

TOWN OF WEST POINT EMPLOYEE PERSONNEL POLICY HANDBOOK



As an employee of the Town of West Point, you represent the Town and share the responsibility for building good public relations for the Town. By performing efficiently and accurately in your daily work, you contribute to the Town's success. By exercising courtesy and alertness in all direct dealings with the public, you influence the Town's prestige and uphold its goal of service to the community.

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I. **General Provisions**

A. **Applications**

Every applicant for employment for any position shall be required to complete a standard application form provided by the Town of West Point. Applications shall remain active for six months. If no position is available, the personnel office will keep the application on file so long as an application is active. When a position becomes available, the personnel office will submit these applications to the department supervisor to be reviewed along with the new applications.

B. **Classification Plan**

The Town Manager shall set salaries for each employee. Salary ranges for each position in Town service shall be established by the Town Manager with approval of Town Council.

Starting and maximum salaries for positions shall be adjusted annually consistent with any cost of living adjustment awards by Council.

C. **Definitions**

1. *Administrative leave*- Leave given to an employee by the Town Manager. The Town Manager will decide if the administrative leave is paid or unpaid.

2. *Anniversary Date*- The anniversary of the first day of work of an employee.

3. *Appointing Authority*- The officer or body having authority under the laws of the Town to make appointments to positions. Unless otherwise specified and except as expressly stated in the West Point Town Charter, the appointing authority shall be construed to mean the Town Manager.

4. *Appointment*- The acceptance of an offer of employment by a person for a position.

5. *Business Days*- Calendar days excluding Saturdays, Sundays, and

legal holidays during which the Town Hall is closed to the public.

6. *Classified Personnel*- An employee of the Town who has an established pay scale and job description.

7. *Compensatory Time*- Earned by employees, except for the Town Manager and Chief of Police, for time worked in excess of 40 hours per week, or in accordance with the Fair Labor Standards Act. Compensatory time accrues at the rate of time and a half.

8. *Deferred Compensation*- Retirement plan for employees of state and local government where contributions are tax deductible and may be withdrawn only in case of emergency, retirement, death, disability, or termination.

9. *Department Heads*- An official in charge of one of the departments in Town government. The Chief of Police, Director of Parks and Recreation, Director of Public Works, Emergency Communications Manager, Assistant to the Town Manager/Town Clerk, Town Treasurer, Building Official, and Director of Community Development/Zoning Administrator will be considered as department heads.

10. *Disability*- A disabling condition, partial or complete, temporary or permanent, which prevents, hinders, or adversely affects an individual's performance of his/ her normal routine of work.

11. *Dismissal*- Separation of a Town employee from employment for cause.

12. *Employee*- An individual who is legally employed by the Town of West Point and is compensated through the Town's payroll for their services. Individuals or groups including independent contractors compensated on a fee or hourly basis are not included.

13. *Grievance*- An alleged wrong or inequity raised by an employee based upon an event or condition that affects an employee.

14. *Holiday*-A day legally set aside to commemorate a person or a special event on which the Town government is closed.

15. *Immediate Family*- Any person under 18 years of age who resides in the household of the employee; the mother, father, wife, husband, child, brother, sister, or grandparent of an employee or their spouse.

16. *Leave*-Any authorized absence during regularly scheduled work hours, which absence has been properly approved; leave must be authorized with or without pay. An absence without approved leave is considered unauthorized an absence.

17. *Overtime*-Time worked by an employee that exceeds his/ her established working hour.

18. *Permanent Employees*- An employee who has successfully completed his/ her probationary period and is entitled to grievance rights.

19. *Personnel Office*- The staff person within the Town which manages payroll; benefits; time sheets; annual, compensatory, and sick leave; and worker's compensation.

20. *Probationary Period*- A period of 12 months from the first day of employment, during which an employee hired to fill a permanent position is employed on a trial or test basis.

21. *Reduction in Force*- The involuntary separation of an employee from a position for reasons not related to fault, delinquency, misconduct, or disability on the part of the employee.

22. *Separation*- Employee leaving a position, including resignation, reduction in force, dismissal, unsatisfactory service, disability, and death.

23. *Suspensions*- A required enforced leave of absence without pay for cause.

D. Definition of Employment Categories

1. *Full-Time Exempt Employee*- An exempt employee is one who works forty hours per workweek and receives compensation in the form of compensatory time for any hours worked over eighty hours per pay period. Individual job descriptions will state whether a position is

exempt.

2. *Full-Time Non-Exempt Employees*- A non-exempt employee is one who works forty hours per workweek and will be given overtime pay at a rate of time and a half for any hours worked over eighty hours per pay period. The department supervisor must approve overtime pay. Individual job descriptions will state whether a position is non-exempt.

3. *Part-Time Employees*- A part-time employee is one who works less than forty hours per workweek and is paid an hourly rate for the number of hours worked each week. Part-time employees are not eligible for Town benefits unless specifically enumerated herein. Part-time employees are eligible for worker's compensation and deferred compensation.

4. *Emergency Employment*- When an emergency exists and in order to prevent stoppage of public services or loss or inconvenience to the public, appointments may be made for a period not exceeding thirty days. Emergency appointments shall be approved by the Town Manager.

5. *Temporary Employment*- An employee who is employed by the Town for up to one year.

E. Equal Employment Opportunity/ Civil Rights Policy

The Town of West Point is an Equal Opportunity Employer. It is committed to the maintenance and promotion of the policy of nondiscrimination by incorporating sound merit principles in all aspects of personnel management affecting its employees and applicants. Personnel management within the Town shall be implemented free from such unlawful personnel practices as discrimination, sexual harassment, retaliation, or any other conduct inconsistent with sound merit principles. It shall provide equal employment opportunity to all employees in the competitive service of the Town and all applicants for such service on the basis of fitness and job-related qualifications without regard to race, color, religion, national origin, political affiliation, disability, sex, or age (except where such is a bona fide occupational qualification). The adoption of this policy by the West Point Town Council is a reaffirmation of adherence to and promotion of the policy of

nondiscrimination.

F. Public Relations

Employees of the Town represent Town government to the public and share the responsibility for building good public relations for the Town. By performing efficiently and accurately in daily work, Town employees contribute to the Town's success. Town employees should exercise courtesy and alertness in all dealings with the public to uphold the Town's goal of service to the community.

G. Purpose

The purpose of this manual is to establish clear and uniform rules and procedures applicable to all personnel employed by the Town, thereby assuring maximum efficiency and effectiveness in personnel administration. The rules and procedures contained in this manual apply equally to all personnel unless specified otherwise in a particular contract.

H. Town Council

The Town Council shall formally approve the Employee Personnel Policy Handbook and any subsequent revisions.

II. Working Conditions and Benefits

A. Bereavement Leave

In the event of a death in the **immediate family**, a full-time employee shall be granted leave with pay for up to three days. Vacation, compensatory time, or leave without pay may be taken if the death is not an immediate family member.

B. Computer Systems Acceptable Use Policy

1. West Point computing and telecommunicating networks, computing equipment, and computing resources are owned by West Point and are provided to support the Town of West Point. Federal and state law and this policy govern the use of this equipment and technologies.

2. Regulatory Limitations

- a) West Point reserves the right to limit access by employees to its networks through West Point owned or other computers, and to remove or limit access to material posted on West Point-owned computers.
- b) West Point may monitor access to the equipment and networking structures and systems for the following purposes:
 - (1) To insure the security and operating performance of its systems and networks.
 - (2) To review employee performance.
 - (3) To enforce West Point policies.

3. Responsibilities and Permissible Use

- a) The Network Administrator administers all West Point computing and telecommunicating networks, computing equipment, and computing resources.
- b) Users may not attempt to modify West Point's system or network facilities or attempt to crash systems. They should not tamper with any software protections or restrictions placed on computer applications or files.
- c) Users may use only their own computer accounts. Users may not supply false or misleading data nor improperly obtain another's password in order to gain access to computers or network systems data or information. The negligence or naiveté of another user in revealing an account name or password is not considered authorized use. Convenience of file or printer sharing is not sufficient reason for sharing a computer account. Users should not attempt to subvert the restrictions associated with their computer accounts.
- d) Users are responsible for all use of their computer resources

and accounts. They should make appropriate use of the system and network provided protection features and take precautions against others obtaining access to their computer resources.

e) Users may not use computer resources for certain activities. Such activities would include, but are not limited to, game playing or other trivial applications; sending harassing messages; sending frivolous or excessive messages, including chain letters, junk mail, and other types of broadcast messages, either locally or over the Internet; using excessive amounts of storage; intentionally introducing any computer viruses, worms, Trojan Horses, or other rogue programs to West Point hardware or software; or physically damaging systems.

f) Users are responsible for making use of software and electronic materials in accordance with copyright and licensing restrictions and applicable West Point policies. West Point equipment and software may not be used to violate copyright or the terms of any license agreement. No one may inspect, modify, distribute, or copy proprietary data, directories, programs, files, disks or other software without proper authorization.

g) Users must use West Point provided software only. They should not install applications, utilities, or screen savers not provided by West Point.

4. Violation of Policy

Sanctions for violation of this policy may include one or more of the following: a written warning or written reprimand; a revocation of access privileges; or prosecution for criminal violations.

C. Court

An employee shall be given time off without loss of pay and without charge to any type of leave when performing jury duty or when subpoenaed to appear before a court, public body, or commission in connection with Town business.

D. Deferred Compensation Matching Funds

Subject to annual appropriation by Town Council, any full-time employee who contributes \$25.00 to \$400.00 or more in any one calendar year to his deferred compensation account will receive matching funds from the Town in the amount of \$25.00 up to \$400.00. These funds will be deposited in the employee's account each January following each calendar year.

E. Drug and Alcohol Free Workplace

1. No employee shall unlawfully manufacture, distribute, dispense, possess, be under the influence of, or use on or in any workplace alcohol or anabolic steroids, any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance as defined in the Drug Control Act section 54.1-3400 of the Code of Virginia and as defined in schedules I through V of 21 U.S.C., §812, or drug paraphernalia. "Drug paraphernalia" means those items described in §18.2-265.1 of the Code of Virginia.
2. "Workplace" means the site for the performance of work and includes any Town property, Town-owned or Town-approved vehicles used to transport employees, and any Town-sponsored activity.
3. As a condition of employment, each employee agrees to (and shall) abide by the terms of this policy and agrees to notify his or her supervisor of their convictions of any criminal drug statute for a violation occurring in the workplace as defined above, no later than five (5) days after such a conviction.
4. Any employee who violates the Town's policy on Drug and Alcohol shall be terminated.

F. Family leave

1. A family leave of absence, without pay, may be granted to any employee who has been employed for at least one year and must have worked for at least 1250 hours during the previous twelve months. Family leave may be granted in necessary circumstances, not to exceed

twelve weeks per year for the birth or adoption of a child or the serious illness of a child, parent, spouse, or the employee.

2. An application for family leave should be presented in writing to the Town Manager for his/her approval. The Town may require medical certification for leaves involving serious conditions affecting either the employee or a family member. The certification must include the date the health condition began, the probable duration of the condition, and other appropriate medical facts.

3. For family care, the certification must state that the employee is needed to care for the family member, and must also provide an estimated amount of time that he or she will need. A formal agreement will be signed and will state the reason of the leave and the specific length of leave requests.

4. The employee is required to give a monthly report to the personnel office as to their intended date of return to the position. The employee must first use all compensatory time, sick leave, and annual leave before unpaid leave. Total leave time used plus unpaid leave may not exceed the total twelve weeks per year for family leave. Anniversary and evaluation dates will be adjusted to reflect any unpaid leave of absence of over 30 days. While seniority and employment benefits do not accrue during unpaid leave, the Town must maintain the employee's group health insurance coverage at the same level and under the same condition of coverage that existed before the employee took family leave. If the employee fails to return from leave, the Town may elect to recover the premium paid during the leave period.

G. Health Care Coverage

All full-time permanent employees including those serving a probationary period are eligible for health insurance benefits through the Town's policy. Newly hired employees shall be eligible for coverage on the first day of the month following their date of hire.

The Town will pay the cost of the employee's coverage and a portion of the premium for their family, depending on the plan selected at the time of enrollment. All Town contributions are subject to annual appropriations of Town Council.

H. Holiday Compensation

1. Non-exempt employees who work on a holiday will receive pay at the rate of time and a half.
2. Exempt employees, other than the Town Manager and Chief of Police, who work on a holiday will be granted compensatory time at the rate of one hour per hour worked and shall earn no overtime pay.
3. Part-time employees who work a holiday will receive pay at the rate of time and a half for those hours worked.
4. Employees who are required to work on a 24-hour schedule will have holiday compensation (pay) calculated for those hours worked in that 24-hour period associated with a holiday. Holidays are declared to begin at 12:00 a.m. and end at the following 11.59 p.m.

I. Holidays

1. The Town will observe the same holidays as the Commonwealth of Virginia.
2. Part time employees who are assigned to work more than 20 hours per week and have been employed by the Town for a period of two years or more will receive pay for four hours on holidays.
3. If a holiday falls on an employee's regularly scheduled day off, the employee shall be granted another day off, provided that the employee has received approval to take that day off from his or her supervisor.
4. When a holiday falls within a period of paid leave, the holiday shall not be counted as a leave day in computing the amount of leave debited.
5. An employee who has an unauthorized absence on the day immediately preceding or following a holiday shall not be compensated for the holiday.

J. Hours of Work

1. The Town Manager or department head shall establish work schedules for various employees or groups of employees as necessary or desirable for the proper function of the Town government.
2. No Town employee shall work more than his or her established work hours without identifying the reason for the need for additional work time with his or her immediate supervisor and obtaining approval for working additional hours.

K. Leave Policy

1. Compensatory Time

- a) Compensatory leave is leave earned by employees, except for the Town Manager and Chief of Police, for time worked in excess of standard hours approved by the department head in lieu of overtime pay. Time associated with attending conferences, seminars, and the like or related travel time is not subject to compensatory leave accrual.
- b) Compensatory leave is paid time off the job which is earned and accrued by an employee in lieu of immediate cash payment for employment in excess of the statutory hours for which overtime compensation is required by the Fair Labor Standards Act.
- c) Non-exempt employees, earn compensatory time at a rate of time and a half. The hours earned as compensatory time must receive written approval by the supervisor and written authorization by the Town Manager. The hours earned as compensatory time shall be authorized by the Town Manager in advance unless extraordinary or emergency conditions prevent such advance consideration and authorization. Compensatory time must be approved by the Department Head and reported to the personnel department for recording. Exempt employees, except for the Town Manager and Chief of Police, earn compensatory time at a rate of one hour per hour worked. Compensatory time

must be approved by the Town Manager and reported to the personnel department for recording.

d) Accrual of compensatory time will be as follows:

(1) Non-exempt police or emergency communications officers may accumulate up to 480 hours of compensatory time. Non-exempt employees are required to take such compensatory time within 90 days of accrual. Compensatory time not taken within 90 days of accrual shall be paid to the employee during the next available pay period. Once a balance of 480 hours has been reached by a non-exempt police or emergency communications officer, he or she shall be paid overtime for hours in excess of a 40-hour workweek or work period in accordance with the Town's policy and the Fair Labor Standards Act.

(2) All other non-exempt employees may accumulate up to 240 hours of compensatory leave. Non-exempt employees are required to take such compensatory time within 90 days of accrual. Compensatory time not taken within 90 days of accrual shall be paid to the employee during the next available pay period. Employees shall be paid for any unused compensatory time upon separation from the Town's service. Once a balance of 240 hours has been reached by a non-exempt employee, he or she shall be paid overtime for hours in excess of a standard workweek in accordance with the Town's policy and the Fair Labor Standards Act.

(3) Exempt employees who work in excess of 40 hours per workweek will be compensated at a rate of one hour per hour worked. Up to 120 hours may be accumulated however; exempt employees are required to take such compensatory time within 90 days of accrual. Compensatory time not taken within 90 days of accrual shall be paid to the employee during the next available pay period. There will be payout for compensatory time balances at separation from Town service. Exempt employees who have worked for the Town less than one

year are not eligible for a compensatory leave payout. The hours earned as compensatory time must receive written approval by the supervisor and written authorization by the Town Manager. The hours earned as compensatory time shall be authorized by the Town Manager in advance unless extraordinary or emergency conditions prevent such advance consideration and authorization. All requested compensatory leave must be approved by their supervisor, authorized by the Town Manager, and reported to the personnel department for recording.

(4) The 480-hour limit on accrued compensatory time represents not more than 320 hours of actual overtime worked, and the 240-hour limit represents not more than 160 hours of actual overtime worked. The 120-hour limit on accrued compensatory time represents not more than 80 hours of actual overtime worked.

e) An employee may use compensatory time within a reasonable period after making the request, if doing so does not "unduly disrupt" the operations of the Town.

2. Annual Leave

a) Annual leave may be accumulated at the following rate for full- time employees:

Years of service	Hours earned per month	Hours earned per year	Accumulation payment limit at separation from Town service
0 through 4	8	96	192
5 through 9	10	120	240
10 through 14	12	144	288
15 and over	14	168	336

b) Probationary employees are not permitted to take annual leave except when approved by the Town Manager.

c) All annual leave must be approved three days in advance by the department head or Town Manager and reported to the personnel department for recording.

d) In emergency situations, the supervisor will consider time off without proper notification given.

3. Leave Without Pay

a) If an employee takes ten or more days of leave without pay in a calendar month, that employee shall not accrue any annual or sick leave for that month.

b) Requests for leave without pay shall be in writing and shall state specifically the reasons for the request, the date desired to begin the leave, and the date of return. The request is to be submitted three working days in advance by the employee to the appropriate Department Head. The Department Head shall recommend to the Town Manager whether the request should be granted, modified, or denied. The Town Manager shall then make a decision based upon the best interest of the Town, giving due consideration to the reasons given by the employee, and the requirements of any applicable state and Federal laws.

c) The Town Manager may grant a full-time regular employee a leave of absence without pay not to exceed thirty (30) days in a calendar year. Such leave may be granted after vacation and compensatory accruals have been exhausted. Sick leave accruals may not be used for a leave of absence that is not related to a medical condition of the employee or a member of his immediate family.

d) Under no circumstances may an employee use a leave of absence to work for another employer or to pursue self-employment.

e) Upon extenuating circumstances, the Town Manager may grant an extension of a leave period upon written request by the employee. Such extension may not exceed three months.

f) Employees who fail to return to work on the date specified in the leave request without receiving an extension in advance are subject to disciplinary action up to and including termination.

L. **Military Leave**

1. An employee who is a member of the National Guard or an organized military reserve of the United States, or is a former member of the Armed Services and has been reactivated by an appropriate authority shall be allowed military leave.

2. The employee shall notify their supervisor as far in advance as possible when taking military leave. The employee's notice may be either verbal or written. A copy of military orders may be requested by cannot be required. .

3. Employees requesting paid military leave shall be paid up to fifteen (15) workdays during any one federal fiscal year (October 1 – September 30) to attend federally funded military duty for training, or who has been called to emergency duty by the Governor.

4. For the purpose of paid military leave, a “workday” is defined as 1/260 of the total working hours an employee would be scheduled to work during an entire federal fiscal year. For full-time employees, fifteen (15) “workdays” equals 120 hours per year. A full-time employee working a 40 hour week, weekends are included to the extent that they are part of the employee's regularly scheduled work time. Whenever possible, employees shall try to schedule their military leave at those times that have the least impact on the Town's service delivery needs.

5. Employees may request to take vacation or compensatory leave when paid Military Leave is exhausted. After thirty-one (31) days of military leave an employee may also be placed on Military Leave With-out Pay.

6. The employee shall report to work in accordance with the following schedule:

- a. If the period of service is less than thirty-one (31) days, the employee must report back to work no later than the beginning of the next regularly scheduled work day after the military duty, including travel time and an eight (8) hour rest period, is completed.
- b. If the period of service is more than thirty (30) days but less than 181 days, the employee must report back to work no later than fourteen (14) calendar days after completing service.
- c. If the period of service is more than 180 days, the employee must report back to work no later than ninety (90) days after completing service.
- d. If the employee is hospitalized or convalescing from an injury or illness incurred during the period of service, then the time for the employee to report back to work will be extended provided that it is not longer than two (2) years.

7. An employee whose absence does not exceed five (5) years and is released from service under honorable conditions is eligible for reemployment rights and employment benefits as contained in the “Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

8. In the event of any conflict between the Town’s policy and that of state and federal law, the latter shall take precedence.

M. Nepotism Policy

1. Family members shall not supervise or be supervised by a member of their immediate family.
2. Unless employed prior to election or appointment to Town Council, immediate family members of any member of Town Council shall not be employed by the Town on either a part-time or full-time basis.

N. Overtime

1. Overtime is work performed by a nonexempt employee in excess of 40 hours per workweek, or in excess of a standard work period for law enforcement personnel, as defined by the Fair Labor Standards Act. Unless specifically exempted, employees covered by the Fair Labor Standards Act who do not receive compensatory time, other than the Town Manager, must receive overtime pay for hours worked in excess of 40 hours in a workweek at a rate not less than time and one-half their regular rates of pay. Hours worked for the purpose of calculating overtime pay shall be calculated on a workweek basis. An employee's workweek shall be a fixed and regularly recurring period of 168 hours -- seven consecutive 24-hour periods. It need not coincide with the calendar week, but may begin on any day and at any hour of the day. Different workweeks may be established for different employees or groups of employees.
2. Law enforcement personnel shall be paid overtime on a "work period" basis. A "work period" may be from 7 consecutive days to 28 consecutive days in length. For example, law enforcement personnel must receive overtime after 171 hours worked during a 28-day period. For work periods of at least 7 but less than 28 days, overtime pay is required when the number of hours worked exceeds the number of hours which bears the same relationship to 171 (police) as the number of days in the work period bears to 28.
3. For the purposes of the Fair Labor Standards Act and its application, law enforcement personnel are employees who are empowered by State or local ordinance to enforce laws designed to maintain peace and order,

protect life and property, and to prevent and detect crimes; who have the power to arrest; and who have undergone training in law enforcement.

4. An employee may use compensatory time within a reasonable period after making the request, if doing so does not "unduly disrupt" the operations of the Town.

O. Optional Insurance

The Town of West Point, under the 1986 COBRA (Consolidated Omnibus Budget Reconciliation Act) law, offers employees and their families the opportunity to temporarily extend their health insurance coverage at group rate for a period of up to 18 months after they leave Town service. The employee is responsible for the cost of the insurance that will be offered at the Town's group rate.

P. Retirement

1. The Town of West Point's retirement plan is administered by the Virginia Retirement System (VRS). Three retirement plans are administered by VRS; VRS Plans 1 and 2; defined benefit plans and effective January 1, 2014, the VRS Hybrid Plan which, offers a dual component of defined benefit and defined contribution. Per the Code of Virginia it is mandatory for all full-time employees to participate in VRS and make the required contribution as established by the Virginia General Assembly.

2. An employee's hire date, previous VRS membership, and hazardous duty status (law enforcement); will determine the plan in which an employee is enrolled.

3. At retirement, an employee will be given two options of receiving their accumulated sick leave payment as follows:

- a. Per the guidelines of VRS, an employee may request to purchase additional service using their accrued sick leave. The payout will be a taxable payment and is only available to VRS Plan 1 and Plan 2 members.
- b. The employee may also request to receive their accrued sick leave payment as a contribution to the Town's independent Deferred Compensation Plan. The employee must be enrolled in the Town's deferred compensation plan to make this

payment. The contribution may be a pre-tax or taxed payment dependent upon the contribution plan chosen and must not exceed the contribution limits set annually by the IRS.

4. Any full-time employee, who retires from the Town of West Point before the federally designated age of Medicare eligibility, will have the opportunity to continue any employee or family health insurance coverage as follows:

a. For a period of 18 months under the 1986 COBRA (Consolidated Omnibus Budget Reconciliation Act) law. The eighteen-month period of coverage is at the retiree's sole expense. After that period, the retiree will be responsible for obtaining any desired health coverage or Medicare supplement retirement package.

b. A retiring employee who has vested service (five years) with the Town of West Point and per the VRS retirement rules may have the option of continuing their health insurance until they reach the age of Medicare Eligibility. The option is available to employees who are currently enrolled in the Town's Health insurance plan and will follow the rules of the Plan. The Early-Retiree Coverage is available to the retiring employee and their dependents until the retiree reaches the age of Medicare Eligibility.

5. All costs associated with the Early-Retiree Coverage is the sole responsibility of the retiring employee and must be selected at the time of applying for retirement.

Q. Sick Leave

1. Sick leave is provided to all full-time employees in the event of incapacitation by sickness or injury and for medical, dental, or optical diagnosis or treatment for himself and/or for immediate family members.

2. Employees who are out on sick leave for three (3) or more days are required to provide notice from a licensed physician, but department heads may require notice if an employee is out less than three (3) days.

3. Employees accrue sick leave at the rate of eight (8) hours per month.
4. For sick leave, an employee is required to make personal contact with the department head within one hour of their regular starting time so that arrangements can be made if he/she is going to be late or absent. Failure to notify one's supervisor may result in disciplinary action.
5. Department heads, through written policies with employees, may require more than one hour of notice when an employee is going to be absent or late for work.
6. Sick Leave for Part-Time Employees
 - a) Part-time employees who are assigned to work more than 20 hours per week and have been employed by the Town for a period of two years or more may accrue sick leave at a rate of 4 hours per month. The employee will not be compensated for more than the number of hours scheduled for that day taken.

R. Sick Leave Bank

The Town of West Point shall establish and maintain a Sick Leave Bank to provide eligible members an additional source of leave days when they have exhausted all leave balances and are incapacitated by an extended personal illness or disability, or that of a member's immediate family member as defined in Policy Section 1(C, 15). The Sick Leave Bank will be administered by the Department of Human Resources.

1. **Eligibility for Membership** – All regular full-time employees who are members of VRS Plan 1 or 2 and regular part-time employees who are accruing sick leave are eligible to participate in the Sick Leave Bank. Employees hired after January 1, 2014, and who are members of VRS Hybrid Retirement Plan will be covered by Short Term Disability and eligible to receive leave hours from bank that will provide compensation to equal 100% of wages.
2. **Membership and Enrollment** – Membership in the Sick Leave Bank is voluntary and continuous unless the employee provides

written notification of their intent to withdraw from membership during the Bank's annual open enrollment.

The period of enrollment shall occur during Health Benefits Open Enrollment, annually. Participation will begin at the inception of the policy to start and then every Open Enrollment thereafter. Newly hired employees may enroll after six (6) months of employment if the employee has a sick leave balance. Employees will become members on the day they contribute at least eight (8) hours to the Sick Leave Bank. Membership requires the completion of an application to join and submitted during the Initial and Open Enrollment periods.

Full-time employee members will be required to contribute a minimum of eight (8) hours of sick leave and a maximum of thirty-two (32) hours each fiscal year during Open Enrollment. Part-time employee members will be required to contribute a minimum of four (4) hours of sick leave and a maximum of sixteen (16) hours of sick leave each fiscal year during Open Enrollment. Employee-Members cannot donate leave that will exhaust their own leave balance.

The Sick Leave Bank is populated through donations of sick leave by existing employees and sick leave balances remaining in employee accruals upon separation. Retiring employees may elect to have a portion or all their remaining sick leave donated to the Sick Leave Bank.

3. Guidelines to be Eligible for Sick Leave Bank Days

- a.** The Sick Leave Bank is confined to members who are incapacitated by an extended personal illness or disability or that of an immediate family member. Excluded are: Elective surgery, and/or procedures as determined by a medical professional, approved Workers Compensation claims or denied Workers Compensation claims due to the employee's failure to follow the claim procedures, bonding time allowed as part of maternity leave.
- b.** FMLA Certification must be submitted prior to applying for leave and will accompany the application to request leave from the Sick Leave Bank. All medical documentation will be maintained confidentially and kept in a location separate from the employee's official personnel file.

- c. Members must have exhausted all accrued leave (annual, sick, and comp time) and be in a Leave Without Pay status, before becoming eligible to use the sick leave bank days.
 - d. Members drawing from the bank will not be required to replace days used.
 - e. Participation in the Sick Leave Bank shall run concurrently with approved Family Medical Leave.
 - 1. A maximum of 160 hours may be withdrawn from the Sick Leave Bank by any one member within a twelve-month period. In the event of a reoccurrence of the original medical event, Bank Leave will be continued if it is within the same FMLA/twelve-month period until annual maximum has been used. Distributions are subject to available leave on deposit in the bank.
4. **Administration** – The Sick Leave Bank will be administered by the Department of Human Resources. The application for leave will be submitted to the Department of Human Resources. Upon receipt of the application and all required certifications, the Town Manager will review and approve or disapprove the use of leave through the Bank. Each application will be reviewed on a case-by-case basis. The applicant will then be notified of the status of their request.

All leave bank requests and leave bank records will be maintained by the Department of Human Resources. During the Open Enrollment period, an annual report will be provided to leave member providing the balance of the Bank.

The Town Manager will have five (5) working days to review and act on the request following the receipt of the Application and medical certification. Employees requesting leave from the Bank, will agree to permit the Department of Human Resources and the Town Manager to review leave records and all pertinent medical information with the understanding all documents will be treated and handled with confidentiality.

5. **Termination of Employment or Membership** – Upon termination of employment or withdrawal of membership from the Sick Leave Bank, the participant will not be permitted to withdraw or receive any payment for the days previously contributed to the Sick Leave Bank.

6. **Termination or Modification of the Sick Leave Bank** – The Town of West Point reserves the right to terminate or modify this policy and shall not be held responsible to then eligible or who may be or become eligible to participate in the Bank.

If the Sick Leave Bank is terminated, the sick leave days remaining in the Bank at that time will be distributed according to the following priorities:

- a. First, to the Bank members then drawing sick leave days from the Bank, until all unused sick leave hours are exhausted or until the member has received the maximum allowable days from the Bank.
- b. Second, to those Bank members who have applications pending decision at the time the Bank is terminated, and who are ruled eligible for leave under the terms of the Bank, until the sick leave hours are exhausted, or member has received the maximum allowable days from the Bank.
- c. Third, when section (a) and (b) have been satisfied, the remaining leave will be returned to the current members according to their individual contributions.

S. Smoking Policy

The use of tobacco, E-cigarettes and vaping products, is prohibited in all Town owned vehicles and Town buildings or within fifty feet of any public entrance to a Town Building.

T. Suspicion-Based and Post-Accident Drug and Alcohol Testing

All employees are subject to suspicion-based and post-accident drug and alcohol testing as part of the Town's support of the Drug and Alcohol Free Workplace policy statement of this handbook (See Section II. E).

Refusal by an employee to submit to a drug test immediately when requested will be grounds for immediate disciplinary action up to and including dismissal. Refusal includes, but is not limited to, failure to appear for testing, leaving the testing site without prior written approval

of the Town Manager or failure to sign an authorization and consent form.

Suspicion Based Testing – An employee shall be required to submit to drug and alcohol tests when there is reasonable suspicion to believe the employee has used or is under the influence of drugs and/or alcohol. A supervisor will make a decision to require testing of an employee based on specific, facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol. When a supervisor, in his or her judgment, has reason to believe that an employee has used or is under the influence of drugs or alcohol, the supervisor may ask another supervisor to corroborate the observations. The following examples, alone or in combination, may comprise reasonable suspicion and are intended to be illustrative and not all inclusive:

- a) Unexplained inability to perform normal job functions.
- b) Presence of physical symptoms (e.g., odor of alcohol or drugs on breath or body, glassy or bloodshot eyes, slurred speech, unusual drowsiness or sluggishness, onset or unusual perspiration or shakes).
- c) Any unusual lack of physical coordination or loss of equilibrium.
- d) Unexplained hyperactivity, depression or withdrawal.
- e) Unexplained inability to think or reason at the employee's normal level.
- f) Unusual or bizarre behavior.
- g) Direct observation of drug or alcohol use or information of direct observation provided by a reliable and credible source.
- h) Possession of drugs or drug paraphernalia.

Post-Accident Testing – All employees involved in a work-related accident will be required to have a drug and alcohol test. For the purposes of this paragraph, an accident is any incident which results in personal injury or damage to property.

U. Time Sheets

Every employee shall maintain an accurate record of the number of hours worked each day, using the form provided by the Town of West Point. Timesheets must be approved and submitted to the payroll department by the supervisor.

V. Toll Phone Calls

No personal long distance charges will be applied to any Town accounts.

W. Travel Policy

1. TRAVEL EXPENSES WHILE ON TOWN BUSINESS

a) It is the policy of the Town of West Point to reimburse employees for reasonable and necessary expenditures made by employees while on official Town business. Mileage will be reimbursed at a rate per mile equal to the current allowable IRS rate; all other allowable expenses on actual cost basis. All expenses must be itemized in writing. Invoices and/or receipts showing proof of payment of such claims shall accompany claims for reimbursement of travel expenses, other than mileage and meals.

2. TRAVEL WHILE ON TOWN BUSINESS

a) Overnight Lodging. If prior arrangements have not been made, hotel and expenses will be reimbursed on completion of authorized travel upon submission of a claim.

b) When two or more employees are attending the same seminar, convention, or meeting, carpooling shall be practiced whenever possible.

c) Out-of-State Travel. Requires prior approval by the Town Manager in writing.

d) Local Mileage. No mileage will be paid for commuting from an employee's personal residence to Town Hall or a workstation.

e) Meals. For overnight and local travel, where meals are not necessary or provided when necessary, the maximum allowable amount reimbursed to the employee is as follows:

Breakfast	\$10.00
Lunch	\$15.00
Dinner	<u>\$26.00</u>
	\$51.00

f) Cash advances for the above meal allowance requires prior approval. Receipts shall be provided for expenditures.

g) Parking Fees and tolls will be reimbursed by actual cost and receipts shall be presented where possible.

h) If an employee reimbursement is necessary, the reimbursement will be handled by the Treasurer's Office after the "Reimbursement Expense" form is turned in.

3. NON-ALLOWABLE EXPENSES

a) Laundry or cleaning.

b) Tobacco.

c) Alcoholic beverages

d) Entertainment.

e) Personal telephone calls.

f) First class travel accommodations when economy or coach class is available.

g) Lodging of which is included in the Registration fee.

h) Fines, forfeitures, or penalties.

- i) Rental vehicles except as approved by the Town Manager.
- j) Expenses of a spouse or other non-employee.
- k) Loss or damage to personal property.
- l) Barber, beauty parlor, shoeshine or toiletries.
- m) Personal postage.

X. Work Attire

All employees will dress in a manner appropriate to their job.

Y. Worker's compensation

Worker's compensation is provided to all Town employees. A permanent or probationary employee who is injured while performing the duties of their position, without fault or negligence on their part or having carelessly violated approved Town safety regulations, shall be allowed such leave with medical expenses and pay as provided by worker's compensation. During the seven-day worker's compensation waiting period, the employee can take sick, compensatory, or annual leave. If the worker's compensation plan is accepted, the employee will be reimbursed for this time taken.

Z. Modified (Light) Duty

It is the policy of the Town to abide by the Americans With Disabilities Act with respect to modified or light duty assignment requests.

III. Recruitment, Certification, and Employment

A. Appointment

All qualified applicants shall be considered for Town employment on the basis of experience and training, and on general suitability for the job to be filled. A criminal history and background check will be done on all applicants and a conditional offer of employment will be made pending the outcome of the criminal history and background checks. If mandated

by a specific job description, an offer of employment will not be made to an individual until a completed criminal history and background check is complete.

B. Hiring Policy

1. Vacancies shall be publicized to current Town employees in house for five working days, and at the end of this time, the supervisor will review applicants to determine if an external recruitment is necessary.
2. The department head with the vacant position will review all applications.
3. All applicants for any position shall be required to meet the qualifications and requirements of the position set forth in the individual's job description.
4. The most qualified applicants will be chosen for interviews with no less than four applicants being interviewed unless less than four candidates do not meet minimum qualifications.
5. Interviews will be conducted and best candidate will be chosen.
6. All potential employees must have a pre-employment physical, which shall include a drug test and alcohol screen prior to starting employment with the Town of West Point. The Town will cover the cost of the physical if the employee stays with the Town for over one year. If an employee terminates their employment with the Town before his/ her probationary period ends, the employee is responsible for all costs and expenses of the tests.

C. Job Descriptions

The Town Manager and department heads shall establish job descriptions for each Town position.

D. Persons with Disabilities Policy

It is the policy of the Town of West Point to achieve and provide for accessibility to all Town facilities by persons with disabilities. To the

extent a program, procedure, or opportunity is not available to an employee as a result of his/ her disability, all efforts will be made to provide suitable provisions so as to allow for maximum accessibility and opportunity to persons with disabilities.

E. Probationary Period

All new Town employees shall be on a probationary basis for a period of one year from the first day of work. Probationary employees shall not be entitled to grievance rights. Employees who separate from Town service shall serve a one-year probationary period when they return to Town employment.

F. Tuition Reimbursement

Each full-time employee will be offered tuition reimbursement up to \$1,000.00 per calendar year for college level courses in a degree program subject to funding by the Town Council, only if the employee receives an “A” or “B” for the class. The employee must apply for the funds before the beginning of the semester and show proof of grade at the end of the semester. The employee shall reimburse the Town of West Point for each semester of tuition reimbursement, if the employee does not continue their employment with the Town for one year after completion of the semester of tuition for which the employee received reimbursement.

G. Training Policy

The Town encourages all employees to seek training and further their education in order to advance their position with the Town. The employee shall reimburse the Town of West Point for all training costs, including travel, lodging and meals that exceed \$250 if the employee does not continue their employment with the Town for one year after completion of the training.

IV. General Working Conditions

A. Administrative leave

The Town Manager may approve administrative leave, paid or un-paid,

in which an employee cannot take compensatory or annual leave.

B. Causes for Disciplinary Action and/ or Termination- included but not limited to:

1. Inability to perform the duties of the employee's position or extreme inability or inefficiency in the performance of duties for which an employee was hired.
2. Carelessness or negligence with monies of the Town of West Point or taking of Town property for personal use or for sale or gift to others.
3. Inducing or attempting to induce an officer or employee of the Town to commit an unlawful act or to act in violation of any lawful or official regulation or order.
4. Refusal to meet standards of ethics, morality, work, etc as set forth in the West Point Personnel Policy Handbook, to an extent that makes an employee unsuitable for any kind of employment in the Town services.
5. Conviction of a felony or a misdemeanor involving moral turpitude.
6. Offensive conduct or language in public or toward the public, Town officials, or fellow employees while on duty.
7. Violation of any lawful official regulation or order, or fails to obey any proper directive made and given by his or her supervisor or the Town Manager.
8. Willful or negligent damages or caused to be damaged any Town property.
9. Receives a citation for a traffic violation while operating a Town owned vehicle.
10. Absent from work without a valid reason or proper authorization.

C. Disciplinary Policy

1. The following steps are suggested for a graduated disciplinary policy:

- a) Verbal warning- at least one verbal warning given to an employee by his or her supervisor.
- b) Written warning- at least one written warning given to an employee by the department head.
- c) Pre-disciplinary hearing- The Town Manager, employee, and employee's supervisor must have a pre-disciplinary hearing before any disciplinary action can be taken.
- d) An employee must be given notice of their alleged violation in writing for the employee to air their side to the supervisor and/or Town Manager.

2. The following actions can be taken at the conclusion of a pre-disciplinary hearing:

- a) Termination- The Town Manager may approve terminations after the conclusion of pre-disciplinary hearing.
- b) Demotion- A reduction in the pay grade of an employee in conjunction with change in job duties and responsibilities. A copy of such written notice shall be forwarded to the personnel office for its inclusion in the employee's official personnel file.
- c) Voluntary Demotion- placement at the appropriate level within the new salary grade would be based on experience and prior performance and must be approved by the Town Manager. In a voluntary demotion, the performance appraisal date remains unchanged.
- d) Disciplinary Demotion- The rate of pay must be reduced to no more than the maximum of the lower grade and the employee would be placed on conditional status for a period of six months. There will be no salary increase at the end of the conditional period. The performance appraisal date shall be established one year from the effective date of the demotion.
- e) Suspensions- The Town Manager may approve suspensions at

the recommendation of the department head.

D. Employees Bidding on Town Properties

When the Town has surplus property auctions, Town employees are not permitted to bid on the sale of Town property.

E. Gifts and Gratuities

Acceptance of money or other valuable consideration given is prohibited.

F. Performance Evaluations

Subject to annual appropriation by Town Council, merit increases will be based upon an employee's performance and will be awarded annually during the performance evaluation process.

Performance evaluations will be conducted annually by the department supervisor and finalized by the Town Manager. Each employee's evaluation will be based on their anniversary date and conducted annually unless the employee has been promoted or demoted within six-months of their anniversary date, thus changing their performance evaluation to the anniversary of the following year.

In the event of lateral transfers, the performance evaluation will be performed on the anniversary date with no change in the review cycle.

Performance evaluations for department heads will be conducted by the Town Manager who will have sole responsibility to conduct the evaluations and subsequent increase.

In those instances where a merit increase causes an employee's salary to exceed the maximum salary for a pay grade, the employee shall be paid the maximum salary and the difference will be awarded as a lump sum payment.

G. Reduction in Force

When Town Council authorizes a reduction in force, an employee may

be laid off when the position to which that employee has been assigned is abolished. An employee shall not be laid off when there is a temporary employee in the same class, in the same department, performing duties for which the regular employee is qualified.

1. Supervisors shall determine the order of layoff of employees on the basis of their relative proficiency and length of service with the Town.
2. Prior to layoff, a regular employee shall receive at least fourteen-calendar days notice.
3. Employees subject to a reduction in force shall receive severance pay equal to one months pay for every two years of service not exceeding six months pay.

H. Reporting Lateness or Absenteeism

An employee is required to notify their immediate supervisor in advance of their regular starting time so that arrangements can be made if he/she is going to be late or absent. Failure to notify one's supervisor may result in disciplinary action.

I. Resignation

1. A resignation shall be defined as a voluntary separation from employment through written notification to the immediate supervisor. Written notification shall indicate the actual date the resignation is to become effective, be signed by the employee, and forwarded to the personnel office. It is required that all employees give at least fourteen calendar days notice prior to the effective date of resignation, except where specific circumstances prohibit such advance notification. Permanent employees shall be paid for all accrued annual and compensatory leave up to the approved accumulation. Probationary non-exempt employees will not be paid for accrued annual leave. Probationary exempt employees will not be paid for accrued annual leave or compensatory time.
2. Non-exempt employees who fail to submit written notification at

least fourteen calendar days prior to their separation date will forfeit any accrued annual leave. Exempt employees who fail to submit written notification at least fourteen calendar days prior to their separation date will forfeit any accrued annual leave and compensatory time.

3. Department Heads or the Town Manager will conduct an exit interview.

4. Upon the death of an employee, annual and compensatory leave accrued pursuant to the guidelines established in these rules, shall be paid to the estate in accordance with Virginia law.

J. Supplies and Equipment

Items that are purchased by the Town should not be used for personal reasons. All Town equipment should be used properly and with good care, and it is the employee's responsibility to notify his or her supervisor of any damages. Upon separation from the Town, an employee must return all Town owned supplies and equipment in an acceptable condition.

K. Outside Employment

An employee may work for an employer other than the Town provided the other job does not impair Town job performance and there is no potential conflict. An employee must inform the department head, in writing, of an existing job at the time of employment by the Town and any other employment before beginning such other employment. An employee may be asked, by the Department Head or Town Manager, to terminate other employment if a determination is made that the other employment: 1) discredits or represents a potential to discredit the Town, 2) interferes with the employee's Town job or, 3) represents a conflict of interest. Refusing to comply with such a request may lead to disciplinary action.

V. Grievance Policy

A. Purpose

1. It is the purpose of the grievance procedure to provide an effective and acceptable means for employees to bring problems and complaints concerning their well being at work to the attention of the Town's management.

B. Grievance- Definition

1. A grievance shall be defined as a complaint or dispute of an employee relating to his or her employment, including but not limited to:

- a) Disciplinary actions including dismissals (ex. those resulting from formal discipline or unsatisfactory job performance), demotions, and suspensions.
- b) The application or interpretation of personnel policies, procedures, rules, and regulations.
- c) Acts of reprisal as the result of utilizing the grievance procedure or of participation in the grievance of another Town employee.
- d) Complaints of discrimination on the basis or race, color, creed, political affiliation, age handicap, national origin, gender, or sexual orientation.
- e) Acts of retaliation because of employee compliance with federal or state law or attempts to change the federal or state law.

C. Effect of Procedure on Rights of Town

Nothing in this procedure is intended to circumscribe or modify the exclusive right of the Town to manage the affairs and operations of the Town of West Point. Complaints that are not grievable include:

- a) Wages, salaries, position classification, or general benefits.
- b) Work activity reasonably expected of the job.
- c) Contents of ordinances and personnel policies and regulations.

- d) Failure to promote unless the promotional policies were not followed.
- e) Methods, means, and personnel by which work is done.
- f) Terminations, layoffs, demotions, or suspensions because of lack of work, reductions in force, or abolition (unless the employee has been reinstated within the past six months following a grievance procedure). For grievances brought under this subsection, the local government action shall be upheld if the local government shows that first, there was a valid business reason for the action and second, the employee was notified of the reason in writing prior to the action.
- g) Hiring, promotion, transfer, assignment, and retention of employees.
- h) Relief of employees from duties of the local government in emergencies.

D. Coverage

The provision of the procedure shall apply to most Town personnel. All non- probationary permanent employees, both full and part time are eligible to file grievances, except for certain upper management positions and fixed- term positions as follows:

- a) Town Council appointees.
- b) Temporary, limited term, and seasonal employees.
- c) Law enforcement officers who elect to file a grievance under the procedural guarantees for law enforcement personnel.

E. Reprisals

An employee filing a grievance shall have the right to follow all the steps of the grievance procedure with complete freedom from reprisal. This shall not, however, confer the right upon anyone to make

slanderous or libelous statements.

F. Procedure

1. If either the grievant or local governing body fails to comply with the substantial procedural requirements of the grievance procedure set forth herein, without just cause, the proceeding is decided in favor of the other party.

2. Step 1- Written

a) An employee who has a grievance may file a written grievance within 20 calendar days of the occurrence with their immediate supervisor, with a copy to the next level of supervision; this statement shall be the employee's explanation of what has occurred.

b) The employee's immediate supervisor and next level of supervision will then meet with the grievant within five working days of receipt of the written statement.

3. Step 2- Final Management

a) If a grievance is not resolved within ten working days after completion of Step One, the grievance shall be heard by the Town Manager within five working days upon receiving a written request from the grievant.

b) If the grievant chooses, he or she may also have appropriate witnesses and legal counsel present with the same options available to represent management.

4. Step 3- Final Procedure

a) The final step in the procedure is the panel hearing. If either the local government or the grievant requests, the chief administrative officer or designee must make a decision within ten calendar days about grievability and access to the panel procedure. The Town Attorney may decide the question of grievability. The grievant must be sent a copy of the ruling.

b) The ruling may be appealed to the Circuit Court for a hearing on the issue of whether the grievant qualifies for a panel hearing. The grievant has ten calendar days to start the proceedings for the review and the Town must provide within another ten calendar days a copy of the decision, the notice of appeal, and the exhibits. A copy of the evidence must be given to the grievant.

c) The court hears the appeal within 30 days of receiving the records. The court may receive additional evidence. The court may affirm the chief administrative officer's decision, may reverse it, or may modify it. The court's decision has to be made by 15 days from the end of the hearing, and the decision cannot be appealed.

d) Panel members and rules of conduct-

(1) The panel is made up of three impartial members. One appointed by the grievant, one by the agency head, and a third selected by the first two. The chief judge of the Circuit Court for the jurisdiction selects the third member in the event the first two members cannot reach an agreement. Anyone with direct involvement with the grievance, managers in the direct line of supervision of a grievant, persons living in the same household as the grievant, relatives of participants in the proceeding, and any attorney or associate with direct involvement with the subject matter cannot serve on the panel.

(2) Local government has the option of having administrative hearing officers in employee termination or retaliation cases. The administrative hearing officer used in these cases is appointed by the Executive Secretary of the Supreme Court; the expenses of the hearing officer are borne by the local government.

(3) Both the grievant and local government may call witnesses, cross-examine witnesses, present evidence, and be represented by counsel at the hearing.

(4) The panel's decision is final and binding, and must be consistent with law and written policy. The Town Manager decides whether the decision is consistent with written policy (the Town's Attorney decides if the Town Manger is personally involved in the case). Either party may petition the Circuit Court for an order requiring implementation of the panel decision.

(5) The rules of conduct for panel procedures are:

(a) Panels do not have the authority to make or alter policies or procedures.

(b) Panels can decide whether persons not having a direct interest in the hearing can attend the hearing, although the hearing has to be private if either party request so.

(c) The local government has to give the panel copies of the grievance record before the hearing, and the grievant a list of the documents give to the panel. In addition, at least ten days before the hearing the grievant and his or her attorney must have access to relevant files intended to be used in the proceeding.

(d) Panels have the authority to determine the admissibility of evidence without regard to the burden of proof or the order of presentation of evidence.

(e) All evidence must be presented in the presence of the panel and the parties, except by mutual consent.

(f) Document, exhibits, Etc. must be exchanged between the parties, except by mutual consent.

(g) The majority decision of the panel is final.

(h) The panel decision must be provided in writing by the chair to the Town no longer the 15 working days

following the presentation of evidence and arguments by the grievant and Town.

VI. Sexual Harassment Policy

A. Definition

The phrase “sexual harassment” as used in this policy statement are defined as “unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of sexual nature.” Instances of expressly forbidden behavior shall include, but not be limited to, where submission to sexual harassment is made either explicitly or implicitly a term or condition of employment, or where submission to or rejection of such conduct is used as the basis for employment decisions. In addition, sexual harassment, which has the effect of unreasonable interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment is likewise, expressly forbidden. Therefore, making inappropriate sex-orientated comments on appearance, telling embarrassing sex-orientated stories, displaying sexually explicit or pornographic material, or other similar types of activities are expressly forbidden by this policy.

B. Coverage and Distribution of Policy

This sexual harassment policy shall apply to all officers and employees of the Town of West Point, Virginia, including, full and part-time employees, elected officials, regular and temporary employees, and employees working under contract for the Town of West Point. A copy of the policy shall be distributed to all present employees of the Town. Each such employee shall acknowledge his or her receipt of this policy in writing, and such acknowledgement shall be kept on file. New employees of the Town shall be furnished with a copy of this policy at the time of hire, and they shall, also, provide written acknowledgement of the receipt of it.

C. Sexual Harassment Complaint Procedure

Any employee who feels that he or she is being subjected to sexual harassment should immediately file either a written or verbal complaint with the Town Manager. If an employee feels more comfortable making

a complaint to a person of the same sex, the Town Manager must designate an employee to take the complaint. The names of persons designated to take complaints will be posted at a central location in Town Hall. At a minimum, such complaint shall include the following:

- a) Employee's name, department, and position title.
- b) The name of the person or persons committing the sexual harassment, including their title if known.
- c) The specific nature of the sexual harassment, how long it has gone on, and any employment action or threatened action made or taken against the employee.
- d) Witnesses to the harassment.
- e) Whether such harassment has been previously reported, and if so, when and to whom.
- f) In the event that the Town Manager is the accused person, then the foregoing complaint shall be made to the Mayor of the Town.
- g) It is the express intent of this complaint procedure that no employee shall be required to report such behavior directly to his or her immediate supervisor, especially in cases where that supervisor is the individual accused of such behavior.

D. Procedure for Investigating Complaints

1. The Town Manager is the person designated by the West Point Town Council to be the investigator of complaints of sexual harassment. The Town Manager may delegate this obligation to another Town employee, but, under no circumstances, will that employee be the person accused of the conduct. In the event that the sexual harassment complaint is against the Town Manager, or, against any elected official of the Town, the investigating official shall be an impartial third party selected by the Town Attorney.
2. The designated investigator shall make and keep a written record of his/ her investigation, especially of any statements made by any person

contacted in the course of the investigation. Based on such investigation, the investigating official shall, within a reasonable time, determine whether or not the conduct of the person against whom a complaint has been made actually constitutes sexual harassment. In making such a determination, the designated investigator shall look at the totality of circumstance, including the nature of the conduct in question, the context in which such conduct occurred, and the conduct of the person complaining of sexual harassment.

3. If the designated investigator determines that the complaint of sexual harassment is unfounded, then he or she shall inform the person who filed the complaint of such determination, and place the notes and records of the investigation in an appropriate repository, such notes and records shall be considered non-disclosable material under the Virginia Freedom of Information Act.

4. If the investigating official determines that the complaint of sexual harassment is founded, then, assuming that the investigator has the lawful authority, he or she shall take immediate and appropriate disciplinary action against the offending employee, consistent with the Town's rules and regulation pertaining to employee discipline, and with the nature of the offense. If the investigating official does not have such authority, then he or she shall make a full written report of the findings of his or her investigation to the person of authority having such disciplinary powers as soon as practically possible. In all events, a written record of disciplinary action shall be kept, in include verbal reprimands.

5. Retaliation by the employee found guilty of sexual harassment against the person making the complaint is expressly prohibited by this policy. The Town shall immediately dismiss any person who engages in such retaliation from employment.

6. In the case of founded complaints of sexual harassment against the Town Manager or against any of the elected officials of the Town, a full written report of such incident shall be delivered to the West Point Town Council by the Town Attorney. The Town Council shall discipline such official in whatever manner it deems appropriate, consistent with its authority under State Law, and other rules governing discipline of elected officials. If appropriate, the Commonwealth's Attorney may

also, in his/ her sole discretion, file criminal charges against the elected official.

7. In cases of sexual harassment committed by a non-employee against a Town employee in the workplace, the Town manager shall take all lawful steps to ensure that the sexual harassment is brought to an immediate end.

E. Obligations of Employees

1. Sexual harassment exposes the Town to potential civil liability. Therefore, employees of the Town of West Point are obligated to report instances of sexual harassment. Furthermore, employees are obligated to cooperate in every investigation of sexual harassment, and to fully and truthfully answer any and all questions when required to do so by a designated investigator.

2. Bad-faith complaints of sexual harassment are expressly prohibited by this policy. Any employee who is found, in investigation, to have filed such a complaint shall be the subject of disciplinary action. Any employee who willfully fails or refuses to cooperate with the investigation of a sexual harassment complaint, shall, also, be the subject of disciplinary action.

Revisions Approved by Town Council

October 28, 2002 (Effective November 1, 2002)
September 25, 2006 (Effective September 26, 2006)
May 15, 2008 (Effective July 1, 2008)
March 30, 2009 (Effective March 30, 2009)
December 13, 2018 (Effective December 13, 2018)
September 24, 2019 (Effective September 24, 2019)
February 25, 2020 (Effective February 25, 2020)
June 30, 2020 (Effective July 1, 2020)
December 22, 2020 (Effective December 22, 2020)
May 25, 2021 (Effective July 1, 2021)
October 26, 2021 (Effective October 26, 2021)

I have read and understand the
Employee Personnel Policy
Handbook and agree to abide by
all of its terms and conditions.

REVISIONS TO POLICY EFFECTIVE OCTOBER 26, 2021

PAGE 23 – SECTION R – SICK LEAVE BANK

Employee Name– Please Print

Employee’s Signature

Date

Department Head’s Signature

Date

Revisions Approved by Town Council

October 28, 2002 (Effective November 1, 2002)
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