary contribution"). Upon voluntary contribution of 1% of an employee's salary to the plan, the City will match 1% of the employee's salary. For every 1% contributed thereafter by the employee, the City will match .50% of the employee's salary. The maximum total employer match to the defined contribution portion of the Hybrid Retirement Plan shall not exceed 3.5% of the employee's salary. The employer contribution to the defined contribution portion shall be deducted from the employer contribution to the defined benefit portion of the Hybrid Retirement Plan. The total contribution from the City to both portions of an employee's Hybrid Retirement Plan shall not exceed the actuarial rate set for the City by VRS for the defined benefit plan.

#### Short Term and Long Term Disability Insurance

Hybrid Plan employees are eligible for Short Term and Long Term Disability benefits through VRS. Short term disability benefits are paid for an illness or injury of the employee after the employee has been absent from work due to a short term disability for more than one calendar week ("Absent" includes hours worked of less than 20 hours for the week.) Short term disability pays a portion of the employee's salary during short term disability leave, up to 125 working days. The percentage of salary paid depends on the length of an employee's service. Any absence due to the employee's illness or injury in excess of one calendar week shall be submitted to VRS for administration of this benefit. Employees may use earned paid time off to supplement the VRS short term disability benefit. For work related qualifying disabilities

(e.g. a work place injury resulting in an employee's absence from work), employees are eligible for short term disability leave benefits upon employment. Employees are eligible to receive the short term disability leave benefit for non-work related qualifying disabilities after the employee has one year of continuous service with the City.

Hybrid Plan employees are also eligible for the VRS Long Term Disability benefit for injuries or illnesses lasting longer than 125 days. The long term disability benefit may be utilized only after an employee has been absent for more than 125 working days, is not able to return to work due to the illness or injury, and the employee's short term disability benefit has been exhausted.

Contact the City's Human Resources Specialist for more information regarding the VRS Short Term and Long Term Disability Plan.

### Group Life Insurance

Full-time employees are eligible to join the group life insurance program, which is part of the VRS system. Persons working on a temporary or part-time basis are not eligible. The group life insurance provides two kinds of insurance during active employment--life insurance and accidental death and dismemberment insurance. The amount of life insurance is equal to your annual salary rounded to the next highest thousand, and then doubled. This amount is doubled again for accidental death. The premium per month is based on annual salary, and the cost is paid in full by the City. If the group life insurance coverage exceeds \$50,000 for natural death, an employee may be required to report the premiums paid by the employer as income for federal, state, and FICA tax purposes.

## Optional Life Insurance

Active, insured employees are eligible for optional life insurance for natural and accidental death and for dismemberment. Employees can purchase the optional life insurance up to four times their salary, not to exceed \$500,000. Premiums are payroll deducted. Optional life insurance ceases at retirement, at the end of the month when your basic coverage ceases, or at age 65 if you retire because of a disability, provided you continue to pay premiums. This coverage is also available to spouses and dependent children. A spouse can purchase up to 50% of the maximum amount of your optional life insurance coverage. Minor dependents are eligible for \$5,000, \$10,000, or \$15,000 in insurance, depending on the level of coverage you select.

Detailed information regarding the benefits administered by the Virginia Retirement System are available in the Handbook for Members, which can be obtained in the City Manager's Office.

## Social Security

The City participates in the Social Security System, which provides retirement, disability and survivor benefits. Information on Social Security benefits and administrative procedures may be obtained from the Social Security Administration.

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92  
Revision Date: 01-01-98  
Revision Date: 03-01-05  
Revision Date: 07-01-06  
Revision Date: 08-01-08  
Revision Date: 03-15-10

### 304 WORKERS' COMPENSATION INSURANCE

City employees are covered under the Virginia Worker's Compensation Law for all injuries and illnesses incurred on the job. An employee injured or made ill while performing the job is entitled to receive all necessary medical, surgical, and hospital treatment, and is insured for such accidents or illnesses by the Worker's Compensation insurer.

#### Reporting on the Job Injuries

Regardless of how minor an injury may appear, an injured employee must report the accident to his or her supervisor or department head. Serious injuries, illnesses, or fatalities must be reported to the City Manager immediately. Each department is responsible for the timely reporting of injuries and submittal of reports.

All claims of injuries/illnesses will be reported to the insurance carrier and reviewed by the insurance carrier to determine if it is a compensable illness/injury. If a claim is deemed non-compensable and the employee disagrees with the insurance carrier's determination, it is the responsibility of the employee to appeal the decision according to the guidelines set by the Virginia Worker's Compensation Commission.

#### REPORTING AN INJURY/ILLNESS AND SEEKING MEDICAL CARE

IF THE EMPLOYEE REQUIRES EMERGENCY MEDICAL TREATMENT  
DO THE FOLLOWING:

1. Dial 911 or immediately transport employee to the emergency room or to a doctor listed on the Panel of Physicians designated by the City Manager's Office.
2. Supervisor contacts City Manager's Office and reports injury to Coventry NT24 by dialing 1-(877) 234-0898.
3. After treatment, employee submits any medical authorizations, reports, and instructions from the medical provider to the City Manager's Office.

FOR ALL OTHER INJURIES/ILLNESSES:

1. Employee and/or Supervisor immediately contacts Coventry NT24 to report injury by dialing 1-(877) 234-0898. Coventry NT24 will triage the injury, and determine the level of care required.

When treatment is required, the employee chooses a doctor for treatment from the Panel of Physicians designated by the City Manager's Office. A Medical First Report form must be completed by the treating physician.

When treatment is not required, and the employee does not want to seek medical attention, the employee indicates on the Panel of Physicians form they do not wish to seek medical treatment at this time. This does not mean that the employee cannot seek medical treatment for the injury at a later date.

2. Supervisor immediately reports the injury/accident to the City Manager's Office.
3. After any treatments, employee submits a copy of the completed Medical First Report form and any medical authorizations, reports, and instructions from the medical provider to the City Manager's Office.
4. Supervisor submits the Panel of Physicians form and the Supervisor's Incident Investigation form (referenced in the

City Safety Manual) to the City Manager's Office.

If an accident happens on a weekend or during evening hours, the City Manager's office should be notified the morning of the first working day following the incident.

### Panel of Physicians

If an employee is injured or becomes ill on the job due to a work related condition, they will be given the choice of a treatment facility from the Panel of Physicians. These are doctors who have been previously contacted by the City and have agreed to treat City employees when necessary in a timely manner. Supervisors should make the employee aware of the Panel and offer assistance seeking medical care for the employee. Employees who decline medical treatment should also complete the form. If an employee elects to use his own physician, he/she will be responsible for the cost.

### Medical First Report

If an employee seeks medical attention for an injury or illness due to a work related condition, they must submit a Medical First Report form to the treating physician to be completed. Employee must submit a completed copy of the Medical First Report form to the City Manager's Office after treatment.

### Period of Eligibility for Worker's Compensation Benefits

An employee is eligible for replacement of lost wages after seven days of disability from a work-related injury/illness. If the employee remains disabled for more than 21 days, lost wages for the first seven days are paid retroactively. In the case of an extended absence from work due to a job related illness or injury, the City Manager may review the circumstances of the absence with the department head. If the City Manager determines that continued absence of the employee will impair the ability of the department in which the employee worked to perform its assigned tasks, the City Manager may opt to replace the employee and require termination or retirement. Eligible employees may elect to apply for work-related disability through the Virginia Retirement System and Social Security, depending upon the advice of

their physician.

### Compensable Absences due to a Work Related Injury/Illness and Family Medical Leave

See Section 501, page 2.

### Elective Use of Sick/Vacation Leave

An employee who is absent from work due to an on-the-job accident may use any accumulated sick/vacation leave, which would entitle him or her to full pay while waiting for Workers Compensation income. Once Workers Compensation insurance begins to pay the employee, the employee may elect to apply such portion of his or her sick/vacation leave benefits to equal one hundred percent of the employee's full salary for the pay period in question. The employee will be given the opportunity to make this election on the form entitled "Employee's Election-Use of Sick/Vacation Leave". An employee may not receive full sick/vacation leave pay and Worker's Compensation income simultaneously. If an employee has no sick/vacation leave accumulated, he will only receive benefits due according to Workers Compensation law.

### Return to Work

All effort should be made to encourage the employee to return to work as soon as medically possible. Whenever necessary, "light duty" or "modified duty" privileges may be assigned at the discretion of the department head, following the direction of the treating physician and if such a light duty position is available and will not create an undue burden. Return to unrestricted work must always be approved by the treating physician in writing. Light duty positions are "temporary, " and should never be considered permanent and may be discontinued if such position creates an undue burden.



# Medical First Report

1. **To be completed by the treating physician** - Please send completed forms to VML Insurance Programs - [fax 800-273-4865](tel:800-273-4865) or email [newlosses@vmlins.org](mailto:newlosses@vmlins.org).
2. Please provide the patient with a copy of the completed form.
3. Patient, provide your supervisor with a copy of this form after treating.

Patient's Name: \_\_\_\_\_

Patient's Address: \_\_\_\_\_

Name of Employer: \_\_\_\_\_

Date of Accident or Illness: \_\_\_\_/\_\_\_\_/\_\_\_\_

Patients account of How Injury or Exposure Occurred: \_\_\_\_\_

\_\_\_\_\_

Name of Medical Facility: \_\_\_\_\_

Date of Visit: \_\_\_\_/\_\_\_\_/\_\_\_\_ Arrival Time: \_\_\_\_\_ AM/PM Departure Time: \_\_\_\_\_ AM/PM

**Diagnosis:** \_\_\_\_\_

New Injury/Illness  Existing Condition

\* \* \* \* \*

**Recommended Work Status:**

A) May return to full duty beginning: \_\_\_\_/\_\_\_\_/\_\_\_\_

B) May return to modified duty beginning: \_\_\_\_/\_\_\_\_/\_\_\_\_

- Recommendation based on:

\_\_\_\_\_ personal review of functional job description

\_\_\_\_\_ verbal description of job by employee/patient

\_\_\_\_\_ verbal description of job by employer representative

\_\_\_\_\_ other (describe: \_\_\_\_\_)

- The employee/patient is **medically able** to do the following activities:

\_\_\_\_\_  
\_\_\_\_\_

▪ Does condition preclude travel to and from work  Yes  No

▪ Does condition preclude being at work  Yes  No

▪ Anticipate return to full duty beginning: \_\_\_\_/\_\_\_\_/\_\_\_\_

C) Unable to work at this time

▪ Anticipate return to modified duty beginning: \_\_\_\_/\_\_\_\_/\_\_\_\_

▪ Anticipate return to full duty beginning: \_\_\_\_/\_\_\_\_/\_\_\_\_

Physician's Comments (Please note any contributing factors, prior injuries and pre-existing conditions):

\_\_\_\_\_  
\_\_\_\_\_

Follow-Up Appointment with: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Time: \_\_\_\_ AM/PM

**To ensure payment, any follow-up care must be authorized by VML Insurance Programs**

Physician/Clinician Name (please print): \_\_\_\_\_ Phone # \_\_\_\_\_

Physician/Clinician Signature: \_\_\_\_\_

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92  
Revision Date: 02-01-96  
Revision Date: 10-01-05  
Revision Date: 07-01-12  
Revision Date: 04-01-14  
Revision Date: 07-01-14  
Revision Date: 07-01-16

### 305 TUITION REFUND PROGRAM

#### I. Background

The purpose of the Tuition Refund Program is to encourage employees to take course work which will upgrade performance in their current positions or will help them advance in their current career field.

Full-time benefited employees are eligible to participate.

#### II. Policy

The established City policy is to promote a program encouraging City employees to improve their effectiveness by obtaining additional education. This program provides that employees may be reimbursed for three-fourths of tuition costs for course work approved by the Tuition Refund Committee as that which will enable them to improve their performance in their current position and prepare them for increased responsibilities.

#### III. Action

A maximum of 7 credit hours per a traditional 16 week semester (twenty-one (21) total credit hours per calendar year) will be considered by the Tuition Refund Committee for reimbursement for all full time employees.

- A. All employees who take approved course work relating to their jobs and achieve a grade of "C" or better for undergraduate work or "B" or better for graduate work will be entitled to the tuition refund upon completion of the course work.

- B. Eligibility: All employees recommended by their department head are eligible to participate in the Tuition Refund Program. An eligible course is any course which, in the judgment of the Tuition Refund Committee, is directly related to the employee's career field.
- C. Tuition Refund Committee: This committee will be formed by the City Manager and will contain a cross section of the personnel in city government with a minimum of three people on the committee. The committee will be responsible for taking action on all applications under this program.
- D. All employees receiving reimbursement under this program will be obligated to remain in the employ of the City for a minimum of two years following completion of the course work for which refund was obtained. Employees resigning from the City employment prior to the expiration of this period will reimburse the City for refunds received through deductions from their final paycheck and/or cash settlement.
- E. Procedure for Tuition Refund Application:
  - 1. Any employee desiring to participate in the Tuition Refund Program shall submit to their department head a completed Tuition Refund Program Application. Submittal shall be as soon as practical following registration of the course, but no later than 14 calendar days following the date of the first class. The department head will affix a recommendation and forward the application to the City Manager.
  - 2. All applications received by the City Manager will be forwarded to the Tuition Refund Committee who will review each application and notify each applicant of the action taken.
  - 3. To receive a refund of tuition, approved applicants must submit a request for

reimbursement, a receipt for out-of-pocket payment of tuition, along with official grade notification, to the Refund Committee at the completion of the course.

4. Non-credit courses will not be paid from this program, but should be applied for through departmental training budget.
5. Reimbursement will be for three-fourths of tuition cost and registration fees only. Textbooks, or any other expenses incurred will not be eligible for refund.
6. The City of Williamsburg will pay three-fourths of the exact tuition cost for graduate and undergraduate courses at any State supported institution. The maximum reimbursement for employee "out of State tuition" will be the average cost of William and Mary and VPI "in-state tuition" for either graduate or undergraduate work.
7. Employees receiving benefits from the Federal Government through the GI Bill are eligible for the tuition program. Tuition reimbursement will be calculated less the amount of the GI bill benefit for the semester, providing all other provisions of this policy apply. Proof of the GI Bill benefit must be provided at the time of request for reimbursement.
8. Employees receiving assistance from other outside sources (scholarships, grants, fellowships, and other stipends) are eligible for tuition reimbursement only if the cost of the tuition exceeds the amount of assistance received. Employees shall disclose on the application any and all information relating to educational assistance received from any other source and will execute any necessary authorizations to permit the City to obtain any

necessary information pertaining to such aid received for the educational instruction. Failure to disclose other educational assistance or providing misleading or inaccurate information on the Tuition Reimbursement application may result in disciplinary action in one or more of the following:

- a. Employee being responsible for repayment of tuition reimbursement to the City, either partially or in full
  - b. The employee being ineligible for tuition reimbursement in the future.
  - c. Further disciplinary action
8. Without approval from the City Manager, employees must take all course work outside of working hours unless the employee's department head approved the use of annual leave or compensatory time.

# CITY OF WILLIAMSBURG TUITION REFUND PROGRAM APPLICATION

LAST NAME:	FIRST NAME:	INITIAL:	DATE:
------------	-------------	----------	-------

JOB TITLE:	DEPARTMENT:
------------	-------------

ADDRESS:	CITY, STATE, ZIP:	OFFICE PHONE:
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PRIOR EDUCATION GRADE SCHOOL  5 6 7 8	HIGH SCHOOL  1 2 3 4	TRADE OR OTHER  1 2 3 4	COLLEGE  1 2 3 4 ( )
--	----------------------------	-------------------------------	----------------------------

NAME OF SCHOOL:	MAJOR:	DEGREE & DATE:	CREDITS EARNED:
-----------------	--------	----------------	-----------------

### COURSES FOR WHICH REFUND IS REQUESTED:

NAME OF SCHOOL:	DATE CLASSES START:	PREVIOUS APPLICATIONS: YES    NO
-----------------	---------------------	-------------------------------------

<b>TERM (check appropriate boxes and fill in blanks)</b>  <input type="checkbox"/> FALL <input type="checkbox"/> WINTER <input type="checkbox"/> SPRING <input type="checkbox"/> SUMMER
---

COURSE CODE#	COMPLETE TITLE OF COURSE	# OF CREDIT HOURS	TOTAL TUITION COST

<input type="checkbox"/> I AM <input type="checkbox"/> I AM NOT - RECEIVING OTHER FINANCIAL AID. (IF YES, PROVIDE DOCUMENTATION OF AMOUNT AND HOW IT WILL BE APPLIED).
--

EDUCATIONAL OBJECTIVE	<input type="checkbox"/> 2 YEAR DEGREE	<input type="checkbox"/> 4 YEAR DEGREE	<input type="checkbox"/> GRADUATE DEGREE
-----------------------	--	--	--

TITLE OF DEGREE SOUGHT:	FIELD OF SPECIALIZATION:	MAJOR:
-------------------------	--------------------------	--------

YOUR CAREER OCCUPATION OBJECTIVE IN PURSUING THIS COURSE OF STUDY?
--

STATE HOW PROPOSED COURSE WORK MEETS OBJECTIVE OF THE TUITION REFUND PROGRAM. ATTACH ADDITIONAL SHEET IF NEEDED.
--

BY SIGNING BELOW I GIVE AUTHORIZATION TO THE HUMAN RESOURCES OFFICE TO CONTACT MY INSTITUTION TO VERIFY ACCURACY OF FINANCIAL INFORMATION PROVIDED ON THIS APPLICATION IF NEEDED AND FOR THAT INSTITUTION TO PROVIDE SAID INFORMATION TO THE CITY. IT IS MY INTENT AT THIS TIME TO REMAIN IN THE EMPLOY OF THE CITY OF WILLIAMSBURG FOR AT LEAST 2 YEARS FOLLOWING COMPLETION OF APPROVED COURSEWORK. IN THE EVENT THAT I RESIGN WITHIN THIS 2-YEAR PERIOD, I AGREE TO REIMBURSE THE CITY FOR TUITION REFUND BENEFITS APPLICABLE TO COURSES COMPLETED DURING SUCH PERIOD.

EMPLOYEE=S SIGNATURE:

DATE:

Department Head Signature:

Date:

Recommended  Not Recommended

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92  
Revision Date: 07-01-97  
Revision Date: 05-08-03  
Revision Date: 03-01-05  
Revision Date: 10-01-10  
Revision Date: 01-01-14

### 306 DEFERRED COMPENSATION SUPPLEMENTAL RETIREMENT PROGRAM

The City has adopted a Deferred Compensation Plan per Section 457 of the Internal Revenue Code. Deferred compensation is an IRS approved method for deferring federal and state income taxes on savings until retirement. Taxes are paid, on both savings and earnings, when they are withdrawn during retirement, when the employee is presumably in a lower tax bracket.

Employees may defer a maximum of 25 percent of total salary or the maximum amount provided by law, whichever is less. Employees may start, increase, decrease, stop, and restart contributions by completing the appropriate forms available from the Finance Department. Employees may also select one or more investment options of their choice, ranging from guaranteed interest rates to growth oriented stock mutual funds.

Employees may withdraw funds from their deferred compensation accounts upon:

1. Retirement
2. Termination of Employment with the City
3. Unforeseeable Emergency

Complete details of the plan are available to each employee upon request.

#### Deferred Compensation Incentive Program

The City of Williamsburg Deferred Compensation Incentive Program is designed to encourage employees to save for their retirement under the

City's Deferred Compensation Program as established under Section 457 of the Internal Revenue Code. Participation is limited to full-time and part-time benefited employees of the City who are eligible for participation in deferred compensation.

### VRS Plan 1 and Plan 2 Employees

The City will add 1% of salary to the amount deferred by the employee provided that the employee's deferral equals at least 4% of salary within the first thirty days of employment. If an employee chooses to initiate deferred compensation at a later date, a provisional penalty period will apply. The employee must defer 4% of salary for six consecutive months before being eligible to receive the additional 1% incentive.

If at any time an employee elects to discontinue or reduce the amount of his/her deferral below 4%, the City's 1% incentive will be terminated. If the employee resumes his/her contribution of at least 4% of salary at a later date, a six month provisional penalty will apply before restarting the City's 1% incentive.

### Hybrid Plan Deferred Compensation Supplemental Retirement Incentive

Hybrid Plan employees may also participate in the City's 457 deferred compensation plan. Hybrid Plan employees must contribute 4% of their salary to the VRS defined contribution plan before the Hybrid Plan employee may participate in the City's 457 deferred compensation plan. The employer contribution for Hybrid Plan employees participating in the City's 457 deferred compensation plan shall be amended as follows: For every 1% of salary a Hybrid Plan employee contributes to the City's 457 deferred compensation plan, the City will contribute .25% of the employee's salary, up to a maximum employer contribution of 1%. No penalty period shall be imposed for Hybrid Plan employees failing to contribute to the City's 457 deferred compensation plan within the first 30 days of employment with the City.

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92

Revision Date: 01-01-92

Revision Date: 03-01-05

Revision Date: 10-01-10

Revision Date: 09-15-13

### 307 UNIFORMS

The City provides uniforms for designated public safety, public works, and building inspections employees.

In addition, uniform allowance for plain clothes officers in the police department is provided at the rate established by the City Manager. Any employee receiving a uniform allowance and reimbursement to purchase clothing that may be worn for general usage is included in taxable wages and subject to federal income tax and FICA withholdings.

The City pays for cleaning of public works and building inspections uniforms directly.

CITY OF WILLIAMSBURG

Effective Date: 01-01-92  
Revision Date: 10-01-04  
Revision Date: 09-01-07  
Revision Date: 09-01-11  
Revision Date: 09-01-15  
Revision Date: 07-01-16

308 EMPLOYEE SERVICE AWARD PROGRAM

Service Awards

Service awards to recognize full-time employees upon reaching five year milestones as follows:

COMPLETED YEARS  
OF SERVICE

	<u>AWARD</u>
	Service Pin and
10	\$160
15	\$240
20	\$320
25	\$410
30	\$485
35*	\$565
40	\$645
45	\$725

*\*Department Heads reaching 35 years of service will be recognized for their service at a regular City Council meeting. A gift will be presented to the Department Head at the annual Service Award ceremony.*

Employees who terminate employment with the City of Williamsburg and return to full-time employment with the City at a later date, may count their prior full-time service years towards their total years of service with the City. Any prior part-time service with the City of Williamsburg must be approved and purchased through the Virginia Retirement System's *Purchase of Prior Service Agreement* in order to count towards years of service for service awards.

Awards are presented after the close of each fiscal year in September or October.

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92  
Revision Date: 10-01-04  
Revision Date: 10-01-10  
Revision Date: 09-01-15  
Revision Date: 07-01-16

### 309 AWARDS

#### 309 (a) EXCELLENCE IN SERVICE TO WILLIAMSBURG AWARD

##### Objective

The City of Williamsburg has established an Excellence in Service to Williamsburg Awards Program to promote standards of excellence and quality within the organization and to recognize exemplary achievement.

##### Eligibility

All full time benefited, non-probationary employees of the City are eligible for this award, excluding Department Directors. Any employee may be nominated by any other employee. The award will be given not more often than quarterly.

##### Criteria

To be eligible, the nominated employee must display on a consistent basis:

- A positive attitude toward the public.
- A cooperative spirit with co-workers.
- Personal initiative and leadership.
- Excellent job performance.

In addition to the above, an employee shall have made specific and notable contributions in one or more of the following areas:

1. Improve the quality of service delivered to the public.
2. Improve the productivity of City operations.
3. Enhance workplace safety.

4. Strengthen teamwork and cooperation among fellow employees.
5. Accomplish stated City Council goals.
6. Develop innovative solutions and approaches.

### Award

The employee will receive a framed recognition certificate or plaque, presented by the Mayor at a regular City Council meeting, and a monetary award of \$160.00. A copy of the Award Citation will be entered into the employee's personnel records. Names of awardees will also be recorded on a permanent plaque mounted in the Municipal Building.

### Administration

Nominations for an "Excellence in Service to Williamsburg Award" shall be submitted to the City Manager in writing. Nominations will be solicited quarterly in the February, May, August, and November Employee Newsletters. Nominations do not need to be typewritten. The nomination for the award should describe as fully as possible the nominee's performance relative to the recognition criteria outlined above.

The Awards Committee will be chaired by the City Manager and consist of the Department Heads. The City Manager's Executive Assistant will serve as Secretary to the Awards Committee.

Once a nomination has been received by the City Manager, a copy of the nomination will be sent to the employee's supervisor for review and comment.

The Awards Committee will meet on the second Friday of January, March, July, and October to consider all award nominations submitted since the last award was presented. No more than four awards per year will be given.

Upon receipt of all necessary reviews and comments and supporting documentation, the committee may at its discretion request a presentation by the nominator and/or the nominee for the award in order to clarify and further evaluate the nomination.

The Committee will render a decision. The awardees Department Head will prepare the Award Citation immediately after the committee's decision, and forward it to the City Manager.

Nominations may be re-submitted for consideration in subsequent periods.

EXCELLENCE IN SERVICE TO WILLIAMSBURG AWARD

NOMINATION FORM

To be completed by any employee to nominate another employee for award.  
Type or Print

NAME OF NOMINEE: \_\_\_\_\_  
JOB TITLE \_\_\_\_\_  
DEPARTMENT \_\_\_\_\_  
IMMEDIATE SUPERVISOR \_\_\_\_\_

Check the area(s) in which the nominee has demonstrated excellence in service to Williamsburg:

- |  |   |
|--|---|
| <input type="checkbox"/> Quality of Service<br>Delivered to the Public | <input type="checkbox"/> Teamwork and Cooperation<br>Among Fellow-Employees |
| <input type="checkbox"/> Productivity of City<br>Operations            | <input type="checkbox"/> Accomplishment of Stated<br>City Council Goals     |
| <input type="checkbox"/> Workplace Safety                              | <input type="checkbox"/> Innovation   |

Provide a statement explaining the reasons for nominating this employee for each category checked above (use continuation sheets if necessary, be specific).

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

EXCELLENCE IN SERVICE TO WILLIAMSBURG AWARD  
SUPERVISOR'S RECOMMENDATION FORM

**To be completed by the Nominee's Supervisor**

NOMINEE: \_\_\_\_\_  
Rate on Scale of 1-10  
(10 being the highest)

Maintains consistent positive  
attitude towards public. \_\_\_\_\_

Cooperates well with co-workers. \_\_\_\_\_

Demonstrates personal  
initiative and leadership. \_\_\_\_\_

Overall job performance. \_\_\_\_\_

Supervisor's Recommendation:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Effective Date: 01-01-05

Revision Date: 09-01-15

### 309 (b) EMPLOYEE LEADERSHIP AWARD (Game Ball)

#### Purpose

To recognize approximately 18 permanent city employees annually for demonstrating exemplary performance on the job and outstanding leadership by example.

#### Award

Employees will receive a City of Williamsburg “Game Ball” inscribed with their name, signed by the City Manager, their department head, and by their co-workers. The “Game Ball” is a softball bearing the city’s logo and comes with a stand for display. In addition, a citation confirming the award will be placed in the employees personnel file and the employee will receive a monetary award of \$70.00.

#### Process

One employee will be selected by the City Manager from each of the below listed work groups based on the recommendation of the department head. The award will normally be given at an annual meeting of the city manager and the department head with the work group, typically in the work group’s work location, and usually in the January/February time frame.

#### Department Heads Responsibilities

- Recommend awardees to City Manager by December 15 annually. Send by e-mail with a copy to the City Manager’s administrative assistant.
- Include with each recommendation a short justification explaining why the employee deserves the award. Use the “sample award citation” format below.
- Ensure the awardee is present at the work group meeting where the award will be presented.

#### Administrative Assistant Responsibilities

- Prepare the “Game Ball”.

- Schedule the work group meetings, normally in January and February.
- Prepare the written citation and put it in the employees personnel file.

### City Manager Responsibilities

- Bring the game ball to the work group meeting and make the presentation.

### Work Groups

1. City Manager, Clerk of Council, Commissioner of the Revenue and Treasurer.
2. Finance, Assessor, Purchasing, Information Technology
3. Planning, Code Compliance, Building Inspections
4. Public Works Office, Shop, Building Maintenance
5. Street Division
6. Landscape Division and Cemetery
7. Utilities Division
8. Water Plant
9. Parks and Recreation
10. Human Services
11. Emergency Communications
12. Police Departments (3 awards annually)
13. Fire Department (3 awards annually)

### Sample Award Citation Format

#### Employee Leadership Award

(Employee Name), first employed in (Year), now serves as (Job Title) in the (Department). Over the past year he/she has made the following contributions:

- Completed the task/project of ...
- Initiated/managed a program to...
- Set a great example by...

(Employee) is known as someone who consistently

- Demonstrates ...(character traits and personal qualities)
- Leads/encourages coworkers by...(character traits and personal qualities)

In recognition of these achievements (Employee Name) is hereby presented

with the City of Williamsburg Employee Leadership Award.

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92  
Revision Date: 10-01-04  
Revision Date: 01-01-09  
Revision Date: 10-01-10  
Revision Date: 02-01-14

### 310 OTHER EMPLOYEE BENEFITS

#### Direct Deposit

The City provides for and requires direct deposit of pay checks for full-time and part-time employees.

#### Parking

All employees are provided with parking at locations designated by the City at City expense.

#### Retirement Recognition

The following guidelines have been developed for recognizing service and disability retirements. It is important that our policy be consistent and equitable for each retiring employee. The number of service years is the determining factor for the level of funds expended for an event. Employees voluntarily terminating employment with the city are excluded under this policy.

When an employee retires, his/her department is responsible for planning a reception, including set-up and clean-up. Receptions will be held in the Municipal Building, Conference Room, Shop Activity Room, or other city building, as appropriate. The City Manager's Office will assist if requested.

5 Years of Service  
(Minimum)

Dessert Reception  
Keepsake (ordered by City Manager's Office)

6 or More Years  
Of Service

Dessert Reception  
Keepsake (ordered by City Manager's Office)  
Gift (not to exceed \$150.00)

15 or More Years  
of Service

Dessert Reception  
Keepsake (ordered by City Manager's Office)  
Gift (not to exceed \$300.00)

The home department will purchase the gift; the City Manager's staff will order the keepsake.

The above guidelines do not prohibit a department from planning an outside, privately funded retirement party in addition to the City's formal recognition of the employee.

Employees may accept retirement gifts and other awards and recognitions per Chapter 300, Employee Benefit Programs; and they may accept gifts in recognition for service given by the governing boards of governmental, not-for-profit, and like organizations provided that the value thereof does not exceed \$100.00.

#### Cedar Grove Cemetery Plots

In compliance with City Ordinance #14-97, city employees may purchase cemetery plots at the current set prices in the Cedar Grove Cemetery providing they meet the following requirements:

1. Have been employed by the city for at least ten years;
2. Have retired under the City's retirement plan.

Upon the death of a city employee or former city employee, his/her family is entitled to purchase one cemetery plot.

#### Alternative Transportation Commute Program (ATC)

The City encourages employees to use alternative transportation for their daily commute to work in order to improve the environment by reducing traffic congestion and pollution. Employees who use alternative transportation (walking, bicycling, public transportation or car pool) will earn a \$25 gift certificate for a City business when alternative transportation is used for 25% or more of your work commute for scheduled work days for each quarter (January-March, April-June, July-September, and October-December). Sick and vacation days are not included for calculating the total.

The ATC program will commence in September 2008 and will be evaluated after one year. The program may be discontinued if determined to be ineffective.

### 311 EMPLOYEE TRAINING

The City Manager and Department Heads are responsible for developing and promoting training programs for City employees. The purposes of such programs are to improve the quality of services rendered to the City and to help employees prepare for advancement.

The City Manager and the Department Heads shall:

- Develop and provide training programs to meet specific needs within the department
- Develop and implement techniques for increasing employee efficiency
- Develop and provide supervisory and management training, and other programs as necessary, for all departments and personnel
- Prescribe appropriate standards for training programs and approve programs which meet such standards
- Insure that established programs are accomplished (as approved)
- Make available information concerning job requirements and training opportunities in order to assist employees in increasing their efficiency and productivity in their present position, and in preparing themselves for advancement
- Employees with disabilities will be provided equal opportunities to participate in training to improve job performance and provide opportunity for advancement.
- Keep a record of all approved training programs and those employees who successfully complete such programs.

## QUEST

In 1995, the City established a training class for all employees known as "Quest" (*Quality through Education, Service and Teamwork*). The program is designed (1) to reinforce a work ethic that stresses excellent service delivery, and (2) to foster esprit de corps and interdependence among staff members and departments. It is intended that all employees take advantage of this training, and new employees within the first 12 months of employment.

Graduates of QUEST should reach five important learning objectives:

1. A clear understanding of the history, tradition, and institutions that set Williamsburg, Virginia apart from other cities.
2. A strong sense of the City's philosophy of government and work ethic; gaining an individual stake in City activities and a belief that we are each stewards of the City for a short time.
3. Inspiration to be proactive, positive, pleasant, and resourceful in working with citizens, supervisors, co-workers, and subordinates; gaining practical skills in setting goals, managing time, customer relations and teamwork.
4. A working knowledge of what each department can and cannot do, to include an appreciation for the interrelationship of the departments.
5. Satisfaction of participating in a fun and engaging learning experience.

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92

Revision Date: 05-08-03

Revision Date: 08-01-08

### 401 HOLIDAYS

The City grants the following holidays:

1. New Year's Day (January 1)
2. Lee/Jackson/King Day (third Monday in January)
3. Presidents' Day (third Monday in February)
4. Memorial Day (last Monday in May)
5. Independence Day (July 4)
6. Labor Day (first Monday in September)
7. Veterans' Day (November 11)
8. Thanksgiving (fourth Thursday in November)
9. Day after Thanksgiving
10. Christmas Eve (December 24)
11. Christmas (December 25)

According to applicable restrictions, the City will grant paid holiday time off to all eligible employees. Holiday pay (for a full day off) will be calculated based on the employee's straight-time hourly pay rate (as of the date of the holiday) times 8 hours for full-time employees. Eligible employee:

Full-time benefited employees

Part-time employees entitled to partial benefits (holiday pay not to exceed one-half day)

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday.

If an eligible employee works on a recognized holiday, he or she will receive holiday pay plus wages at his or her straight-time rate for the hours worked on the holiday.

Paid time off for holidays will be counted as hours worked for the purposes of determining overtime.

In lieu of paid holidays, certain employees (e.g. public safety and water plant personnel) receive Discretionary Leave (see Section 405, Discretionary Leave).

CITY OF WILLIAMSBURG

Effective Date: 01-01-92  
Revision Date: 02-01-96  
Revision Date: 01-01-08  
Revision Date: 09-01-11  
Revision Date: 01-01-14

402 VACATION BENEFITS

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Employees in the following employment classifications are eligible to earn and use vacation time as described in this policy:

Full-time benefited employees

Part-time employees entitled to partial benefits (based on one half the vacation accrual as described below)

Existing vacation leave policies shall not apply to Hybrid Retirement Plan employees (see section 411 Hybrid Plan Employees Paid Time Off).

The amount of paid vacation time employees receive each year increases with the length of their employment as shown in the following schedule.

<b>Years of Eligible Service</b>	<b>Vacation Hours Per Year</b>	<b>Vacation Days Per Year</b>	<b>Vacation Hours Per Month</b>
0 – 5	96	12	8
5 – 10	120	15	10
10 – 15	144	18	12
15 – 20	156	19.5	13
20+	168	21	14

Vacation earning schedule for Fire Department shift personnel, so designated by the Fire Chief, shall be based on a 56-hour workweek as follows:

<b>Years of Eligible Service</b>	<b>Vacation Hours Per Year</b>	<b>Vacation Days Per Year</b>	<b>Vacation Hours Per Month</b>
0 – 5	168	7	14
5 – 10	204	8.5	17

10 – 15	240	10	20
15 – 20	264	11	22
20+	288	12	24

The length of eligible service is calculated on the basis of a "benefit year." This is the 12-month period that begins when the employee starts to earn vacation time. An employee's benefit year may be extended for any significant leave of absence except military leave of absence. Military leave has no effect on this calculation. (See individual unpaid leave of absence policies for more information.)

Paid vacation time will be used normally in minimum increments of four hours. Department Heads may approve smaller increments of not less than one hour. Employees shall request advance approval from their supervisors to take vacation. The required amount of advance notice shall be established by the department head. Requests will be reviewed based on a number of factors, including public service needs and staffing requirements.

Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.

As stated above, employees are encouraged to use available paid vacation time for rest, relaxation, and personal pursuits. In the event that available vacation is not used by the end of the benefit year, employees may carry unused time forward to the next benefit year, not to exceed 320 hours (480 hours for fire personnel).

Individual employees are responsible for managing their vacation time within the parameters established above. Vacation accrual will be audited from the period of January 1 through the pay period that includes December 31 each year.

Upon separation from City service, employees shall receive the monetary equivalent of their accrued annual leave not to exceed the maximum accrual as set forth above. If two weeks written notice of resignation is not given by an employee, the equivalent of one day shall be deducted from the leave payments for each day that the employee failed to give notice of termination up to a two-week maximum. If the employee is terminated by City action, the two weeks notice does not apply.

Any employee returning to employment with the City of Williamsburg at a later date who is eligible for vacation leave benefits must start at the beginning accrual rate for new eligible employees. Any prior full-time or part-time service will not be counted towards years of eligible service for the purpose of determining vacation accrual rates.

# CITY OF WILLIAMSBURG LEAVE REQUEST

\_\_\_\_\_  
**Name**

\_\_\_\_\_  
**Department**

**Number of Leave Hours Requested**

**Dates and Times for Leave**

Annual Leave \_\_\_\_\_ hours  
Compensatory Leave \_\_\_\_\_ hours  
Other \_\_\_\_\_ hours

From: \_\_\_\_\_ at \_\_\_\_\_ am / pm  
Until: \_\_\_\_\_ at \_\_\_\_\_ am / pm

**Please check all that apply below if applicable:**

\_\_\_\_ Family Medical Leave

\_\_\_\_ Worker's Compensation Injury

**Approved:**

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Date

To earn compensatory leave I worked: \_\_\_\_\_

My regular days off (other than Saturday/Sunday) are: \_\_\_\_\_

# CITY OF WILLIAMSBURG

Effective Date: 07-01-91  
Revision Date: 11-01-98  
Revision Date: 07-01-04  
Revision Date: 03-01-05  
Revision Date: 08-01-11  
Revision Date: 01-01-14

## 403 SICK LEAVE BENEFITS

The City provides paid sick leave benefits to all eligible employees for periods of temporary absence due to illnesses or injuries. Eligible employee classification(s):

Full-time benefited employees  
Part-time employees entitled to partial benefits (based on one half the sick leave accrual described below)

Existing sick leave policies shall not apply to Hybrid Retirement Plan Employees (see Section 411 Hybrid Retirement Plan Employees Paid Time Off).

Sick leave benefits are intended solely to provide income protection in the event of illness, injury, or bereavement, and may not be used for any other absence. Unauthorized or improper use of sick leave shall be cause for disciplinary action up to and including dismissal.

Eligible employees will accrue sick leave benefits at the rate of one day or 8 hours for every full month of service. Fire Department shift personnel accrue sick leave at a rate of 12 hours for each full month of service. Sick leave benefits are calculated on the basis of a "benefit year," the 12-month period that begins when the employee starts to earn sick leave benefits.

Paid sick leave will normally be used in minimum increments of four hours. Department Heads may approve the use of smaller increments of not less than one hour. Sick leave will be charged for each hour absent due to illness or injury. One day's absence will equate to 8 hours; except in the case of fire department shift personnel where one day's absence equates to 24 hours.

All sick leave requests must be requested on the City's "Sick Leave Request" form, and whenever possible, completed before the leave is taken. In case of hospitalization and/or unexpected illness of an employee or employee's immediate family (as defined below) which requires the employee to be present, sick leave not to exceed two (2) consecutive calendar days may be used. If an employee is absent more than two consecutive days due to the illness or injury of the employee or an immediate family member, a physician's statement shall be provided verifying the condition and its beginning and expected ending dates. However, the employee's supervisor may request medical verification for any use of sick leave, and such verification may be required as a condition of paying sick leave benefits.

Any sick leave taken in excess of three (3) days may cause Family Medical Leave to begin to accumulate, as allowed by Federal Law. Family Medical Leave is used at the same time as sick leave taken by the employee when the sick leave exceeds three days, and begins on the fourth (4<sup>th</sup>) consecutive sick leave day taken. These absences shall be reported to the city manager's office by the employee, department head, and supervisor. See Section 501 of this manual for information about Family Medical Leave.

All medical information will be kept confidential and will be filed in a file separate and apart from the employee's personnel file.

The City defines "immediate family" as the employee's spouse, parent, child, sibling; the employee's spouse's parent, child, or sibling; the employee's child's spouse; grandparents or grandchildren. Special consideration will also be given to any other person whose association with the employee is similar to any of the above relationships.

An employee with a disability may request a modification of the sick leave policy as an accommodation, such as additional leave without pay. However, the City reserves the right to reject any requested modification to its sick leave policy if the modification or requested leave creates an undue hardship on the City.

Employees who are unable to report to work due to illness or injury should notify their direct supervisor before the scheduled start of their workday. The direct supervisor must also be contacted on each additional day of absence.

## **UNUSED SICK LEAVE**

Sick leave hours earned and used during the calendar year will be credited to each employee's payroll record, and at calendar year end will be capped at 960 hours, (1,440 hours for Fire Department shift personnel).

Should an employee have a sick leave balance in excess of the maximum allowed as of December 31, the accumulated sick leave hours in excess of the maximum allowed will be converted to annual leave hours at the rate of one (1) annual hour of leave for each three (3) sick leave hours.

Example: An employee begins the calendar year with the maximum 960 hours. During the calendar year, they earn 96 additional hours sick leave, but use 16 hours of sick leave by December 31, ending the calendar year with a sick leave balance of 1,040 hours. As of January 1, Sick leave hours would be reset back to the 960-hour cap. The 80 excess sick leave hours earned would be converted to 26.7 annual leave hours. (1040 less 960 = 80 hours divided by 3 = 26.7), and added to the employee's vacation leave balance.

Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.

Upon separation from City service, unless discharged for disciplinary reasons, employees shall be paid for one-fourth (1/4) of accumulated sick leave in excess of 640 hours (80 days) up to the cap of 960 hours. (Fire department shift personnel will be paid for 1/4 of accumulated sick leave in excess of 960 hours up to the cap of 1440 hours). If an employee does not give two week's written notice of resignation, all terminal sick leave payments shall be forfeited.

# CITY OF WILLIAMSBURG SICK LEAVE REQUEST

\_\_\_\_\_  
Name

\_\_\_\_\_  
Department

Number of Leave Hours

Dates and Times for Leave

Requested: \_\_\_\_\_

From: \_\_\_\_\_ at \_\_\_\_\_ am / pm

Until: \_\_\_\_\_ at \_\_\_\_\_ am / pm

**Please check purpose of leave:**

\_\_\_\_ Illness/injury of employee

\_\_\_\_ Illness/injury of immediate family member requiring care by employee

\_\_\_\_ Medical appointment of employee

\_\_\_\_ Medical appointment of immediate family member requiring employee's presence

\_\_\_\_ Bereavement for death of an immediate family member as defined in Section 404 of the Personnel Manual

\_\_\_\_ Other: \_\_\_\_\_

**Please check all that apply below if applicable:**

\_\_\_\_ Family Medical Leave

\_\_\_\_ Worker's Compensation Injury

I certify that the leave requested above is for the purpose indicated. I understand that I must comply with the procedures outlined in the City's Personnel Manual Section 403 for requesting leave and provide additional documentation such as medical certification, if required. I understand that falsification of information on this form or the misuse of sick leave will be grounds for disciplinary action, up to and including dismissal.

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Date

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92

Revision Date: 01-01-92

Revision Date: 07-01-07

Revision Date: 01-01-14

### 404 BEREAVEMENT LEAVE

If an employee wishes to take time off due to the death of an immediate family member, the employee should notify his or her supervisor immediately.

No more than 4 days or 32 hours (2 days or 48 hours for Fire Department Shift Personnel) of sick leave, for the purposes of bereavement, may be provided to eligible employees in the following classification(s):

Full-time benefited employees

Part-time employees entitled to partial benefits

Hybrid Retirement Plan employees shall utilize paid time off rather than sick leave for bereavements.

The Department Head is authorized to determine how much bereavement leave will be approved, based on geography and other emergency needs.

Any employee may, with the Department Head's approval, use any available Annual/Discretionary leave for additional time off as necessary.

The City defines "immediate family" as the employee's spouse, parent, child, sibling, grandchildren, grandparents, or child's spouse; the employee's spouse's parent, child, sibling, grandchildren, grandparents or child's spouse. Special consideration will also be given to any other person whose association with the employee was similar to any of the above relationships.

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92  
Revision Date: 11-01-03  
Revision Date: 06-01-14

### 405 DISCRETIONARY LEAVE

Due to the nature of their employment, police, fire department and water plant personnel assigned to shifts are frequently scheduled to work during stated holidays when other City personnel have time off. The City of Williamsburg, as well as most other localities, have adopted discretionary leave policies for their police, fire and water plant personnel which recognize that these personnel frequently are required to work during stated holiday periods.

The City's police, fire, and water filtration plant personnel assigned to shifts are entitled to annual discretionary leave figured on a calendar year basis not to exceed 88 hours per calendar year. Discretionary leave shall be accrued at the rate of 3.38 hours bi-weekly. For fire department shift personnel working on a 56 hour per week basis, the annual entitlement is 122.5 hours, or 4.71 hours bi-weekly. (The difference in the fire department rate is provided so that the dollar amount for fire and non-fire employee of the same annual salary rate will be equivalent).

Discretionary leave may be used by the employee for any purpose that the employee deems necessary including paid time off during FMLA leave. To use discretionary leave as part of paid leave during FMLA, a written request must be submitted by the employee and approved by his or her department director.

Discretionary leave accumulated by an employee and not used in a calendar year will not be carried over. In January of the following year the employee shall receive compensation for his or her unused discretionary leave at the employee's regular hourly rate of pay, provided further that 24 hours of discretionary leave will be held in escrow and the employee will receive payment for this time only on separation from City employment.

Accurate records of discretionary leave shall be kept by the Police Chief, Fire Chief and Water filter plant superintendents or their designated agents.

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92

Revision Date: 02-01-94

Revision Date: 05-08-03

Revision Date: 06-01-05

The City of Williamsburg complies with the Uniformed Services Employment And Reemployment Rights Act (USERRA) that protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service. It prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

### 406 MILITARY LEAVE

A military leave of absence will be granted to employees, except those occupying temporary positions, to attend federally funded military training duty, or if called to or volunteer for active duty with the U.S. Armed Forces. Eligible employees

Full-time benefited employees

#### Military Leave of Absence Not Exceeding Fifteen Days

While on federally funded military training duty (reserve duty), employees will continue to receive full pay while on leave for a maximum of fifteen days per federal fiscal year and shorter absences. Time off for military leave of absence in excess of fifteen days will be unpaid, except as provided below. However, employees may use any available paid time off for the absence.

Subject to the terms, conditions, and limitations of the applicable plans for which the employee is otherwise eligible, the employer will continue to provide health insurance benefits for the full term of the military leave of absence.

The accrual of benefits such as vacation, holidays, or sick leave will continue during a military leave of absence that does not exceed fifteen days.

Employees on active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time.

### Active Duty

Differential Pay: While on active duty with the U.S. Armed Services during an involuntary recall of a reservist that exceeds 30 days per year and when military pay is less than city pay, an employee is eligible to receive supplemental pay which is the difference between the employee's normal base pay and the employee's base military pay, for a period not to exceed 24 months after the date the supplemental pay begins. The employee must provide proof of recall status and military salary. If military leave is in excess of 24 months, the employee must reapply for employment in accordance with all applicable state and federal laws. Every reasonable effort will be made to return eligible employees to their previous position or a comparable one.

Leave Accrual: While on active duty, the employee will not accrue annual or sick leave, but will retain any accrued sick leave or annual leave at the time recall and will be credited with those leave balances upon return to work. The employee will be treated as though continuously employed for purposes of determining benefits based on length of service, such as the rate of vacation accrual.

Health Insurance for Employee and Dependents: When applicable, the employee may elect to continue the medical/dental insurance coverage through the city. Subject to the terms and conditions of the applicable plans for which the employee is otherwise eligible, the employer will continue to provide health insurance benefits for the employee and dependents of the employee for the military leave of absence, not to exceed 24 months. The employee's portion of any insurance coverage premium will be deducted from supplemental pay due to the employee. Employees must complete the "Benefit Election Form, Voluntary and Involuntary Military Service."

Retirement Benefits and Death Benefit: Benefits will be subject to the provisions of the Virginia Retirement System.



## CITY OF WILLIAMSBURG BENEFIT ELECTION FORM

### VOLUNTARY OR INVOLUNTARY MILITARY SERVICE

Name: \_\_\_\_\_ SSN \_\_\_\_\_

Date Called to Active Duty: \_\_\_\_\_

I understand that if I elect to continue my current medical/dental coverage for my dependents, that my portion of the premium will be withheld from my supplemental paycheck if available. If my supplemental check is not enough to pay the premium, I understand that I am responsible for the remainder of the premium. Such remaining premium would be paid monthly to the City of Williamsburg, 401 Lafayette Street, Williamsburg, VA. 23185, Attention Human Resources.

#### **Election:**

Initial

\_\_\_\_\_

Continue present coverage for employee

\_\_\_\_\_

Continue present coverage for dependents

\_\_\_\_\_

Drop present coverage for employee

\_\_\_\_\_

Drop present coverage for my dependents

The following individual is authorized to handle my medical affairs during my absence due to being called to active military duty, including but not limited to making the annual enrollment selections.

Authorized Individual \_\_\_\_\_

\_\_\_\_\_  
Compensation & Benefits Technician

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92

Revision Date: 02-01-94

### 407 TIME OFF TO VOTE

The employer encourages employees to fulfill their civic responsibilities by voting. If an employee is unable to vote in a national, statewide, or local election during his or her nonworking hours, the employer will grant up to one hour of paid time off to vote. Employees should request time off to vote from their supervisor at least two working days prior to election day so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92

Revision Date: 01-01-92

### 408 JURY DUTY

The City encourages employees to fulfill their civic responsibilities by serving jury duty when required.

Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence. Employee classifications that qualify for paid jury duty leave are:

#### Full-time benefited employees

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate the employee's absence. Of course, the employee is expected to report for work whenever the court schedule permits.

Either the City or the employee may request an excuse from jury duty if, in the employer's judgment, the employee's absence would create serious operational difficulties.

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92

Revision Date: 02-01-94

### 409 WITNESS DUTY

The City encourages employees to appear in court for witness duty when subpoenaed to do so.

Full-time benefited employees who have been subpoenaed as a witness will receive paid time off for the time required to appear as a witness.

Employees will be granted unpaid time off to appear in court as a witness when requested by a party other than the City. Employees are free to use any available annual/discretionary leave to receive compensation for the period of this absence.

The subpoena should be shown to the employee's supervisor immediately after it is received so that operating requirements can be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

# CITY OF WILLIAMSBURG

Effective Date: 10-01-92

Revision Date: 02-01-94

Revision Date: 10-01-10

## 410 SCHOOL LEAVE

The purpose of this leave is to provide paid absences for the following reasons:

1. To meet with a teacher or administrator of any public or private school, preschool through 12, concerning the employee's children, step-children, or children over whom the employees have custody. Employees also may take leave to attend any school function in which such children are participating;  

or

To perform any school-approved volunteer work to assist any public or private elementary, middle or high school. Any teacher or school administrator may provide approval for the volunteer work.
2. Amount of Leave
  - a. Employees in full-time and limited-term positions may take up to eight (8) hours of School Leave per fiscal year.
  - b. Employees in part-time and limited-term positions may take up to the number of hours of their monthly sick leave accrual rate.
3. Leave requests shall be submitted in advance on the appropriate form. While the employee's leave request shall be given every consideration, all such requests are subject to approval by the department head. It is the department head's responsibility to manage the leave schedules within the department.
4. School leave which is not taken by June 30 of a fiscal year shall be forfeited.

# CITY OF WILLIAMSBURG PAID TIME OFF LEAVE REQUEST

\_\_\_\_\_  
Name

\_\_\_\_\_  
Department

Number of Leave Hours

Dates and Times for Leave

Requested: \_\_\_\_\_

From: \_\_\_\_\_ at \_\_\_\_\_ am / pm

Until: \_\_\_\_\_ at \_\_\_\_\_ am / pm

**Please check purpose of leave:**

\_\_\_\_ Vacation

\_\_\_\_ Illness/injury of employee

\_\_\_\_ Illness/injury of immediate family member requiring care by employee

\_\_\_\_ Medical appointment of employee

\_\_\_\_ Medical appointment of immediate family member requiring employee's presence

\_\_\_\_ Bereavement for death of an immediate family member as defined in Section 404 of the Personnel Manual

\_\_\_\_ Other: \_\_\_\_\_

**Please check all that apply below if applicable:**

\_\_\_\_ Family Medical Leave

\_\_\_\_ Worker's Compensation Injury

I certify that the leave requested above is for the purpose indicated. I understand that I must comply with the procedures outlined in the City's Personnel Manual Section 411 for requesting leave and provide additional documentation such as medical certification, if required. I understand that falsification of information on this form or the misuse of paid time off will be grounds for disciplinary action, up to and including dismissal.

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Date

CITY OF WILLIAMSBURG

Effective Date: 01-01-14

411 HYBRID RETIREMENT PLAN EMPLOYEES PAID TIME OFF

Hybrid Retirement Plan employees will earn paid time off (PTO) at a rate of 1.5 days (12 hours) per month. This leave may be used for any reason with approval from the employee’s supervisor. Employees may carry over to the next calendar year up to one year’s leave accrual. Any unused leave in excess of one year’s maximum accrual (based on years of eligible service) remaining at the end of the calendar year shall be lost. (For example, an employee who carries over 10 days of unused leave from year one, who then accrues an additional 10 days of unused leave by the end of the year two, will have 20 days of accrued leave available on December 31 of year two, but will lose two days of unused leave and will begin year three with 18 days of accrued leave available.) The amount of paid time off an employee receives each year increases with the length of employment as shown in the following schedule.

<b>Years of Eligible Service</b>	<b>PTO Days Per Year</b>	<b>PTO Hours Per Month</b>
0-5	18	12
5-10	21	14
10-15	24	16
15-20	25.5	17
20+	27	18

Increases in accrual carry over to the following year shall be effective the year after the employee earns the increased PTO. (For example, an employee who works for 6 years may carry over up to 18 days at the end of year 5 and up to 21 days at the end of year 6).

When a Hybrid Plan employee leaves his or her employment, the City will pay the employee for any unused paid time off earned, up to a maximum of one year’s leave accrual, based on years of eligible service of the

employee.

Employees opting into the Hybrid Retirement Plan shall accrue leave at the above rate from the effective date of the change to the Hybrid Retirement Plan. Any previously accrued leave earned by the employee prior to that date shall be frozen and may not be used for future leave requests. However, when the employee retires or otherwise leaves employment with the City, said accrued leave shall be paid to the employee at the employee's rate of pay on the effective date of the change to the Hybrid Retirement Plan, and in accordance with the leave policies found in Sections 402 and 403 of the Personnel Manual.

## CITY OF WILLIAMSBURG

Effective Date: 08-01-93  
Revision Date: 10-01-04  
Revision Date: 05-01-08  
Revision Date: 02-01-09  
Revision Date: 10-01-10  
Revision Date: 09-01-11  
Revision Date: 04-01-13  
Revision Date: 11-18-14  
Revision Date: 07-01-16

### 501 FAMILY AND MEDICAL LEAVE

In general, FMLA entitles eligible employees up to 12 weeks of unpaid leave per year for the birth of a child, and to care for such child; for the placement of a child for adoption or foster care; to care for the employee's seriously-ill spouse, child, or parent; and because of a serious health condition that make the employee unable to perform his or her job functions. A serious health condition is an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or an incapacity lasting more than three consecutive days and involving continuing treatment by a health care provider. Serious chronic medical conditions are those that necessitate frequent absences from work due to the condition and require two or more visits to a health care provider per year. Leave due to a serious chronic condition also qualifies for FMLA leave designation, with leave being used on an intermitted rather than consecutive basis. The City will maintain any pre-existing health coverage during the leave period and, will reinstate the employee to the same or equivalent jobs upon his/her return to work. If FMLA leave is exhausted before the end of the twelve-month period, the employee will not be entitled to further FMLA leave during this period.

#### Summary

1. An "eligible" employee must have worked for the City for at least one year and for 1,250 hours over the previous 12 months.
2. The City will grant up to 12 weeks unpaid leave to an eligible employee for one or more of the following reasons:

- a. care of the employee's child (birth, or placement for adoption or foster care);
  - b. care of the employee's spouse, son or daughter, or parent, who has a serious health condition;
  - c. for a serious health condition that makes the employee unable to perform their job.
  - d. for a serious chronic medical condition that necessitates frequent absences for medical treatment or because the physical effects of the condition are reoccurring rather than continuous and prevent an employee from performing their job duties or reporting to work.
  - e. Military convalescence leave as described below.
  - f. Qualifying exigency leave as described below.
3. An eligible employee is entitled to twelve weeks of unpaid leave during a twelve month period. The twelve-month period begins on the employee's employment anniversary date and ends the day preceding the employee's employment anniversary date of the next year. If both spouses work for the City, the total FMLA leave that may be taken for an event by both employees is twelve weeks, prorated between the spouses as the spouses choose.
4. The City requires the employee to take accumulated sick/vacation leave concurrently and in that order in conjunction with Family and Medical Leave as allowed by federal guidelines. Any accumulated sick/vacation time shall be paid leave time, but shall still qualify as Family Medical Leave. Department heads will notify the employee and Human Resources when an employee has been out for more than three days.

Employees suffering from a chronic condition who require periodic or frequent absences, or who attend two or more medical visits per year due to a chronic condition, are required to complete an application after the second absence due to the chronic condition, or after three consecutive days of absence,

which ever occurs first. FMLA leave will be intermittent leave, running concurrently with any other leave time, and each absence will count toward the cumulative total of FMLA leave taken during any 12 month period.

After completion of the application, the employee will be notified that their Family and Medical Leave benefits will be activated and the date the FMLA designation is effective.

The City may require the employee to provide medical verification from a licensed physician confirming the existence of any medical condition for which the employee uses FMLA leave. The City may request periodic confirmation from a licensed physician that a chronic condition necessitating intermittent FMLA leave continues.

5. If a Workers Compensation injury or illness qualifies as a “serious medical condition,” absences will run concurrent with Family Medical Leave.
6. The employee requesting FMLA leave must provide 30 days advance notice when the leave is "foreseeable" by completing an FMLA Application, and submit medical certification from their treating physician. Employees must complete the FMLA information form after leave begins in the event that the requested leave was not foreseeable and no form was completed prior to the beginning of the FMLA leave. Employees must also complete a Request for Sick/Vacation Leave form for payroll reporting purposes.
7. An employee may take intermittent leave or may work a reduced leave schedule, subject to their Supervisor's and City Manager's approval, unless medically necessary.
8. Upon return from FMLA leave, most employees will be restored to the original or equivalent position with equivalent pay, benefits, and other employment terms. There is an exception to the above for certain highly paid "key" employees.
9. If using paid leave, the employee’s medical insurance coverage

will be maintained under the City's group health plan. Employees on FMLA unpaid leave must make arrangements to pay their co-payment of the insurance premium if applicable. The premiums paid for maintaining coverage may be recovered by the city, if the employee fails to return to work from FMLA leave.

10. If using paid leave, the employee's Virginia Retirement System monthly contribution will be maintained. Employees on FMLA unpaid leave must make arrangements to pay their five percent monthly contribution if applicable.
11. The Family Medical Leave Act makes it unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under the FMLA, to discharge or discriminate against any employee for opposing any practice made unlawful by FMLA, and to discharge or discriminate against any person because of involvement in any proceeding under or related to FMLA.
12. When FMLA leave is taken due to the employee's serious health condition, then as a condition of reinstatement, the employee must provide to the City at the employee's expense a certification from the physician who primarily treated the employee for the condition which gave rise to the employee's leave. The physician must certify that the employee is able to resume work and perform the primary duties of the employee's job as set forth in the employee's job description.
13. Should the City obtain information that the employee was not FMLA eligible or the event did not qualify under FMLA, the designation of FMLA leave previously given may be withdrawn.

A copy of the full federal regulations The Family and Medical Leave Act of 1993 is available for review in the office of the City Manager.

### MILITARY CONVALESCENCE

The Family Medical Leave Act also includes provisions regarding military personnel and their families. FMLA provides that qualifying employees may take up to 26 weeks of unpaid service member family leave for eligible

employees in a single 12 month FMLA period for the spouse, son, daughter, parent or next of kin of a covered service member, for care of the service member. Covered service members are members of the armed forces, including any member of the National Guard or Reserves, undergoing medical treatment recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness, an individual who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and veterans who are undergoing medical treatment recuperation, or therapy for a serious injury or illness). Said five year period shall not include the period from October 29, 2009 through March 8, 2013).

A serious injury or illness for a current service member shall include injuries or illnesses that existed before the beginning of the member's active duty and were aggravated by service in the line of duty on active duty in the Armed Forces.

A serious injury or illness for a covered veteran means an injury or illness that was incurred or aggravated by the member in the line of duty in the Armed Forces and manifested itself before or after the member became a veteran, and is

1. A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank or rating; or
2. A physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; or
3. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; or
4. An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veteran's Affairs Program of Comprehensive Assistance for Family Caregivers.

In no event shall the amount of leave under FMLA exceed 26 weeks in any one single 12 month period. The aggregate amount of time a husband and wife may take FMLA leave from the City in any one 12 month period is 26 weeks total.

The City may require a certification from the eligible employee as to the circumstances of the leave.

Except as herein provided, this section shall be governed by the same requirements as section 501, Family Medical Leave.

### QUALIFYING EXIGENCY LEAVE

The Family Medical Leave Act also provides that the spouse, parent or child of a member of the military, including regular armed forces, National Guard or Reserves may take up to 12 weeks per benefit year of unpaid leave for a “qualifying exigency” related to the covered active duty deployment (deployment to a foreign country) of a spouse, parent or child in a contingency operation (e.g. active armed conflict). The employee must otherwise qualify for FMLA leave. The qualifying exigency must fall into one of the following categories:

- a. Short-notice deployment (notice of deployment or call to active duty provided to National Guard or Reserve member 7 or fewer days prior to deployment date)
- b. Military events and related activities
- c. Childcare and school activities (“Childcare” is for care provided on an urgent immediate need basis, not on a routine basis. School activities are limited to those made necessary due to circumstances arising from the active duty of call to duty of a covered military member.)
- d. Financial and legal arrangements (made necessary directly due to covered military member’s absence.)
- e. Counseling provided by someone other than a healthcare provider related to the deployment or active duty of the covered military member and not otherwise covered by FMLA

- f. Rest and recuperation (up to fifteen days of leave for each instance of rest and recuperation) used non-consecutively.
- g. Post-deployment activities (FMLA leave may be used for the 90 day period after the active duty deployment ends for this category only).
- h. Leave to care for a military member's parent who is incapable of self care when the care is necessitated by the member's covered active duty. Such care may include arranging for alternative care, providing care on an immediate need basis, admitting or transferring parent to a care facility, or attending meetings with staff at a care facility.
- i. Additional activities may arise which are not encompassed in the other categories, but for which the employee may request FMLA leave. The activities must directly relate to the deployment and the City must agree, but is not obligated allow the leave to be designated as FMLA leave and will consider the circumstances and staffing needs prior to approval of any leave not otherwise falling into one of the categories provided.

Only the spouse, parent or child of National Guard or Reserve member, or retired military or reserve member, who is otherwise qualified for FMLA leave, is eligible for this leave and the event(s) giving rise to the leave request must be related to the need arising from the deployment or call to active duty of the family member in a contingency operation.

FMLA leave taken under this section need not be used at one time, and shall be treated in the same manner for purposes of calculation as intermittent FMLA leave.

Employees desiring to use qualifying exigency FMLA leave must complete the FLMA leave form and provide the City with a copy of the family member's deployment orders before any request for qualifying exigency leave will be approved. Other accumulated paid leave time shall be used concurrently with qualifying exigency FMLA leave. After all paid leave is exhausted, remaining FMLA leave shall be unpaid.

Date of deployment in a contingency operation shall be the designated

starting date for FMLA leave requested under this section, regardless of when the request is actually made and any paid leave taken in the period between deployment and the end of active duty shall be considered FMLA leave once the employee has made a request to use FMLA leave except that for covered pre-deployment leave, the designated FMLA start date is the date of the call to active duty or, for rest and recuperation leave, a copy of the military member's Rest and Recuperation leave orders, or other documentation issued by the military setting forth the dates of the military members leave. The request to use qualifying exigency FMLA leave shall be retroactively calculated as FMLA leave beginning on the date of deployment or call to active duty.

For all FMLA leave, once FMLA leave is approved, employees should notify their supervisors as soon as possible that they intend to take leave under this section, if possible notice should be given prior to taking any leave time, in order to allow supervisors to make arrangements for the employee's absence. Employees shall immediately notify the City of the completion of the family member's active duty deployment in a contingency operation, and leave taken after that date shall not be considered FMLA leave under this category, except as otherwise provided herein.

In no event shall qualifying exigency FMLA leave be added to any other FMLA leave so that total FMLA leave taken in a benefit year totals more than 12 weeks (other than Military Convalescence FMLA leave as previously provided).

**CITY OF WILLIAMSBURG  
APPLICATION FOR FAMILY/MEDICAL LEAVE**

Name: \_\_\_\_\_ Department: \_\_\_\_\_

Current Address: \_\_\_\_\_

Start Date of Anticipated Leave: \_\_\_\_\_

Expected Date of Return to Work: \_\_\_\_\_

**NOTE: A leave request based on an employee's serious health condition or the serious health condition of an employee's spouse, child or parent must be accompanied by a verifying medical certification from a physician.**

**FMLA leave will not be approved until a FMLA medical certificate is received, or verification of the medical condition containing the information required in the medical certificate, signed by the health care provider on health care provider letterhead, has been received.**

I understand that a failure to return to work at the end of my leave period may be treated as a resignation unless an extension has been agreed upon and approved in writing by the City of Williamsburg.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I further understand that if I fail to return to work, I authorize the City of Williamsburg to recover any health insurance premiums paid on my behalf by either deduction from unpaid wages or by direct billing.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Approved:

Supervisor: \_\_\_\_\_ City Manager: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_

**CITY OF WILLIAMSBURG  
MEDICAL CERTIFICATION STATEMENT  
(this section must be completed by the health care provider)**

Name of Employee: \_\_\_\_\_

Name of Ill Family Member and relationship to Employee (if other than employee): \_\_\_\_\_

Date Condition Began: \_\_\_\_\_

Start Date of Anticipated Leave: \_\_\_\_\_

Date Condition Ended (or is expected to end): \_\_\_\_\_

Name and business address of health care provider (please print):  
\_\_\_\_\_

Condition requiring medical treatment and necessitating Family Medical Leave (please print):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If a family member illness please provide an explanation of extent to which employee is needed to care for the ill spouse, child or parent:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Health Care Provider: \_\_\_\_\_  
(Please print)

Health Care Provider Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Telephone: \_\_\_\_\_

-----  
**Medical Release: (To be completed by employee)**

I authorize the release of any of my medical information and records to the City of Williamsburg by my health care provider which may be needed to process my request for Family Medical Leave.

Patient's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**CITY OF WILLIAMSBURG  
NOTICE OF INTENTION TO RETURN  
FROM FAMILY MEDICAL LEAVE**

Name: \_\_\_\_\_

Supervisor: \_\_\_\_\_

Date Leave Commenced: \_\_\_\_\_

Date of Planned Return: \_\_\_\_\_

I understand that my restoration to employment is subject to the following conditions:

1. As a condition of restoration, each employee must provide a written certification provided at the bottom of this form, from his or her health care provider that the employee is able to resume work and perform the primary duties of the employee's job as set forth in the employee's job description.
2. Every attempt will be made to restore an employee returning from leave to his or her original position. If the employee's original position is unavailable, the employee will be placed in an equivalent position with equivalent pay and benefits.
3. An employee returning from unpaid family and medical leave shall not be entitled to the accrual of any seniority or employment benefits during the period of leave.

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I have examined and certify that she/he is fully able to resume work and perform the primary job duties as set forth in the employee's job description (must be completed by health care provider).

Health Care Provider's  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## 502 PERSONAL LEAVE

Personal leave without pay may be available to eligible employees who wish to take time off from work duties to fulfill personal obligations. Employees in the following employment classification are eligible to request personal leave as described in this policy:

### Full-time benefited employees

Employees may request personal leave only after having completed the probationary period in an eligible employment classification. The length and duration of personal leave will be determined by the Department Head, with the approval of the City Manager. The employee must use all available annual and discretionary leave prior to the effective date of the personal leave absence.

Requests for personal leave will be evaluated based on a number of factors, including anticipated operational requirements and staffing considerations during the proposed period of absence.

Subject to the terms, conditions, and limitations of the applicable plans, the City will continue to provide benefits for the first 30 calendar days after the personal leave begins. At that time, employees will become responsible for the full costs of their benefits. The City will resume payment of the costs of these benefits when the employee returns to active employment.

Accruals of benefit calculations, such as vacation, discretionary, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

When personal leave ends, the employee will return to the same position or to a similar one for which qualified. If the previous position or a comparable one is not available, an effort will be made to offer another position that is available and suitable. Although every reasonable effort will be made to place an employee at the end of a personal leave, the City cannot guarantee reinstatement in all cases.

If an employee fails to report to work at the expiration of the approved leave period, the City will assume that the employee has resigned.

## 503 EDUCATIONAL LEAVE

Educational leave without pay is available to eligible employees who wish to take time off from work duties to pursue course work that is applicable to their job duties with the organization. Employees in the following employment classification(s) are eligible to use educational leave time as described in this policy:

### Full-time benefited employees

Employees who have completed their probationary period may request educational leave for a period of up to three months every two years. Requests will be evaluated based on a number of factors, including anticipated operational requirements and staffing considerations during the proposed period of absence.

The City will continue to provide health insurance benefits for the first 30 calendar days after the educational leave begins. At that time, employees will become responsible for the full costs of their insurance benefits if they wish coverage to continue. The City will resume payment of the costs of these benefits when the employee returns to active employment.

Accruals of benefit calculations, such as vacation, sick, discretionary leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

When educational leave ends, the employee will return to the same position or to a similar one for which qualified. If the previous position or a comparable one is not available, an effort will be made to offer another position that is available and suitable. Although every reasonable effort will be made to place an employee at the end of an educational leave, the City cannot guarantee reinstatement in all cases.

If an employee fails to report to work at the end of the approved leave period, the City will assume that the employee has resigned.

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92

Revision Date: 01-01-92

Revision Date: 10-01-10

### 601 SAFETY

The City of Williamsburg considers safety of its employees and the general public to be of paramount importance. As an employer, the City recognizes its obligation to provide the safest possible work place for its employees. As a municipal government, it recognizes its responsibility to provide a safe environment for the public it serves.

These broad objectives will only be achieved through an aggressive safety and loss control program. Williamsburg's safety program will consist of the following major components:

1. Appointment of a safety coordinator to oversee the program. The safety coordinator will report directly to the City Manager and will speak with the authority of the City Manager in matters concerning safety and loss control.
2. Each department head and supervisor shall be responsible for safety of the personnel and operations under their charge. The safety coordinator will direct and assist department heads and supervisors in safety matters, but will not assume their responsibility for safety as a line function.
3. The City Manager will designate a safety committee as the primary management vehicle for administering an aggressive safety program.
4. A Safety Manual shall prescribe in detail the City's safety program.

All employees are expected to give the City safety program their full support and cooperation as a condition of employment.

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92  
Revision Date: 08-16-00  
Revision Date: 03-01-05  
Revision Date: 07-01-07  
Revision Date: 01-01-09  
Revision Date: 12-01-10  
Revision Date: 11-15-13

### 602 MOTOR VEHICLE OPERATIONS

#### License, Seat Belts, Compliance with Law - Required

1. Each employee who operates a City owned vehicle shall possess a valid driver's license. Vehicles shall at all times be operated in full compliance with all applicable laws and ordinances and good judgment.
2. Seat belts will be used by City employees at all times when operating a City owned vehicle or riding as a passenger in a City owned vehicle, except as provided by expressed departmental policies for public safety purpose.
3. Limited use of cellular phones, radios and similar handheld communication devices while operating a City vehicle is permitted only when the communication is essential for work purposes, may occur safely, and except for emergencies, employees shall utilize voice commands, speed dial functions or safely pull off the roadway to use dial functions. Employees shall not engage in personal communications on cellular phones, radios or similar devices while operating a City vehicle.
4. It is a violation of state law to utilize text messaging functions on personal handheld devices while operating a moving vehicle on the highways of the Commonwealth of Virginia. Employees shall not utilize text messaging functions on cellular phones or similar handheld communications devices while operating a City vehicle.

The following exceptions apply to the above prohibition:

- a. Police officers operating an emergency vehicle
- b. An operator who is lawfully parked or stopped.
- c. The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system;  
or
- d. Any person using a cellular phone or other handheld personal communications device to report an emergency. As it applies to this exception, employees are directed to safely stop the vehicle, if possible, before sending a text message pertaining to an emergency.

### New Hire and Annual Driver's License and Driver's Record Checks

A Valid Driver's License and Driver's Record check will be completed on all employees at time of hire and annually.

### Vehicle Use Restrictions

1. City-owned vehicles shall be used in the performance and conduct of City business, normally limited to the Hampton Roads to Richmond corridor. This area shall be identified as the Williamsburg Service Area. Any travel outside this area, such as attendance at meetings and conferences, must be pre-authorized by the department head or the City Manager.
2. Except as specifically provided herein, no City owned vehicle shall be used for personal business.
3. Persons who are assigned vehicles shall respond to all emergency situations when they receive calls requesting assistance as well as when they personally observe the emergency.
4. City personnel shall not allow any person to ride with them in any City vehicle without first securing permission from the department head or City Manager, except as follows:

- a. Persons taken into custody or persons necessary to aid an investigation which is being made by a police officer; or
  - b. Officers or employees of the City offering authorized assistance to an officer or employee to whom a vehicle has been assigned in his performance of official City business; or
  - c. Emergency situations in which it is reasonably impracticable to obtain prior permission.
  - d. Persons who are registered or invited co-participants in an official City business activity with the City employee operating the vehicle.
  - e. Other persons previously authorized by the department head or City Manager for limited and specific purposes.
5. Persons who have vehicles assigned to them, and who are permanently or temporarily subject to twenty-four hour recall, shall keep the vehicles at their homes or the vehicles shall remain at their designated area, as determined necessary for administrative efficiency by the City Manager. In making such determination, the City Manager shall regulate the use of assigned vehicles according to the following classifications:
- a. Class I - Vehicle permanently assigned to an employee who is subject to twenty-four hour recall without overtime or additional compensation. Vehicle may be utilized at the discretion of the employee to whom it is assigned, provided, however, that the vehicle shall be used only within the service area identified above, except as expressly authorized by the City Manager, and subject to the restrictions on riders in paragraph 5.

The City Manager may authorize a car allowance in lieu of Class I vehicle. The amount of monthly allowance will be determined by the City Manager. An employee authorized a car allowance shall not use a City vehicle in lieu of his/her personal car. Recipients may, however, be eligible to use a

City vehicle or receive travel mileage reimbursement for long distance travel. Long distance travel is defined as a one-way travel distance over 100 miles.

- b. Class II - Vehicle to be utilized for conduct of City business and transportation to and from work within the service area only, except as expressly authorized by the department head or City Manager, and subject to the restrictions on riders in paragraph 4.
  - c. Class III - Vehicle to be utilized for conduct of City business only, and not for transportation to and from work, and subject to the restrictions on riders in paragraph 4.
6. Any officer or employee may use or travel in any City vehicle as necessary in the performance of official City business, subject to the availability of suitable vehicles and prior approval of the cognizant department head or City Manager; provided, however, that restrictions as to activities to be conducted, time, and location may be imposed if reasonably related to the protection of the interests of the City, the public safety, or the safety of officers or employees involved.
7. Notwithstanding the provisions noted above, each member of City Council is hereby authorized to use or travel in any City vehicle for the purpose of the observation of City facilities or the operation of City government, or as necessary or convenient in the performance of any other official City business, in any manner or at any time neither unreasonably interfering with the tasks to which such vehicles are assigned or endangering the public safety.

#### Care of Vehicles

8. Personnel who have vehicles assigned to them shall be held responsible for their condition; ensuring that routine and preventative maintenance is performed and that mechanical problems are promptly reported and corrected. Vehicles shall be kept clean, both interior and exterior.

9. No personal equipment shall be installed on City vehicles without prior approval from the department head.
10. Except in emergencies, personnel are forbidden to leave vehicles unlocked when they contain City property or other valuables. Under no circumstances are ignition keys to be left in the vehicles. Motors are to be turned off when unit is "out of service" or vehicle is left unattended.
11. Personnel must not push or tow any other vehicle or object with a vehicle unless said vehicle is properly equipped for such purpose. No City vehicle may be used to "jump start" any privately owned vehicle.

#### Reporting Breakdowns/Accidents

12. When a vehicle breaks down, the operator shall immediately notify his immediate supervisor, as well as the radio dispatcher, and await specific instructions.
13. When City equipment is involved in a vehicular accident or in any case where equipment is damaged or personal injury occurs, the supervisor or department head shall be called at once. The police dispatcher is to be advised of conditions, regardless of the amount of damage involved or the nature of the accident. The vehicle or equipment shall not be moved until permission is given by the police.

All accidents involving City vehicles within the City Limits shall be investigated by the City Police Department.

The supervisor shall see that all the necessary reports are made and all proper action is taken including notification of the City Safety Officer and insurer.

14. Accident reports are to be filed any time a City owned vehicle is involved, regardless of amount of damage or location of accident. The reporting department shall ensure that the report reaches the City Manager's office no later than the next working day after the

accident. A Supervisor's Incident Investigation Report must be filed with the Risk Manager no later than the next working day after the accident.

15. The department head shall be advised in writing by person or persons involved in an accident. Each department head shall advise the City Manager concerning the reports and any action taken.
16. An employee may suffer disciplinary action when such damage results from the employees fault or carelessness.
  - a. At a minimal, a documented verbal reprimand will be given to the employee after the first offense. The Department Head has the authority to impose a more severe disciplinary action on the first offense if he/she finds it is warranted.
  - b. If within three (3) years of the first offense the employee has a second offense, the employee will have a written reprimand placed in their personnel file and may be required to successfully complete the DMV Driver Improvement Clinic or an approved department equivalent training as determined by their department head.
  - c. The employee has sixty (60) days to complete this course once directed by the department head. This training is to be obtained on City time and the City is responsible for payment of the class. A certificate of completion will be placed in the employee's personnel file upon completion of driving clinic or equivalent training.
  - d. Additional offenses within the three (3) year period may result in more severe disciplinary action such as suspension without pay or possible termination.

### VEHICLE AND EQUIPMENT IDLING POLICY

In an effort to preserve our natural environment City of Williamsburg employees are required to practice anti-idling activities with city vehicles and equipment when practically feasible. Practicing anti-idling activities will reduce air pollution, promote energy conservation, reduce noise pollution,

and will reduce wear and service needs of city vehicles and equipment.

Idling limitations include the following:

1. Vehicles should never be left idling unattended and should be turned off when stopping at a destination.
2. Vehicles and equipment should be turned off whenever idling time is expected to exceed five consecutive minutes
3. Engine warm-up periods should not exceed one minute (provided that airbrake pressure and/or other critical settings have been reached and following manufacturers recommendations)

Exceptions to policy include:

1. During vehicle and equipment maintenance and diagnostic purposes
2. Under extreme weather conditions or any other time when the health and safety of employees or others may be jeopardized and when inclement weather situations where heater-defrosters are needed for visibility
3. Using emergency or public safety vehicles and equipment operating in an official capacity
4. Using Public Works and Utilities vehicles or equipment at job sites that require the use of emergency lights and accessories to complete their job assignments or when power is needed for auxiliary equipment (such as hoist, lift platforms, hydraulic tools, inverters, medical equipment, computers, etc.)
5. During traffic conditions when the employee has no control over traffic movement

Supervisors in each department will enforce this policy and counsel employees who do not follow the policy.

## 603 TRAVEL POLICY

Employees authorized to travel on City business at City expense shall be governed by this policy. Reasons for travel on City business include representing the City at various regional, state, and national meetings, employee training opportunities and professional development conferences, and on-site evaluations of products or services.

Travel must receive prior authorization, except in emergency situations expressly approved by the City Manager. Employees are required to submit a Report of Travel/Training Expense in accordance with the instructions on the back of the form. The form is used both to estimate the cost of travel and obtain prior authorization, and to submit final expenses for reimbursement.

An employee that is required to travel for conferences, training, meetings, etc., will be reimbursed for meals up to the allowable limits provided in the instructions of the Report of Travel/Training Expense form, as long as the travel involves at least an overnight stay, or if paid for with a City credit card. Reimbursements for same day travel will not be reimbursed for payments made with cash or personal credit cards.

Department Heads alone are authorized to approve travel and projected expenses within budgeted funds for personnel in their department. The City Manager alone is authorized to approve travel and projected expenses for Department Heads.

Upon completion of travel, completed travel expense forms will be returned to the authorizing authority for review and approval prior to forwarding to the Finance Department for payment.

When the spouse of an employee jointly participates in training conferences, the City will pay for their conference registration and shared accommodations. The City, however, does not pay for travel, meals, or other expenses not included in the spouse registration fee.



## INSTRUCTIONS FOR COMPLETING TRAVEL FORM

### I. PRIOR TO TRAVEL

- A. Complete the heading of the form, including purpose, destination, departure and return dates for travel.
- B. Estimate and project **ALL** travel expenses prior to travel and list by type.
- C. Fill out cash advance request (if advance is necessary) and get proper approval.
- D. Sign and date the form prior to travel section in the middle of the form.
- E. Department Heads or City Manager **must approve** travel and projected expenses for their personnel.
- F. Forward a copy to the Finance Department for processing of the cash advance payment.
- G. Keep the original copy of the form to complete after travel.

### II. AFTER TRAVEL

- A. Upon return from travel, finish completing the travel form and submit actual expenses using the following guidelines.
  1. Receipts must be attached for all items. (Except as provided below for meals).
  2. **Meal expenses can be accounted for in EITHER one of two ways, BUT NOT BOTH:**
    - (a). Receipts submitted for all meals, or
    - (b). Apply standard meal rates:

Breakfast	\$ 8.00
Lunch	\$ 12.00
Dinner	<u>\$ 22.00</u>
	\$ 42.00 per day
  3. **DO NOT** submit for meals covered by registration fees.
  4. Meal expenses submitted with receipts that are above the standard meal rate are expected to be reasonable based on travel area and can be denied by Department Head or City Manager.
  5. Use of personal vehicles for City travel will be reimbursed at the rate of **54¢** per mile.
  6. Miscellaneous expenses without receipts, such as tips, must be itemized and certified.
- B. Total "City Charged" and "Out of Pocket" expenses to obtain the Grand total of travel expenses.
- C. Subtract from the Grand Total any cash advance payment.
- D. Subtract from the Grand Total the City Charged amounts to arrive at the final payment to be reimbursed to the employee (positive number) or returned to the City (negative number).
- E. Sign, date and get approval signature. Department Heads or the City Manager must approve actual expenses based on documentation submitted.
- F. Forward completed copy to Finance Department for processing.

CITY OF WILLIAMSBURG

Effective Date: 01-01-92

Revision Date: 02-01-94

## 604 BUDGET AND PURCHASING MANUALS

The City Manager is responsible for issuing a Budget Guide and a Purchasing Manual in accordance with City Council policy and provisions of law.

All employees with financial management responsibilities are accountable for compliance with the procedures set forth in these documents.

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92

Revision Date: 07-01-98

Revision Date: 07-01-16

### 605 SMOKING POLICY

Smoking is not permitted in any City owned building or vehicle. No smoking is allowed within twenty-five (25) feet of an entrance or exit of City buildings. In any other situations where the preferences of smokers and non-smokers are in direct conflict, the preferences of non-smokers will prevail.

For employees covered by the Virginia Heart and Lung Act (Public Safety Employees), the City reserves the right to implement special policies restricting the use of tobacco products. This policy applies in addition to the above restrictions.

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92

Revision Date: 07-01-98

Revision Date: 08-13-12

### 606 SECURITY INSPECTIONS

The City wishes to maintain a work environment that is free of illegal drugs, alcohol, explosives, or other improper materials. To this end, the employer prohibits the control, possession, transfer, sale, or use of such materials on its premises. Firearms are generally not permitted on City property except that duly authorized law enforcement personnel may carry firearms on City premises. Employees may bring firearms onto City property so long as said firearm(s) and ammunition remain secured in a locked private vehicle. The City requires the cooperation of all employees in administering this policy.

Desks, lockers, and other storage devices may be provided for the convenience of employees but remain the sole property of the City. Accordingly, they, as well as any articles found within them, may be inspected by any agent or representative of the City at any time, either with or without prior notice.

## 607 SOLICITATION

In an effort to assure a productive and harmonious work environment, persons not employed by the City may not solicit or distribute literature in the workplace at any time for any purpose. The use of e-mail for solicitation of any kind is prohibited.

The City recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during working time. (Working time does not include lunch periods, work breaks, or any other periods in which employees are not on duty.)

In addition, the posting of written solicitations on City bulletin boards is restricted. These bulletin boards display important information, and employees should consult them frequently for:

- Affirmative action statement
- Employee announcements
- Internal memoranda
- Job openings
- Organization announcements
- Payday notice
- Workers' compensation insurance information
- State disability insurance/unemployment insurance information

If an employee has a message of interest to the workplace, he or she may submit it to the Department Head for approval. All approved messages will be posted by management.

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92

Revision Date: 02-01-94

Revision Date: 10-15-13

### 608 WORK SCHEDULES

The normal work schedule for all employees is eight hours a day, five days a week. Supervisors will advise all employees of the times their schedules will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

The official hours of work for the Municipal Office Building Administrative Personnel shall be 8:00 a.m. to 4:30 p.m., Monday through Friday.

Generally, employees are provided one unpaid 30 minute meal period each workday. In addition, full-time employees and part-time employees with partial benefits working 8 or more hours in a 24 hour period also receive a 30 minute paid break to be typically used with their 30 minute unpaid meal period each workday. Supervisors will schedule meal periods and breaks to accommodate operating requirements. Employees are not required to perform job duties during their unpaid break periods. Employees are free to use said break periods for personal business and may leave their work stations and city property during break periods. However, for public safety employees working shifts who are confined to their duty station and on-call to respond to emergencies at any time while on duty, both the meal period and break are paid.

Work schedules for all employees will be promulgated by their Department Heads. Employees are required to report to work on time and when scheduled. Reporting to work late or failing to report to work when scheduled, without prior approval, is cause for disciplinary action.

## CITY OF WILLIAMSBURG

Effective Date: 01-01-92  
Revision Date: 01-01-92  
Revision Date: 04-01-14

### 609 EMERGENCY NOTIFICATIONS AND CLOSINGS

The city uses a mass communication system to communicate with employees during emergencies and/or significant events within the city limits. All full-time city employees shall provide contact information to be included in the notification database. Employees are required to confirm receipt of sent messages in a timely manner. Employees may designate preferred modes and order priority of messages sent by the city's notification system.

Emergency conditions, such as severe weather, fire, flood, or earthquake, can disrupt municipal operations and interfere with work schedules, as well as endanger employees' well-being. These extreme circumstances may require the City Manager to close work facilities. Employees should report for work unless they have been advised not to report via the city's mass notification system.

When operations are required to close, the time off from scheduled work will be paid. In cases where a closing is not authorized, employees who fail to report for work will not be paid for the time off. However, employees may request available paid leave time, such as unused vacation/discretionary leave.

During emergencies it is often necessary for designated police, fire, public works, and other key employees to work under difficult conditions in the public interest. All personnel told to report outside normal working schedules, or when municipal facilities are closed for non-essential employees, are required to report as ordered. Employees who work on a day when City facilities are closed will receive regular pay. Overtime, when applicable, will be paid in accordance with Section 205.

CITY OF WILLIAMSBURG

Effective Date: 01-01-92  
Revision Date: 01-01-92  
Revision Date: 03-01-05  
Revision Date: 03-01-08

701 CODE OF ETHICS

The City adopts these Core Values and Ethical Standards, drafted by a representative committee of employees in 2008, as the Code of Ethics for the City of Williamsburg. The Code of Ethics shall apply to all active employees of the City and such City boards or commissions which adopt them.

CORE VALUES

- |                       |  |
|-----------------------|--|
| <b>Integrity</b>      | We shall act with honor, courage, honesty and sincerity so as to inspire public trust and confidence in city government.                       |
| <b>Caring</b>         | We shall pursue passionately the well-being of the people and the community we serve as good stewards of a self-governing, democratic society. |
| <b>Accountability</b> | We shall accept responsibility for our actions and decisions, pursuing excellence in our work.   |
| <b>Respect</b>        | We shall treat all with dignity, courtesy and tolerance as we would wish to be treated even when others act without the same consideration.    |
| <b>Equity</b>         | We shall promote fairness and openness, opposing favoritism or prejudice, in providing city services and governmental processes.               |

## ETHICAL STANDARDS

### **Conflicts of Interest**

We shall avoid conflicts of interest and the appearance thereof. A conflict of interest occurs when an outside or private interest interferes or competes with the interests of the city.

- Care must be taken to avoid compromising relationships with persons or organizations doing business with the city, or seeking business with the city.
- Our position with the city shall not be used to represent or promote any outside interest not aligned with a purpose of the city.
- Unavoidable relationships which could create a conflict of interest or appearance of conflict shall be disclosed.

### **Gifts and Gratuities**

We shall not accept gifts, payment or loans from persons or organizations which have, or desire to have, a business relationship with the City. We shall not accept gratuities for performing services while on city time.

- This standard is not intended to bar acceptance of reasonable and customary social courtesies.
- This standard is not intended to prohibit employees from obtaining loans from regular lending institutions.
- When gifts cannot be returned without causing embarrassment to the city, they shall be disclosed, and where possible, shared with others.

### **Confidentiality**

We shall respect the confidentiality of information obtained on the job, and guard sensitive information as a public trust.

- Confidential information shall not be used for private gain.

- Confidential information shall not be shared except on a professional need-to-know basis, avoiding careless use of email or gossip.
- This policy does not limit the obligation to give out public information in an equitable and transparent way; and to willingly comply with the Freedom of Information Act.

### **Use of City Time and Property**

We shall use city assets - including staff time, equipment, vehicles, supplies and facilities - for city purposes, and not for private gain or personal benefit.

- Private business or outside employment shall not be conducted on city time or on city property.
- City equipment shall not be borrowed for private or personal use.
- While solicitation at work for private gain is not allowed, charitable giving opportunities may be communicated so long as there is no pressure to respond.
- The city allows for incidental personal needs while at work, such as brief phone calls or emails, provided that they are occasional, use insignificant amounts of city assets, and do not interfere with work.
- Department heads may prescribe employee personal time during a 24 hour shift or other like circumstance without violating this standard.

### **Impartiality**

We shall treat all fairly and impartially, without special advantage to any citizen, business, or other employee.

- Recognizing the varied needs of groups - such as the elderly, disabled, or children - differentiated services may be provided without violating this policy.

If an employee is unclear about the application of these Ethical Standards to a particular situation, or about any ethical dilemma, he or she is encouraged to discuss that matter with the supervisor, department head, city manager or city attorney, as appropriate.

As a simple ethical test, employees should ask themselves, "If the facts of this situation were in the newspaper tomorrow, would it embarrass the City or call my integrity into question?"

An abbreviated copy of the Code of Ethics suitable for posting is provided as an appendix to Section 701.

# Code of Ethics

## Values

We shall...

### Integrity

act with honor, courage, honesty and sincerity so as to inspire public trust and confidence in city government

### Caring

pursue passionately the well-being of the people and the community we serve as good stewards of a self-governing democratic society.

### Accountability

accept responsibility for our actions and decisions, pursuing excellence in our work.

### Respect

treat all with dignity, courtesy and tolerance as we would wish to be treated even when others act without the same consideration.

### Equity

promote fairness and openness, opposing favoritism or prejudice, in providing city services and governmental processes.

## Standards

We shall...

### Conflict of Interest

avoid conflicts of interest and the appearance thereof. A conflict of interest occurs when an outside or private interest interferes or competes with the interests of the city.

### Gifts and Gratuities

not accept gifts, payment or loans from persons or organizations which have, or desire to have, a business relationship with the city; nor accept gratuities for performing services while on city time.

### Confidentiality

respect the confidentiality of information obtained on the job, and guard sensitive information as a public trust.

### Time and Property

use city assets—including staff time, equipment, vehicles, supplies and facilities—for city purposes, and not for private gain or personal benefit.

### Impartiality

treat all fairly and impartially, without special advantage to any citizen, business, or other employee.



## 702 POLITICAL ACTIVITIES

City employees are subject to certain limitations on participation in political affairs.

A City employee may:

- a. vote as he or she wishes without fear of recrimination
- b. join any legitimate political organization whose purpose is not inconsistent with loyalty to the United States
- c. publicly express personal political opinions only regarding matters of general public concern. Matters pertaining directly to the City, including but not limited to matters of employment, departmental operations, administrative determinations of the City, confidential information, and information obtain by virtue of an employee's employment with the City of Williamsburg are not considered matters of general public concern for purposes of these policies
- d. express personal political opinions in private. Employees should be aware that given the prevalence of electronic forms of communication and social media, not all speech intended to remain private remains so, and employees must exercise good judgment and discretion in expressing political or other opinions in a manner which may be disseminated beyond the immediate recipient. Employees should refer to Section 708 of these policies for further information regarding employee use of electronic communication and social media
- e. subject to the limitation in paragraph B below, employees may work at the polls on Election Day. Reasonable notice of at least five working days must be given and approved by the employee's supervisor. Annual leave may be used if an employee intends to work the polls during scheduled work hours. No other leave may be used for this purpose.

City employees may not:

- a. express personal opinions in public on matters of general concern while speaking in the employee's capacity as a City employee, or to represent or otherwise imply that the employee's personal political speech constitutes the opinion, official or otherwise, of the City of Williamsburg. If there is any question regarding the capacity in which the employee is engaged in such political activity, the employee should clarify that he or she is speaking in his or her private capacity and not speaking as an employee of the City of Williamsburg
- b. engage in political activities of any kind while in the workplace or while on duty, while in uniform, while displaying a badge of authority or City insignia, or while on City property
- c. express or imply that the City or any department thereof has officially endorsed a political party, candidate, or campaign
- d. solicit funds for any political organization, cause or candidate while on City property or in his or her capacity as a City employee
- e. place political badges, buttons, or printed matter on City property or distribute such items on City property

The City of Williamsburg Code of Ethics (Section 701) applies at all times to City employees. Because of the conflict of interest that may arise in violation of the City's Code of Ethics, City employees may not:

- a. use or attempt to use a political endorsement or similar support in an effort to affect any City employment decision
- b. hold any elected office of the City government such as City Council member, Treasurer, Commissioner of the Revenue, or Clerk of the Circuit Court while also employed by the City of Williamsburg

## 703 COURTESY AND TELEPHONE ETIQUETTE

Employees must be courteous, polite, and cooperative in dealing with fellow employees, supervisors, and the public. Courtesy in jobs performed outside the City offices is equally important. Courteous and polite service is due all citizens and is required regardless of the type of complaint or demand.

Employees conducting City business by phone have a particular responsibility to be courteous and helpful. The following guidelines apply to telephone usage.

### Answering the Call

As an employee of the City of Williamsburg, each time you answer a call, you are the City government. The caller will judge the quality of the City of Williamsburg by your words and tone.

Make every effort to answer each incoming call promptly (preferably by the third ring). Always use a pleasant tone of voice and speak clearly. When answering, identify the department in which you work and state your name. If not awkward or overly long, use "Williamsburg" in your greeting. Suggested sample greetings:

"Williamsburg Recreation, Janet Jones"

"Williamsburg Fire Department, Chief Smith"

### Listening Skills

Give the caller your full attention and try to avoid distractions while listening. Listen to the entire message and avoid interrupting. If it is necessary to interrupt, such as to answer another incoming call, ask if the caller minds being placed on hold before you do so. Answer the other call, explain that you would like to put them on hold as you are on another line, and will be with them as soon as possible. If they cannot hold, take their name and number and tell them someone will call them back if they wish. Return to your original call as promptly as possible.

## Screening a Call

Request information from the caller with phrases such as "May I tell Mrs. Smith who is calling?" and "Will she know what this concerns?"

## Taking Messages

Keep a pad and pencil handy. If the appropriate person is not available to handle the call, ask the caller if someone else can help them. If not, take a complete message and tell the caller when they can expect a return call. Do not give out personal or confidential information. Deliver telephone messages promptly.

## Transferring a Call

Often, a caller will have called the wrong department, or even the wrong jurisdiction. If you know who can help the caller, give him the correct number for future reference. For City calls, offer to transfer, or offer to take a name and number and have someone return the call. Be helpful.

## Putting a Caller on Hold

If you receive a call for someone who is already engaged on another line, ask the caller to hold, or ask the person if they would like to leave their name, number, and the nature of the call. Avoid leaving callers on hold for long periods. Check back every 30-45 seconds.

## Difficult Callers

When telling a caller something he does not want to hear, do your best to explain the reasons behind an unpopular policy. If you don't know the reasons, ask your supervisor for help.

Make a conscious effort not to let the caller get the best of you. Remind yourself that the caller is upset about a particular problem, not upset at you; do not take it personally.

Treat the difficult caller with respect. Use the person's name repeatedly when addressing him or her; indicate your concern. Take control of the conversation by asking questions. Empathize with a frustrated caller saying, "I know that it is a problem" or "I understand how you feel."

## Closing Calls

Close your conversation politely and, if possible, reassure the caller of the action to be taken. Say "goodbye" and hang up the receiver quietly. Never

abruptly hang up on a caller. If a caller becomes abusive, crude, or profane, inform him that you cannot continue the conversation in its present state and politely hang up.

### Coverage

Insure your phone is covered so that it will not go unanswered during working hours, or check that voice-mail coverage is active and current. All primary city phone numbers, which are not answered after normal working hours, will be forwarded to a recording informing the caller of normal office hours and emergency after hours numbers.

## 704 PERSONAL APPEARANCE AND ATTENDANCE

### Appearance

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the positive image we present to citizens, customers and visitors.

During working hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions.

Consult your supervisor or department head if you have questions as to what constitutes appropriate attire.

### Attendance

To maintain a safe and productive work environment, the City expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the City. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, he or she should notify the supervisor as soon as possible in advance of the anticipated tardiness or absence.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, including termination of employment.

## 705 SEXUAL AND OTHER UNLAWFUL HARASSMENT

The City is committed to providing a work environment that is free of discrimination and unlawful harassment. Actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, religion, or any other legally-protected characteristic will not be tolerated. As an example, sexually harassing conduct (both overt and subtle) is a form of employee misconduct that is demeaning to another person, undermines the integrity of the employment relationship, and is strictly prohibited. Offensive conduct, especially among co-workers, usually takes the form of:

- Suggestive remarks;
- teasing or taunting of a sexual nature;
- unwelcome physical contact or sexual advances;
- continual use of offensive language (verbal or written);
- sexual bantering;
- bragging about sexual prowess;
- office or locker-room pinups; and
- compliments with sexual overtones.

Any employee who wants to report an incident of sexual or other unlawful harassment should promptly report the matter to his or her supervisor. If the supervisor is unavailable or the employee believes it would be inappropriate to contact that person, the employee should immediately contact the Department Head, or the City Manager. Employees can raise concerns and make reports without fear of reprisal, and with the assurance that reporting will be kept confidential.

Any supervisor or department head who becomes aware of possible sexual or other unlawful harassment must promptly advise the City Manager, continue to handle the investigation of the claim and protect the privacy of all parties involved.

Anyone engaging in sexual or other form of unlawful harassment will be subject to disciplinary action, up to and including discharge. Disciplinary action shall follow due process as provided in Chapter 800.

## 706 DRUG AND ALCOHOL FREE WORKPLACE

The City is committed to providing a safe, efficient, and productive work environment for all employees. In fulfilling this commitment, employees and job applicants will be asked to provide body substance samples (e.g., blood, urine) to determine the illicit use of drugs. The City will attempt to protect the confidentiality of all drug test results. Drug tests will be conducted in any of the following situations:

**PRE-EMPLOYMENT** - As a prequalification to assuming any position, prospective employees are required to provide a body substance sample for drug testing. This occurs in connection with the pre-employment medical examination following a Conditional Offer of Employment. Appendix A, the Substance Abuse Screening Test consent form must be signed.

**POST-ACCIDENT** - Any current employee who is involved in a serious incident or accident while on duty, whether on or off the employer's premises, will be asked to provide a body substance sample.

**FITNESS-FOR-DUTY** - This test is required if changes in employee performance, appearance, behavior, speech, etc. provide reasonable suspicion of substance abuse. A fitness-for-duty evaluation may include the testing of a body substance sample.

**RANDOM TESTING** - The City reserves the right to perform random drug testing on any City employee.

Subject to any limitations imposed by law, a refusal to provide a body substance sample under the conditions described above will result in termination.

An individual who is involuntarily relieved of duty solely because of drug testing will be paid for time away from scheduled work if the drug test results are negative.

In cases where a positive drug test is confirmed, consideration will be given to available rehabilitation and treatment where appropriate. Disciplinary Action up to and including dismissal may be initiated in accordance with Section 801 Disciplinary Process.

An employee who tests positive and who successfully completes rehabilitation and/or treatment will be subject to routine but unscheduled testing for a twelve month period following reinstatement.

Questions concerning this policy or its administration should be directed to the Department Head. Specifically, Department Heads are authorized to order post-accident and/or fitness-for-duty testing, and shall notify the City Manager of their actions as soon as practicable.

Substance abuse is highly detrimental to the safety and productivity of employees on city property. No employee may be under the influence of any illicit substance (including alcohol) while in the workplace, while on duty, or while operating a vehicle or equipment owned or leased by the City. Employees who use prescription medication must notify their supervisor if the prescribed medication may affect their ability to safely perform the duties of their position. If the prescription drug may make operating equipment or machinery unsafe, including city automobiles, the employee should under no circumstances attempt to operate the equipment and should contact his or her supervisor immediately. (Err on the side of caution. If the medication contains a warning label, you should notify your supervisor.)

The unlawful manufacture, felony possession, distribution, transfer, purchase, or sale of illegal substances may lead to dismissal. If an employee brings illegal substances onto City property, he or she will be dismissed immediately, and law enforcement personnel will be notified. Conviction of a felony drug-related offense is not necessary for an employee to be terminated if an employee is charged with one of the offenses listed above, or found on City property with any illegal substance. The use of alcoholic beverages or illegal drugs while on the employer's property, while attending business-related activities, while on duty, or while operating a vehicle or machine leased or owned by the City is strictly prohibited and will lead to disciplinary action, including suspension without pay or discharge. When appropriate, the City may refer the employee to approved counseling or rehabilitation programs.

Should an employee be convicted of a drug-related crime, other than those listed above, including misdemeanor(s), he or she must notify the employer

within five days of the conviction. Appropriate personnel action, including discipline up to and including dismissal may result after notice of the conviction is received.

Employees who voluntarily admit to having substance abuse problems that have not resulted in disciplinary action may be eligible for unpaid time off to participate in a rehabilitation or treatment program. Such leave may be granted if the employee abstains from use of the problem substance while on leave, abides by all City policies, rules, and prohibitions relating to conduct in the workplace, and if the City will not suffer an undue hardship as a consequence of granting the leave.

The City recognizes that employees may wish to seek professional assistance in overcoming substance abuse problems. Employees should contact the City Manager's office for more information. All inquiries will be kept confidential.

### **Employee Responsibilities**

1. No employee shall unlawfully manufacture, dispense, possess, use, or distribute any controlled substance, medication, or alcohol while on City property or while on duty for the City, except for the use of medication(s) prescribed by the employee's physician, provided the medication(s) does not impair the employee's ability to safely perform the functions of their position.
2. Any employee convicted under a federal or state statute regulating controlled substances, including misdemeanors, shall notify their supervisor and the City Manager within five days after the conviction.
3. No employee shall consume alcoholic beverages immediately before work, during work hours, or while at work during breaks or lunches.
4. No employee shall be impaired by alcoholic beverages immediately before work, during work hours, or while at work during breaks or lunches.
5. No employee shall represent the City in an official capacity while impaired by alcohol, illegal drugs, or medication.

6. No employee using medication that may impair performance shall operate a motor vehicle, machinery, or engage in safety sensitive functions while on duty for City.
7. If an employee is using prescription or non-prescription medication that may impair performance of duties; the employee shall report that fact to his or her supervisor.
8. An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, and/or medication shall immediately notify the supervisor or manager. Depending on the circumstances, employees may be reassigned, forbidden to perform certain tasks, or even not allowed to work if they are determined to be unable to perform their jobs safely and properly while taking prescribed drugs or narcotics.

**APPENDIX A**

**SUBSTANCE ABUSE  
SCREENING TEST  
APPLICANT/EMPLOYEE CONSENT**

**CITY OF WILLIAMSBURG  
01 LAFAYETTE STREET  
WILLIAMSBURG, VIRGINIA 23185**

I, \_\_\_\_\_, Social Security # \_\_\_\_\_, as an:

employee of  applicant for employment

by the City of Williamsburg agree by signature herein below to take one or both of the substance abuse screening tests as indicated below:

(\_\_\_\_) \_\_\_\_\_ Urine test for substance abuse or chemical dependency. The preparation of the sample for this test will be witnessed by a person of the same sex as the undersigned.

(\_\_\_\_) \_\_\_\_\_ A breath analyzer test for alcohol usage. The undersigned understands that he/she may also volunteer to take a blood test if the breath analyzer test results are positive for alcohol. In such event the undersigned agrees to cooperate in taking such blood test as soon as possible following administration of the breath analyzer test.

If I am an applicant for employment, I understand that if I decline to consent to the administration of the above tests and/or if I fail, my application for employment with the City of Williamsburg will be rejected.

If I am a present employee of the City of Williamsburg I understand that if I decline to consent to the administration of the above tests and/or if I fail, my employment with the City of Williamsburg will be terminated.

**By signing this form I, as applicant or as existing employee as the case may be, consent to take the test indicated above and to fully cooperate in the administration of such tests. I understand that the results of the tests given pursuant to the consent will be reported to the appropriate department head and that such information may be disseminated to the City Manager of the City of Williamsburg.**

**I further understand that unless I otherwise agree by written consent, such information will not be made available to other persons unless allowed by applicable state or federal law.**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Applicant/Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Voluntary Blood Test: I choose to have a blood test for alcohol.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Applicant/Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**I decline to consent to take the test indicated above and to fully cooperate in the administration of such test. I understand that by declining to consent to the administration of the above test my employment with the City of Williamsburg will be terminated.**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

## 707 MEMBERSHIP IN EMPLOYEE ORGANIZATIONS

It is the policy of the City of Williamsburg that persons holding supervisory or management positions in the City service shall not be members of a union, labor organization, or employee association to which their subordinate employees belong.

A supervisory or management position is defined as one in which an individual has authority in the interest of an employer to hire, transfer, promote, discharge, assign, reward, to appraise their work performance, to adjust their grievances, or effectively to recommend such action.

## 708 USE OF COMPUTER SYSTEMS

This policy establishes guidelines for the usage of all Personal Computers (PC), either stand alone or connected to the network, within the City of Williamsburg. Most City computers are in some way connected to the City's network, creating the potential for serious issues and concerns in the areas of security, compatibility, and usefulness. To that end, this policy establishes definitive guidelines as to what is expected and what is authorized.

1. All computer hardware and software is the property of the City.
2. All software and hardware, to include peripheral devices, will be purchased by, and installed by, Information Technology.
3. Installation of any unauthorized and/or unsupported software applications onto a City owned computer is strictly prohibited. To eliminate any issues with compatibility and support, all users must use standard software suites approved by the Information Technology Department. Requests for software or hardware not included in the standard software suites must be made in coordination with Information Technology.
4. No one is allowed to copy any software owned by or licensed to the City. Copying software is a violation of Federal copyright laws without express permission of the software company. Any un-licensed software found on City computers will either be required to be made licensed, or be removed.
5. Users shall not attempt to defeat or otherwise compromise any virus detection software installed onto a City owned computer. The very nature of a networked computer environment invites viruses and their proliferation. All City owned computers shall have virus protection software installed on them.
6. All users of City owned computers should contact Information Systems immediately upon the detection of a virus on their computer. Information Technology will take all necessary steps to remove the virus from the computer and certify the computer virus free.
7. All computers and peripheral equipment will be plugged into surge protection equipment.

8. All personnel logging onto a City owned computer shall have a UserID and password assigned by Information Technology. All passwords on City owned computers and systems will adhere to the following criteria:

a. Passwords will be set to expire every 90 days. This will require the user to change their password.

b. Computer passwords cannot be reused. The network will check for unique passwords as far back as five previous passwords.

c. Everyone who logs onto a City owned computer or system shall use his or her own username and password. Logging on to any City owned system as someone else is not allowed.

d. All passwords will be a minimum of 7 characters, and should not be easily identifiable with the user, i.e.: children's names, pet names, etc.

9. Each person using a City owned computer is responsible for the content of any data he or she inputs, alters, or deletes from the computer or network, or that they transmit outside of the City's systems. All personnel should familiarize themselves with the City's Email and Internet policies as well as guidelines established under the Freedom of Information Act.

10. Employees may not use the City's systems or computers to solicit for outside business ventures, organizational campaigns, or political or religious causes. Nor may they enter, transmit, or maintain communications of a discriminating or harassing nature or materials that are obscene or sexually explicit.

11. No employee may download or upload any software or data without express consent of the Information Technology Director. This rule is necessary to protect against the transmission of computer viruses into the City's systems.

12. Actions of users may be monitored at any time by Information Technology. Users should have no expectation of privacy of any data on a City owned computer.

### USE OF E-MAIL SYSTEM

The City provides desktop access to email in order to facilitate enhanced communication among its employees, suppliers, and citizens. Electronic mail provides a content and communications tool for research and exchange of information relating to City business or City events.

The City email system and all messages generated by or handled by email, including backup copies, are part of the business equipment of the City of Williamsburg, and are

not the property of the users of the system. To that end, employees do not have a right to privacy in their use of the computer system, or its email component. The City's email system is also subject to the Virginia Freedom of Information Act and copies of messages and attachments can be requested by citizens or the media.

While in the performance of work-related functions, while on the job, or while using publicly owned or publicly provided resources, employees are expected to use these resources responsibly and professionally. Employees may make reasonable personal use of the City's email system as long as:

1. There is no cost to the City.
2. There is no negative impact on employee performance of public duties.
3. There is no violation of any provision in Section 701 of the Personnel Manual.

Use of the City email system for the following purposes is strictly prohibited:

1. Sending Chain letters
2. Copies of documents in violation of copyright laws.
3. Forwarding email messages without any legitimate business purposes. This includes, but is not limited to, jokes, games, or inappropriate graphical material.
4. Solicitation for outside business ventures, organizational campaigns, or political or religious activities.

City policies governing courteousness and telephone etiquette also apply to email. When preparing or receiving an email message, employees should keep the following in mind:

1. Use mixed case text in your writing. Uppercase text denotes shouting and recipients may be offended.
2. Include specific information in the subject header. Empty or vague subject headers confuse the recipient and make message filing difficult.
3. Keep messages brief. Email is intended for short messages between one and five paragraphs.
4. Be aware of the tone of the message. Unintentionally offending someone is easy because voice inflection and facial expressions

cannot be seen.

5. Read and respond to email in a timely fashion.

While it is not the policy of the city to regularly monitor the contents of email communications, it may monitor the contents and usage to support operational maintenance, auditing, security, and to investigate activities. Users should use email with the knowledge that the City may from time to time examine the contents of email communications.

Employees should exercise caution when sending email to "All Users" or "City Users". These groups contain every employee of the city. When an email is sent to one of these groups, every person in the group receives a copy of the email. Consequently, over 200 messages are generated. This in turn ties up valuable network resources and generates excessive storage on the e-mail server. Emails sent to one of these groups should only be official city business that is relevant to all employees.

All users have storage areas on the network where they can keep and store files. This area should be utilized for the archival of e-mail. Archiving of email takes email and stores it in a separate area of the network. This prevents a user's email from filling up the email server, while keeping the employee's inbox neat and free of clutter.

The City utilizes software that analyzes every email coming into the City's system from the Internet for viruses, attachments, etc. Any email that contains viruses or attachments that are prohibited will be deleted and not transferred to the user's email. The sender of the email will be notified that they sent an email containing a virus or an attachment that is not allowed.

Email should be treated the same as a hard copy or paper document and, therefore, are subject to the retention guidelines as set forth in the Virginia Public Records Act in the Code of Virginia. Not all messages must be retained. Messages that do not set policy, establish guidelines or procedures, certify a transaction or act as a receipt need not be retained. Any question regarding the retention or deletion of a message should be directed to the Records Manager. Users are responsible for keeping copies of these public records.

#### USE OF INTERNET - BACKGROUND

This policy establishes policy and guidelines for use of the Internet from any City owned personal computer, or by any employee, contractor, or third party person or computer connected to the City of Williamsburg's network. The City provides an "always on" connection to the Internet to help employees better perform their duties. The Internet offers vast amounts of information about numerous subjects and can be delivered at very fast speeds from anywhere, at anytime. The technology and equipment that is used to provide this level of Internet access represents a significant commitment of City resources for telecommunications, networking, software, and storage.

The Internet at the City is a business tool, provided at a significant cost. This means that the expectation of the City is that employees will use the Internet for business related purposes. Examples of this are communicating with peers, research of relevant topics, and to obtain useful business related information. The expectation is that in all dealings on the Internet, that you will conduct yourself in an honest and appropriate manner, realizing that you are a representative of the City of Williamsburg. All existing City policies apply in all interactions on the Internet.

Unnecessary use of the Internet causes network congestion and significantly limits business related work, and will not be tolerated. Examples of this include, but are not limited to, streaming media programs, excessive email usage not involving city business and Instant Messaging programs.

Use of the Internet from City owned assets gives each individual Internet user an immense and unprecedented ability to propagate City messages, positions, and business dealings throughout the area and world. Because of this power, special care should be taken to maintain the image, consistency and integrity of the City of Williamsburg.

While our connection to the Internet offers an array of potential benefits, it also opens the door to significant risks to our data and systems if we do not adhere to strict security guidelines. These guidelines can come in the form of limiting users ability on the Internet or blocking it all together, incorporating virus protection and file scanning into these systems, and the use of firewalls to keep out unwanted users and data. Security is everyone's concern, and when the Internet is involved, should be taken with the utmost seriousness.

## USE OF INTERNET - POLICY

1. The City has software and hardware systems in place that can monitor and record all Internet usage. Every City employee should be aware that security systems are capable of recording for each individual user each chat, newsgroup, World Wide Web, file transfer, and email into and out of City networks and the City reserves the right to record and monitor Internet activity at any time. No employee should have any expectation of privacy with respect to his or her Internet usage from a City owned asset. Incidental personal use is allowed as long as it does not limit or impede the employee's ability to perform their duties.
2. The City of Williamsburg reserves the right to inspect any and all files that are stored in private areas of our network in order to assure compliance with set policies.
3. The display of any type of sexually explicit image or document on any City owned asset is a direct violation of the City's policy on Sexual

Harassment, and will not be tolerated. Sexually explicit material may not be stored, archived, emailed or otherwise distributed, edited, or recorded using the City of Williamsburg's network or any assets belonging to the City, and will subject the offending employee to disciplinary action.

4. The City's Internet connection or assets shall not be used to violate any laws and regulations of the United States or any other nation, or the laws and regulations of Virginia, the City of Williamsburg or of any other state, city, or locality.
5. Employees should use caution when downloading files from the Internet. These files may contain viruses that can infect and cause harm to City systems or data. The City reserves the right to limit individual users ability to download files from the Internet.
6. The City's Internet connection shall not be used to propagate any virus, worm, Trojan horse, or back door program.
7. The City has installed numerous firewalls, proxies, and virus protection systems to protect the infrastructure and data belonging to the City. No employee shall attempt to disable or otherwise circumvent these systems.
8. Computers with modems have the potential to create their own connection to the Internet, thereby bypassing security measures. Only those computers specifically authorized by the Information Technology Director may have an independent dial up connection.
9. Access to the Internet is setup by Information Technology at the discretion of the employee's supervisor. Use of the Internet from a City owned asset is a revocable privilege and may be taken away at any time on the advice of the employee's supervisor or department head.

## USE OF SOCIAL MEDIA – BACKGROUND

### PURPOSE

The City of Williamsburg emphasizes excellent customer service, valuing the roles individuals play within the organization as well as creating an external sense of community, and measuring its performance against public expectations. As such, the City of Williamsburg has chosen to expand the scope of its communications plan to include social networking and other technologies in order to reach a broader audience. The City of Williamsburg encourages the use of social media to enhance citizen education, understanding and engagement.

It is extremely important that the City of Williamsburg take a measured, strategic approach to the implementation of social media to avoid potentially damaging consequences such as the presence of out-of-date information, the failure to provide appropriate information to citizens who have requested it, or the misrepresentation of City of Williamsburg's policies, services or values.

The City Manager shall approve what social media outlets may be suitable for use by the City and its departments. All departments requesting a presence on an approved social media site must submit a written request to the City Manager. Once approved, the Department head will meet with the Communications Specialist to establish the social media account.

### DEFINITIONS

#### SOCIAL MEDIA

Generally, social media is any electronic site or online process designed to facilitate simple and streamlined communication between users. Social media sites differ from conventional communication media such as online newspapers and magazines in that they tend to be less structured and complex, and more friendly, personal, and intimate in nature, and they tend to offer tools which allow for quick, unfiltered, and often spontaneous communication opportunities.

#### SOCIAL NETWORK

For the purposes of this document, the term "social network" or "social networking" refers to any interaction between a participant and any site deemed by the City of Williamsburg to be social media, including, but not limited to: Facebook, GovLoop, LinkedIn, MySpace, Plaxo, Twitter, and YouTube. Interaction includes accessing the website of such social media sites as well as sending to or receiving from such sites any emails, text messages, or any other electronic interaction.

## OFFICIAL

In terms of this policy, 'official' refers to any site or process set up by the City of Williamsburg, its employees, agents, or contractors, which serves to communicate information on behalf of the City of Williamsburg or engage citizens in discussion about topics, services, or processes under the auspices of the City of Williamsburg.

## MODERATOR

Moderators are users (or employees) of a blog or social media site who are granted access to the posts and threads of all members for the purpose of moderating discussion (similar to arbitration) and also keeping the forum clean (neutralizing spam and spambots etc.) Moderators also answer users' concerns about the forum, general questions, as well as respond to specific complaints. Common privileges of moderators include: deleting, merging, moving, and splitting of posts and threads, locking, renaming, stickying of threads, banning, suspending, unsuspending, unbanning, warning the members, or adding, editing, removing the polls of threads.

Essentially, it is the duty of the moderator to manage the day-to-day affairs of a forum or board as it applies to the stream of user contributions and interactions. The relative effectiveness of this user management directly impacts the quality of a forum in general, its appeal, and its usefulness as a community of interrelated users.

## USE OF SOCIAL MEDIA - POLICY

1. All City of Williamsburg appearances on social media sites or services are considered an extension of the City's information networks and are governed by the Acceptable Use Policy for Information Technology Systems contained in the City of Williamsburg Personnel Manual.
2. Departments that use social media are responsible for complying with applicable federal, state, and local laws, regulations and policies. This includes adherence to established laws and policies, including but not limited to those regarding copyright, records retention, The Virginia Freedom of Information Act (FOIA), the United States Constitution and Virginia Constitution, state and federal privacy laws, and information security policies established by the City.
3. Wherever possible, links to more information should direct users back to the City's official website for more information, forms, documents or online services necessary to conduct business with the City.
4. Employees representing the City via social media outlets must conduct themselves at all times as representatives of the City. Employees that fail to conduct themselves in an appropriate manner shall be subject to the disciplinary procedures outlined in the City of Williamsburg Personnel Manual and the Acceptable Use Policy for Information Technology

## Systems.

5. The City of Williamsburg will monitor content on each department's social media sites to ensure adherence and compliance with the Social Media Policy for use, messages, and branding consistent with the goals of the City.
6. Violations of these standards may result in the removal of department pages from social media outlets.
7. Employees shall have no expectation of privacy when using social media sites.
8. Employees who are authorized to use social media must also fulfill those duties identified in their job descriptions.
9. Only authorized social media sites may be used by City staff on behalf of the City of Williamsburg. Only employees authorized by the Department may moderate or post to social media sites on behalf of the City of Williamsburg
10. Using personally owned equipment to manage Department social media is prohibited except when authorized by the City Manager in writing.

## Author and Commenter Identification

1. Employees posting to all City of Williamsburg social media sites shall be clearly identified. Anonymous postings are not permitted.
2. Enrollment of public commentators shall be accompanied by valid contact information, including a name, address, phone number and email address.

## Ownership and Moderation

1. The content of each City of Williamsburg social networking site shall be owned by the City of Williamsburg and shall be the sole responsibility of the department producing and using the site.
2. Documents and articles submitted to a City of Williamsburg site shall be moderated by the department head or a trained moderator designated and authorized by the department head. All employees must be authorized by the department head and participate in training prior to participating on a social media site on behalf of the City of Williamsburg.

## Blog Comments & Responses

1. All blog articles and comments shall be reviewed and approved by the department head or a trained moderator designated and authorized by the department head before posting on a City of Williamsburg blog.
2. All blog articles and comments submitted for posting with attached content shall be scanned using antivirus technology prior to posting.
3. The linked content of embedded hyperlinks within any City of Williamsburg blog articles or blog comments submitted for posting shall be evaluated prior to posting. Any posted hyperlinks shall be accompanied by a disclaimer stating that the City of Williamsburg guarantees neither the authenticity, accuracy, appropriateness nor security of the link, web site or content linked thereto.

## Specific Department Requirements

Some departments may require more specific policies regarding social media utilized by the department. Departments will create and adopt said policies prior to participating in any social media site. Those policies shall be submitted to the Communications Specialist and approved by the City Manager. Subsequent amendments will be submitted to the Communications Specialist prior to implementation.

## Participating in Social Networking – Guidance for Employees

The City of Williamsburg understands that social networking and Internet services have become a common form of communication in the workplace and among stakeholders and citizens. Social networks are online communities of people or organizations that share interests and/or activities and use a wide variety of Internet technology to make the interaction a rich and robust experience. Employees who choose to participate in social networks as a City employee should adhere to the following guidelines.

1. City policies, rules, regulations and standards of conduct apply to employees who engage in social networking activities while conducting City business. Use of your City e-mail address and communicating in your official capacity will constitute conducting City business.
2. City employees shall notify their supervisor and the IT department if they intend to create a social networking site or service to conduct City business.
3. Departments have the option of allowing employees to participate in existing social networking sites as part of their job duties. Department Heads may allow or disallow employee participation in any social networking activities in their departments.

4. Protect your privacy, the privacy of citizens, and the information the City holds. Follow all privacy protection laws, i.e., HIPAA, and protect sensitive and confidential City information.
5. Follow all copyright laws, public records laws, retention laws, fair use and financial disclosure laws and any others laws that might apply to the City or your functional area.
6. Do not cite vendors, suppliers, clients, citizens, co-workers or other stakeholders without their approval.
7. Do not use ethnic slurs, profanity, personal insults, or engage in any conduct that would not be acceptable in the City's workplace. Avoid comments or topics that may be considered objectionable or inflammatory.
8. If you identify yourself as a City of Williamsburg employee, ensure your profile and related content is consistent with how you wish to present yourself to colleagues, citizens and other stakeholders.
9. Correct your mistakes, and don't alter previous posts without indicating that you have done so. Frame all postings in a positive manner.
10. Add value to the City of Williamsburg through your interaction. Provide worthwhile information and perspective.
11. When using your own personal social networking site, make it clear that you are speaking for yourself and not on behalf of the City of Williamsburg or in your capacity as a City employee. Employees may not engage in social networking activities while on duty, while in uniform, while displaying their badge of authority or City insignia or while on City property. Employees may be disciplined for comments made on social networking sites that violate confidentiality requirements, reflect badly on the City of Williamsburg, or otherwise violate City policy. You should be aware that materials published on social networking sites, even if intended to be private, may not remain private. Personal correspondence with subjects associated in any way with the City should clearly state that you are speaking in your individual capacity and not as a City employee.

## 709 POLICE, FIREFIGHTER, AND EMT PHYSICAL FITNESS POLICY

All active duty public safety employees (sworn police officers, and certified firefighters and emergency medical technicians) must be physically fit to perform the essential functions of their jobs. As set forth in the job descriptions for public safety employees, physical fitness is required given the strenuous and stressful nature and physical demands of the work of the police force and fire service.

The City and the employee share a responsibility to do all that is reasonably possible to ensure every public safety employee is fit for duty at time of hire, and remains fit for duty throughout the employee's career. For its part, the City requires and pays for one annual physical examination by a physician of the City's choice for each public safety employee. Additionally, the City at the Department level, provides physical fitness exercise opportunities and health and fitness education programs, as it deems best suited to the needs of the Department and its employees.

The primary means of assessing the fitness for duty of each individual, and assisting each individual with maintaining fitness for duty, is the annual physical and consultation with the City's physician. The City's physician will report the results of the annual physical examination to the employee and to the employer. On the basis of the annual physical and such other factors as deemed relevant by the City's physician and based on the demands of the employee's position, the physician will categorize the employee as "Fit for Duty," "Not Fit for Duty," or "Marginally Fit for Duty."

Employees categorized as "Fit for Duty" have no apparent existing or developing medical conditions that constitute a risk to themselves or others in the performance of their employment duties and appear to the physician to maintain a healthy weight, fitness level and lifestyle.

Employees categorized as "Not Fit for Duty" have medical condition(s) that cause immediate risk to themselves or others when performing employee's employment duties. Those employees will be removed from normal duty

and may be processed for employment termination subject to the requirements of the Americans with Disabilities Act, the Family Medical Leave Act, and other applicable state and federal law, and which shall also include disability retirement, if applicable.

Employees categorized as “Marginally Fit for Duty” have a medical condition that does not constitute an immediate risk to the employee or others, but left unattended and untreated, may, in the future, cause a more serious health condition to develop that may constitute a risk to the employee or others. Those employees will be placed in a monitoring status for a period of time as prescribed by the City’s physician, at which point the physician will categorize the employee as either “Fit” or “Not Fit” for duty, or if there is partial improvement, continue the monitoring status for a further defined period. The City expects a marginally fit employee to follow the recommendations of the physician, and to take whatever steps are reasonable within their power to remediate and/or control the medical condition necessitating the status of “Marginally Fit for Duty”. Failure to take the actions recommended by the physician may result in a determination that the employee is not fit for duty, depending on the risks associated with the employee’s medical condition.

A subset of employees found “Marginally Fit for Duty” will be those identified by the City’s physician as requiring weight loss to be fully fit for duty.

The City’s physician will assess the weight of the public safety employee as part of the annual physical. If the physician determines, based on factors applying to each individual employee, that said employee is not at a healthy weight given all medical factors related to that employee, the physician conducting the annual physical will assign, in consultation with the employee, a weight goal for the employee and a reasonable time frame in which the employee should meet that weight goal. At the end of the time, the employee’s progress in achieving said goal will be assessed by the physician and the City.

Failure to attain significant progress toward achieving the established weight goal, during the time frame established by the physician, and/or failure to cooperate with the physician and the City in working toward that healthy weight goal, will be taken into account as a negative factor in

determining merit raise eligibility and/or amounts, and eligibility for available promotions.

The Chief of Police and the Fire Chief of the City are charged with implementing this Fitness Policy within their respective departments, for assessing the effectiveness of the policy, and for making recommendations for any amendments.

## 801 DISCIPLINARY PROCESS

One of the primary tasks of a supervisor is the administration of discipline. Discipline can be positive or negative; it may involve encouragement, inspiration, training or imposition of negative sanctions. It has, as its immediate purpose, the channeling of individual effort into effective and productive action.

The exercise of positive discipline requires foresight and planning rather than merely reaction. It involves an evaluation of the human factor which, when combined with proper training, motivation, and recognition of individual and group effort, results in self-discipline.

The exercise of negative discipline may range from a warning, where the immediate effect is on the individual, to termination, where the positive result derived is in the reassurance of other employees as to unacceptable limits of conduct. In each case, care must be exercised to make the proper choice of action to obtain a desired and just result.

In the administration of discipline, a supervisor must consider the totality of the circumstances surrounding an allegation of misconduct. Decisions must consider the individual's interest as well as the probable effect upon the attainment of City objectives.

To be effective, discipline must not only be fair in its application; it must also follow within a reasonable time the act which it is intended to correct. Therefore, there must be a prompt resolution of disciplinary cases.

Discipline is essential to the efficient and orderly accomplishment of City objectives. The purpose of this section is to set forth procedures for recommending disciplinary action including oral and written reprimands, suspension, demotions, or termination of employment.

1. Disciplinary System. The City discipline system includes:
  - a. Procedures for rewarding employees including letters of commendation, inclusion of such information in annual

performance evaluations, recommendations for special awards and recognition by citizen groups.

- b. Procedures for using training as a positive process in discipline to overcome difficulties and improve performance.
- c. Procedures for using counseling, by persons from within the City or from outside, as a positive process in discipline to assist employees in growth and development.
- d. Procedures for punitive actions in the interest of discipline.

## 2. Rewards/Recognition

- a. Normally, within the City, good work, praiseworthy and commendable effort on the part of an employee can be recognized in a variety of ways, including verbal supervisory comment, on annual performance evaluations, written commendation, letters, and/or recommendations to the Department Head.
- b. When positive feedback concerning an employee's performance is received from individuals outside the department, a record should be made of such comments and the information and thanks passed to the employee and the employee's supervisor. A copy of all correspondence is placed in the individual's personnel file.
- c. Truly exceptional acts should be clearly and promptly identified to the Department Head. Such acts may be performed in a manner exceeding high levels of professional conduct expected of City employees. The official commendation of such performance and the arrangement of appropriate publicity shall be provided by the City.
- d. Section 309 sets forth procedures for the City's "Employee Excellence" awards program service as an on-going means of identifying and recognizing superb performance.

### 3. Punitive Disciplinary Actions

- a. Punitive disciplinary actions may include warning, oral or written reprimand, suspension with or without pay, reduction in pay, demotion or termination. Negative personnel actions may include probation, close supervision, performance evaluation, transfer, and termination.
- b. As appropriate, punitive disciplinary action and/or negative personnel actions may be taken for any of the following reasons;
  1. Incompetent or inefficient performance of duty or inattention to or dereliction of duty.
  2. Insubordination, discourteous treatment of the public or a fellow employee, or any act of omission or commission of similar nature tending directly to discredit or injure the public service or to jeopardize the effective functioning of the service; or any willful violations of the provisions of this article or the rules and regulations.
  3. Mental or physical unfitness for the position, which the employee holds.
  4. Conviction of a felony or of a misdemeanor involving moral turpitude or a pattern of misconduct as displayed by a series of convictions of misdemeanors otherwise not involving moral turpitude, or a similar type of infraction.
  5. Failure to report to an appropriate superior authority, incompetence, misconduct, inefficiency, neglect of duty, or any other form of misconduct or negligence of which the employee has knowledge.
  6. Failure of a supervisory employee to take corrective action with regard to employees under their supervision.
  7. Violation of work rules, standards of conduct or

other provision of the Personnel Manual.

- c. Nothing in this section is limiting in the sense of charges against employees, because the alleged act or omission does not specifically appear in this manual, or in the laws or ordinances of which the City takes cognizance.

#### 4. Disciplinary Measures

- a. Oral Reprimand. Administered orally by the concerned supervisor with an informal memorandum prepared reflecting the facts. The memorandum will be prepared in original form only for reference as a supervisor's aid.
- b. Written Reprimand. Administered by the concerned supervisor with a copy to the employee, the Department Head, and the first line supervisor. This memorandum must include a complete statement of the charge(s), facts surrounding the incident, and the employee's signature and the signature of a witness who certifies the employee's receipt of the reprimand.
- c. Temporary Relief from Duty
  - 1. Any supervisor may temporarily relieve an employee from duty to prevent injury to the employee, other employees or citizens, or embarrassment or discredit to the City.
  - 2. Should the relieving supervisor be from outside the affected employee's regular command, the employee's supervisor shall be notified promptly by the most expeditious means.
  - 3. A detailed memorandum will be forwarded to the Department Head through the relieving supervisor's chain of command within twelve (12) hours following such event, with a copy to the employee's area of assignment.
- d. Suspension Without Pay, Demotions, Termination of Employment, or Transfer for Punitive Reasons.
  - 1. The Department Head is authorized to approve

disciplinary action up to and including suspensions, however only the City Manager may demote, terminate employment, or transfer for punitive reasons.

2. When a recommendation is made to suspend, demote, or terminate an employee, an action memorandum will be forwarded to the Department Head by the supervisor making the recommendation. The memorandum will include a complete statement of the charge, facts surrounding the incident, disciplinary action recommended, and the approval/disapproval blocks for each individual in the chain of command, including the City Manager. All background material, including the investigative file, will be available for review by the City Manager.

5. Supervisory Responsibility and Disciplinary Authority

- a. The role of supervisors is crucial in the disciplinary process. First line supervisors have the best opportunity to observe the conduct and appearance of employees and detect those instances when disciplinary actions are warranted (reward, remedial training, counseling or punishment). First line supervisors also have the opportunity to understand the personality traits of the personnel under their supervision and to determine the most effective methods of discipline.
- b. Except for gross, more serious breaches of discipline, supervisors should attempt to begin employee discipline with the least punitive measures, such as counseling. If these do not work, then increasingly severe measures may be required, such as reprimands, both oral and written. While this process may take some time, it is important that each employee be dealt with justly as an individual, and in a manner that clearly indicates that positive, constructive measures to change behavior or performance preceded the imposition of more negative sanctions.

1. Counseling. Whenever employee performance, attitude, work habits, or personal conduct on the job at any time falls below a desirable level, supervisors shall inform employees promptly and specifically of such lapses and give counsel and assistance. If justified, a reasonable period of time for improvement may be allowed before initiating further disciplinary action.
  - a. Supervisors are responsible for counseling employees on job-related matters, within their capabilities. Since many things can have an impact on an employee's job performance, job-related counseling may also involve family as well as other individual, personal subjects. Counseling may include: 1. identification of unacceptable behaviors or actions, (i.e., specifically what was done wrong); 2. what the desired or acceptable performance is; 3. attempt to determine the reason for the particular behavior; and 4. determine and recommend how to correct or improve performance or to solve the problem.
  - b. The chain of command may be used effectively in the counseling process as counseling by the first line supervisor, Department Head, or City Manager may be associated with a more severe level of counseling.
  - c. There are a variety of counseling resources available in the community; e.g., family, marital, financial, etc. Employees in need of counseling or supervisors desiring information about such resources are encouraged to talk with their Department Head. The City attaches no stigma to individuals who seek professional counseling to address individual problems since it is recognized that unresolved

problems may have an adverse impact on job performance. Some counseling is available at no, or minimal, cost, and some cost may be borne by health insurance.

2. Oral Reprimand. Employees who break a rule are not problem employees unless they are habitual offenders. A conference is desirable. It is the first step in the official disciplinary procedure. This discussion, in which the supervisor tries to reach an understanding of the causes for the offense and to impress upon the employee the need for corrective action, is called an oral reprimand. No formal, written record is kept of oral reprimands, although the supervisor should know when the discussion was held and the topic discussed.
3. Written Reprimand. Should oral reprimands fail to achieve improve behavior it is likely a written record is needed. This is called a written reprimand. It discusses the nature of the employee's offense, the efforts made previously to correct the problem, and often it warns the employee of future actions that may be taken if the matter is not corrected. First line supervisors may issue a written reprimand to any employee under their command. A copy of the written reprimand will be provided to both the Department Head and to the City Manager.
4. Suspension from duty, with or without pay, may be accomplished by the Department Head or by the City Manager. A first line supervisor may immediately suspend from duty any employee who reports to work intoxicated or otherwise unfit for service. Such suspension will be reported to the Department Head or City Manager who will confirm and authorize such suspension in writing.

c. Training

Training can be a positive, constructive method to handle an employee's inability to properly perform, and to correct improper action. With a wide range of employee backgrounds, training, and longevity, no supervisor should assume that all their employees know everything. When an employee performs in an unacceptable manner or displays a lack of understanding of a process or procedure, the first thing a supervisor should attempt to identify is the employee's actual state of training and knowledge. If a knowledge or understanding gap exists, training can be the positive mechanism to overcome that.

6. The City Manager will review all disciplinary actions in order to identify a needed change in policies, procedures, rules and regulations that may prevent allegations of misconduct, or to modify or expand training.

## SAMPLE WRITTEN REPRIMAND

Mr. John Smith  
401 Lafayette Street  
Williamsburg, Virginia 23185

You are hereby given this letter of reprimand effective December 5, 1991. This letter is based on a violation of the City of Williamsburg Personnel Manual, specifically, Section 703 - Courtesy and Telephone Etiquette.

On December 2, 1991 you were rude to a citizen on the telephone, saying words to the effect, "Lady, I don't have time for your problem". Investigation by your supervisor has shown this conduct to be a violation of City Personnel Rules.

You have been previously counseled about the need for courtesy to the public. Any repetition of this behavior will result in my recommendation for suspension or dismissal.

City Department Head

December 5, 1991

I certify that I have read this notification and acknowledge receipt of the original copy.

Date Signed

Signature of Mr. John Smith

Date Signed

Signature of Witness

cc: City Manager  
Supervisor/Department Head

## CITY OF WILLIAMSBURG

Effective Date: 07-11-91

Revision Date: 02-01-94

Revision Date: 06-15-03

Revision Date: 03-01-05

Revision Date: 06-13-14

## 802 GRIEVANCE PROCEDURE

### Objective:

To afford an immediate and fair method for the resolution of disputes which may arise between the City of Williamsburg and its employees.

### Coverage of Personnel:

All full-time, non-probationary City employees, except department heads and managerial employees engaged in policy determination unless otherwise provided by state or federal law. Temporary employees and entry level probationary employees are also excluded from coverage. Managerial employees below the department head level may file grievances regarding disciplinary action involving dismissal (whether resulting from formal discipline or unsatisfactory job performance), involuntary resignation, demotion and suspension. Employees in a promotional probationary status are covered, except with respect to rescinding the promotion per Section 110.

Excluded from the procedure are such law enforcement officers as defined in Section 9.1 500-507, Code of Virginia, whose grievance is subject to provisions of Section 9.1 500-507, and who have elected to proceed pursuant to Section 9.1 500-507 in resolution of their grievance.

The City Manager shall determine the officers and employees excluded from the grievance procedure, and shall be responsible for maintaining an up-to-date list of the affected positions.

### Definition of GRIEVANCE:

A grievance shall be a complaint or dispute relative to an employee's employment including (but not necessarily limited to):

- a. Disciplinary actions, including dismissals (whether resulting from formal discipline or unsatisfactory job performance or an involuntary resignation) demotions and suspensions.
- b. Concerns regarding the application of personnel policies, procedures, rules and regulations, including the application of policies involving matters referred to in subdivision a. under complaints which are not grievable.
- c. Acts of reprisal for using the grievance procedure or of participation in the grievance of another City employee.
- d. Complaints of discrimination based on race, color, creed, sex, political affiliation, age, handicap, national origin, OR sexual orientation.
- e. Acts of retaliation because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, or has sought any change in law before the Congress of the United States or the General Assembly of Virginia, or has reported an incident of fraud, abuse or gross mismanagement.

Some complaints are not grievable under this procedure. They involve:

- a. The contents of ordinances, statutes or established personnel policies, procedures, rules and regulations.
- b. Work activity accepted by the employee as a condition of employment or work activity which may be reasonably expected to be a part of the job content (the measurement and assessment of work activity through a performance evaluation shall not be grievable, except where the employee can show that the evaluation was arbitrary or capricious).
- c. Establishment and revision of wages or salaries, position classification or general benefits.

- d. Failure to promote except where the employee can show established promotional policies or procedures were not followed or applied fairly.
- e. The methods, means and personnel by which such work activities are to be carried on.
- f. Termination, demotion, lay-off 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 re-instated within the previous six (6) months as a result of the final determination of a grievance, (In any grievance brought under the exception stated in this paragraph #f, the action shall be upheld on a showing by the City that
  - (i) there was a valid business reason for the action:
  - (ii) the employee was notified of such reason in writing prior to the effective date of the action).
- g. The hiring, promotion, transfer, assignment and retention of employees.
- h. The relief of employees from duties in emergencies.

Management Rights:

Nothing in this procedure is intended to circumscribe or modify the City's right to do the following:

- a. Direct the work of its employees as well as establish and revise wages, salaries, position classifications and general employee benefits.
- b. Hire, promote, transfer, assign and retain employees (provided such actions do not constitute disciplinary actions).
- c. Maintain the efficiency of governmental operations.
- d. Relieve employees from duties of the City in emergencies.
- e. Determine the methods, means and personnel by which operations are to be carried on.

### Grievability:

Decisions regarding whether or not a matter is grievable shall be made by the City Manager at the request of the Department Head or grievant, and such decision shall be made within ten (10) calendar days of such request. Such determination of grievability shall be made subsequent to the reduction of the grievance in writing but prior to the panel hearing. A copy of the decision shall be sent to the grievant. Decisions of the City Manager may be appealed by the grievant to the Circuit Court of the City of Williamsburg for a hearing de novo on the issue of whether the grievance qualifies for a panel hearing. Proceedings for review of the decision of the City Manager shall be instituted by filing a notice of appeal with the City Manager within ten (10) calendar days after the date of the decision and giving a copy thereof to all other parties. Within ten (10) calendar days thereafter, the City Manger shall transmit to the Clerk of the court to which the appeal is taken, a copy of the decision of the City Manager, a copy of the notice of appeal and the exhibits. A list of the evidence furnished to the Court shall also be furnished to the grievant. The failure of the City Manager to transmit the record 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 City Manager to transmit the record on or before a certain date as provided in Section 2.1-114.5:1E, Code of Virginia. Within thirty (30) days of receipt of such records by the Clerk, the Court, sitting without a jury, shall hear the appeal on the record transmitted by the City Manager and such 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 City Manager or may reverse or modify the decision. The decision of the Court shall be rendered no later than the fifteenth (15th) day from the date of the conclusion of the hearing. The decision of the Court is final and may not be appealed.

The issue of grievability may occur at any step of the procedure prior to the panel hearing but, once raised, the issue must be resolved before further processing of the grievance. In any event, the issue of

grievability must be resolved prior to the panel hearing or it shall be deemed to have been waived.

The classification of a complaint as non-grievable shall not be construed to restrict any employee's right to seek, or management's right to provide, customary administrative review of complaints outside of the scope of the grievance procedure.

Policy:

All stages of the grievance beyond the first step shall be in writing on forms supplied by the Department Head or the City Manager. With the exception of the final management step, the only persons who may be present in the management step meetings are the grievant, the appropriate manager at the level at which the grievance is being heard, and appropriate witnesses for each side. Witnesses shall be present only while actually providing testimony. At the final management step, the grievant, at his or her option, may have present a representative of his or her choice. If the grievant chooses to be represented by legal counsel, management may also be represented by legal counsel.

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

After the initial filing of a written grievance, failure of either party to comply with all substantial procedural requirements of the grievance procedure, including the panel hearing, without just cause will result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the noncompliance within five (5) working days of receipt of written notification by the other party of the compliance violation. Such notification by the grievant shall be made to the City Manager. The City Manager, at his option, may require a clear written explanation of the basis for just cause extensions or exceptions. The City Manager shall determine compliance issues. Compliance determinations made by the City Manager shall be subject to judicial review by filing a petition with the Circuit Court within thirty (30) days of the compliance determination.

## Procedure

### **First Step: Supervisor Level**

#### **Part A.**

Within thirty (30) days after the occurrence or condition giving rise to the grievance, the employee affected shall identify the grievance verbally to the employee's immediate supervisor. Within five (5) working days of such presentation, the supervisor shall give his or her response to the employee with respect to the grievance.

#### **Part B.**

If a satisfactory resolution is not reached by this process, the employee should reduce the grievance to writing, identifying the nature of the grievance and the expected remedy on Grievance Form A. Such written grievance should be presented to the immediate supervisor within five (5) working days of the supervisor's verbal reply. The supervisor must then reply in writing within five (5) working days.

### **Second Step: Department Head Level**

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

A second step written reply to the grievance shall be provided to the employee within five (5) working days after the second step meeting.

### **Third step: Upper Management Level**

If a satisfactory resolution is not reached at the second step, the employee may submit the grievance to a department head, designated by the City Manager, who is not involved with the grievance being heard. Submission to the third step must occur

within five (5) working days of the second step reply. The designated department head will meet with the employee within five (5) working days. The employee may have legal counsel or a fellow employee of his or her choice present at the third step meeting. If the employee chooses to be represented by legal counsel, management may, at its option, choose to be represented by counsel. Management shall render a written reply to the grievant within five (5) working days following the third step meeting. A copy of the reply shall be given to the City Manager.

#### **Fourth Step: Panel Hearing**

If the reply from the third step meeting is not acceptable to the grievant, he or she may submit the grievance to a fourth step panel hearing. The request for a fourth step panel hearing shall be indicated by the employee on Form B and submitted to the designated department head. A request for panel hearing must be submitted within five (5) working days of the third step reply.

If an issue of the grievability of the grievant's claim has not been previously raised and ruled on in accordance with the previous section herein entitled "Grievability", then the designated department head shall have five (5) working days from receipt of the request for panel hearing to raise the issue as to the grievability of the claim. If the designated department head shall elect to raise such question, then he shall before expiration of said five (5) working day period forward a request for a ruling as to grievability to the City Manager and shall also forward a copy of said request to the grievant.

The City Manager shall make a determination as to whether the matter is grievable, such decision being subject to appeal by the grievant in the Circuit Court, as previously set out under the section of Grievability. Once the matter is determined to be grievable, or if the issue of grievability is not raised by the City, the designated department head shall then submit the request (Form B) with a copy of the grievance (Form A) to the City Manager who will arrange for the panel selection and schedule the panel hearing.

A panel shall consist of three (3) members who shall be selected from among the City's administrative staff, its operational staff and non-management employees. No person involved in an earlier phase of the particular grievance may serve on the panel.

To insure an impartial panel, such panel shall not be composed of any persons having direct involvement with the grievance being heard, or with the problem giving rise to the grievance. Managers who are in a direct line of supervision of a grievant and the following relatives of a participant in the grievance process or a participant's spouse are prohibited from serving as panel members: spouse, parent, child, descendants of a child, sibling, grandparent, 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 panel member.

The panel shall be composed of three (3) members and shall be chosen in the following manner: One (1) member shall be selected by the City Manager and One (1) member by the grievant. The members chosen in this manner shall choose the final panel member who shall be the chairperson of the panel.

The grievant and the City Manager shall select their respective panel members within five (5) working days following the receipt of grievant's request for a panel hearing if no issue as to grievability is raised, or within five (5) working days following the receipt of the decision that the grievant's claim is grievable, if the issue of grievability is raised. The full panel selection shall be completed within five (5) working days. However, this time limit may be extended in instances where the agreement on a third panel member has not been reached. In such instances, the City shall within five (5) working days request its chief judge of the Circuit Court for the City of Williamsburg to select a third panel member.

Panels chosen in compliance with these requirements shall be deemed impartial. In the event that agreement cannot be reached as to the final panel member, the chief judge of the

Circuit Court of the jurisdiction within which the dispute arose shall select such third panel member.

After all members have been appointed, the panel shall set the time for the hearing and notify the employer and the grievant.

The parties should not discuss the substance of any grievance or the problem-giving rise to the grievance with any panel members prior to the hearing. Any matters requiring the attention of the panel should be communicated in writing with copies to all parties.

The hearing shall be held no later than five (5) working days after the final panel members have been selected. The grievant may have present at this meeting representatives of his or her choice. Copies of the grievance (Form A) shall be sent by the designated department head to the panel members.

The majority decision of the panel shall be final and binding in all its determinations and shall be consistent with law and written policies.

The question of whether the relief granted by a panel is consistent with the written policy shall be determined within thirty (30) calendar days by the City Manager unless the City Manager 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 of the City of Williamsburg.

The panel has the responsibility to interpret the application of appropriate agency policies and procedures in the case. It does not have the prerogative to formulate or to change policies or procedures.

These provisions are intended to facilitate fair and expeditious hearings with the understanding that the hearings are not intended to be conducted like proceedings in courts, and that rules of evidence do not necessarily apply.

The conduct of the hearing shall be as follows:

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

hearing. The grievance procedure is an administrative process designed for the resolution of sensitive personnel matters, and the panel hearing is the concluding step of the administrative process. Therefore, to protect the privacy of the parties and other employees, it is recommended that the persons present at the panel hearing be limited to the grievant, the panel members, the legal counsel and/or other representatives of the grievant and the agency, appropriate witnesses and official recorders. The panel, however, has the specific and final authority to determine the propriety of attendance at the hearing of all persons not having a direct involvement in the hearing, provided that at the request of either party, the hearing shall be private. While at the panel's discretion City personnel officers may be present in some hearings and may be called upon as witnesses, they shall not be present or advise the panel during its private sessions and deliberations.

- b. The City shall provide the panel with copies of the grievance record prior to the hearing, and provide the grievant with a list of the documents furnished to the panel; and the grievant and his attorney, ten (10) days prior to the scheduled panel hearing, shall be allowed access to and copies of all relevant files intended to be used in the grievance proceeding. Documents, exhibits and lists of witnesses shall be exchanged between the parties at least forty-eight (48) hours in advance of the hearing.
- c. The panel may at the beginning of the hearing ask for statements clarifying the issues involved.
- d. Exhibits, when offered by the grievant or the City, may be received as evidence by the panel, and when so received shall be marked and made a part of the record.
- e. The grievant and management, or their representatives, shall then present their claims and proofs, and witnesses who shall submit to questions or other examination. The parties may offer evidence and shall produce such

additional evidence, as the panel may deem necessary to an understanding and determination of the dispute. The panel has the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of the evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence. The panel shall be the judge of relevancy and materiality of the evidence offered. All evidence shall be taken in the presence of the panel and of the parties, except by mutual consent of the parties.

- f. The panel chairman shall specifically inquire of all parties whether they have any further proofs to offer or witnesses to be heard. Upon receiving negative replies, the chairman shall declare the hearing closed.
- g. The hearings may be reopened by the panel on its own motion or upon application of a party of good cause shown at any time before the award is made.

The decision shall be filed in writing by the panel chairman with the City not later than five (5) working days after the completion of the hearing. The decision shall be made in the format attached to this policy.

Copies of the decisions shall be transmitted to the City Manager, the employee and the employee's supervisor. Either party may petition the Circuit Court for implementation of the panel decision.

The parties to the grievance, by mutual agreement, or the panel chairman, may extend any or all of the time periods established by this procedure.

The grievant must bear any cost involved in employing representation or in preparing or presenting his case.

### GENERAL PROVISIONS

An employee who has voluntarily resigned may not have access to the grievance procedure after the effective date of the resignation.

An employee who has been removed shall not have access to the City grievance procedure, except to grieve a removal resulting from formal discipline or involuntary resignation. Such grievance must be filed within thirty (30) calendar days of the dismissal date.

Any grievance initiated by a full-time, classified City employee prior to separation from service may, at the employee's option, continue to be processed through the grievance procedure.

**GRIEVANCE FORM A**

Grievant \_\_\_\_\_ Position and Department \_\_\_\_\_

Date Submitted \_\_\_\_\_ Date Grievance Occurred \_\_\_\_\_

Nature of Grievance \_\_\_\_\_

Specific Relief Expected \_\_\_\_\_

First Step Remedy \_\_\_\_\_

	_____ Supervisor	_____ Date
Acceptable _____ Not Acceptable _____	_____ Grievant	_____ Date

Second Step Remedy \_\_\_\_\_

	_____ Management	_____ Date
Acceptable _____ Not Acceptable _____	_____ Grievant	_____ Date

Third Step Remedy \_\_\_\_\_

	_____ Management	_____ Date
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**GRIEVANCE FORM B**

**PART I - Grievant's Panel Hearing Request**

(Must be submitted to the City Manager within five (5) working days of Grievant's receipt of Third Step grievance reply.)

Grievant: \_\_\_\_\_ Position/Unit \_\_\_\_\_

Date Grievance Occurred: \_\_\_\_\_

Date of Grievant's Receipt of Notice of Third Step Remedy: \_\_\_\_\_

The undersigned Grievant hereby submits the grievance stated on Form A filed in this matter on \_\_\_\_\_, to the Fourth Step panel hearing as provided in the City of Williamsburg Grievance Procedure.

Date of delivery of hearing request: \_\_\_\_\_  
\_\_\_\_\_ Grievant

Date of receipt of hearing request: \_\_\_\_\_  
\_\_\_\_\_ City Manager

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**PART II - Determination of Grievability**

(Issue of grievability must be submitted to City Manager within five (5) working days of receipt of hearing request; City Manager's decision to be made within ten (10) calendar days of such request. If designated Department Head does not elect to submit question of grievability to City Manager, then skip PART II and go to PART III.

I hereby request the City Manager determine whether the Grievant's complaint is grievable.

Date: \_\_\_\_\_  
\_\_\_\_\_ Department Head

Received: \_\_\_\_\_  
\_\_\_\_\_ City Manager

(Copy of request for determination of grievability must be sent or delivered to Grievant. Noted date when accepted: \_\_\_\_\_).

The City Manager has made the following determination of grievability of Grievant's complaint: (City Manager to check appropriate box, sign and date.)

The complaint IS grievable  \_\_\_\_\_  
City Manager Date

The complaint is NOT grievable  \_\_\_\_\_  
City Manager Date

The complaint is grievable IN PART  \_\_\_\_\_  
City Manager Date

The parts which are NOT grievable are (state specific parts and reasons for determination): \_\_\_\_\_

The reasons for the City Manager's findings are as follows:

Notice of determination regarding grievability has been mailed "or delivered" to Grievant on \_\_\_\_\_

\_\_\_\_\_  
City Manager

(If matter is determined to be grievable, City Manager will arrange for panel selection and schedule hearing as to the grievable issues.)

PART III - Panel Selection

(Must be completed within five (5) working days of Grievant's request for hearing if issue of grievability is not raised, or within five (5) working days of City Manager's determination that matter is grievable if submitted for his determination. The two members chosen must select a third member within the same five (5) day period.)

The City Manager selects the following panel member:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

Date \_\_\_\_\_

\_\_\_\_\_  
City Manager

The Grievant selects the following panel member:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

Date: \_\_\_\_\_

\_\_\_\_\_  
Grievant

The above-named panel members select the following third panel member:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

Date: \_\_\_\_\_

\_\_\_\_\_  
Panel Member

Date: \_\_\_\_\_

\_\_\_\_\_  
Panel Member

The parts which are NOT grievable are (state specific parts and reasons for determination): \_\_\_\_\_

The reasons for the City Manager's findings are as follows:

Notice of determination regarding grievability has been mailed "or delivered" to Grievant on \_\_\_\_\_

\_\_\_\_\_  
City Manager

(If matter is determined to be grievable, City Manager will arrange for panel selection and schedule hearing as to the grievable issues.)

PART III - Panel Selection

(Must be completed within five (5) working days of Grievant's request for hearing if issue of grievability is not raised, or within five (5) working days of City Manager's determination that matter is grievable if submitted for his determination. The two members chosen must select a third member within the same five (5) day period.)

The City Manager selects the following panel member:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

Date \_\_\_\_\_

\_\_\_\_\_  
City Manager

The Grievant selects the following panel member:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

Date: \_\_\_\_\_

\_\_\_\_\_  
Grievant

The above-named panel members select the following third panel member:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

Date: \_\_\_\_\_

\_\_\_\_\_  
Panel Member

Date: \_\_\_\_\_

\_\_\_\_\_  
Panel Member