Adopted November 21, 2012
Amended February 19, 2019

Personnel Policy and Employee Handbook

INTRODUCTORY STATEMENT

This handbook is designed to acquaint you with the Town of Louisa and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. Read, understand, and comply with all provisions of the handbook. This handbook explains many of the Town's policies. It describes many of your responsibilities as an employee and outlines the programs developed by the Town of Louisa to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

No employee handbook can anticipate every circumstance or question about policy. As the Town of Louisa continues to grow, needs arise and the Town Council reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate, in its sole and absolute discretion. Employees, will, of course, be advised of such changes in the form of written changes or additions as they occur.

As with any organization, finances may periodically dictate that positions be added or eliminated. It is the policy of the Town Council to assure that the best, most conscientious and productive employees remain in the service of our Town.

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NATURE OF EMPLOYMENT

Employment with the Town of Louisa is voluntarily entered into and the employee is free to resign at will at any time, with or without cause. Similarly the Town of Louisa may terminate the employment relationship at will at any time, with or without cause, so long as there is no violation of applicable federal or state laws.

Policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the Town of Louisa and any of its employees. The provisions of the handbook have been developed at the discretion of the Town Council and, may be amended or canceled at any time, at Town Councils sole discretion.

These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the Louisa Town Council. The Town Council of Louisa entrusts the Town Manager to act as the Chief Administrative Officer of the Town with full authority to supervise all personnel functions including hiring, firing, demotion, promotion and reduction in work force as circumstances may require and consistent with the Town Code and Charter.

EMPLOYEE RELATIONS (OPEN DOOR POLICY)

The Town of Louisa believes that the work conditions, wages, and benefits it offers to its employees are competitive with those offered by other employers in this area and in local government. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisor or if the employee is a supervisor, the Town Manager.

Experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent; communications can be clear; and attitudes can be positive. We believe that the Town of Louisa amply demonstrates its commitment to employees by responding effectively to employee concerns.

Should you encounter or perceive problems we want to know about them. If warranted, the appropriate corrective measure will be implemented. Your supervisor and the Town Manager are dedicated to channeling your efforts into positive results that improve everyone's quality of life. This benefits the Town, its citizens, and you the employee. We are a team and we will work together to improve our skills and services.

QUALIFICATIONS FOR EMPLOYMENT

All applicants are required to meet the standards or requirements for the position as set forth in the job description.

Physical Standards

All applicants selected for employment with the Town are required to meet the physical standards for the position as specified by the job description or determined by the Town Manager or his designated representative, with reasonable accommodation. Prior to employment, applicants for full time positions may be required to successfully complete a medical examination which will include drug screening. In addition, applicants for temporary and part-time employment may be required to successfully complete a medical examination which will include drug screening. All police officers will be subject to passing a physical examination and drug test as a condition of employment. The cost of any required medical examination and related testing will be paid by the Town and completed by a medical doctor and/or laboratory chosen by the Town.

The Town reserves the right to require any employee to undergo a medical examination at any time during employment, in instance where a supervisor or Town Manager has reason to suspect that such employee is no longer capable of adequately and safely performing the required duties of his/her position, even with reasonable accommodations. It shall be the responsibility of the appropriate Department Head to arrange for the above referenced medical exam with the applicant/employee and with a local physician. If arrangements cannot be made with a local physician, then an out-of-area physician may be utilized, subject to approval by the Town Manager.

Once the physician's report is received, it shall be the duty of the Department Head to see that the report is presented to the Town Manager for his consideration and inclusion into the appropriate personnel file.

Operation of Town-owned Motor Vehicle

Any candidate for employment who will operate a government owned motor vehicle must possess a valid Virginia driver's license at the time of employment. Applicants may be required to show proof of possession of the required license. All drivers of government owned motor vehicles shall obey all traffic rules and regulations prescribed by law and shall use every safety measure possible to prevent accidents.

Assignment and Use of Take Home Vehicles and Authorization Procedures for the Reimbursement of Travel Expenses when Privately Owned Vehicles are used to Support the Town of Louisa Operations

The purpose of this policy is to provide direction under which it may be appropriate to assign town-owned vehicles to employees or reimburse employees for direct costs related to the operation of privately owned vehicles.

Under some circumstances it is in the best interest of the Town of Louisa to allow employees to take home town-owned vehicles on a long term basis. Long term basis is defined as a period of more than thirty (30) days. An employee's ability and responsibility to respond to emergencies while on call shall be considered the primary criteria for establishing what is in the best interest of the Town of Louisa.

Policy

A. No assignment of a take home vehicle shall be considered unless it is justified by one or more of the following criteria:

1. **Primary Criteria**:

a. The employee is subject to frequent service calls requiring the use of a vehicle to conduct town business during the employee's non-duty hours. Frequent shall be defined as an average, over the time period of the assignment, of at least one call every two weeks during non-duty hours. Service calls are defined as requests from the town staff, citizens, and business partners for assistance relating to public safety and sanitation, court cases, support of the enterprise fund operations (cemetery and utilities services), and security and safety of town owned buildings and property. Additionally, attendance at after hours local government and town meetings, off duty training events, representing the town's interests at business functions, promoting the town within civic groups etc., are considered service calls for this policy.

b. The employee is required to respond to emergencies during non-duty hours, and the use of a town-owned vehicle is necessary for proper emergency response. Emergencies shall be defined as unforeseen circumstances requiring immediate action and the recall shall be initiated by the county dispatch center or the employee's department head.

c. The employee must use specialized equipment carried in a town-owned vehicle, during non-duty hours, to effectively carry out their job duties.

2. **Secondary Criteria**:

a. There may be special circumstances where operational efficiency necessitates a vehicle be taken home by an employee. The most significant and predictable of these special circumstances are winter storms and tropical storms. Upon the issuance of a Winter Storm Watch or Tropical Storm Watch by the National Weather Service, the Town Manager MAY allow town-owned vehicles to be used as take home vehicles to ensure emergency response personnel have vehicles capable to return to the town during severe weather events.

b. The Town Manager deems that it is in the best interest of the town to assign a take home vehicle to an employee by virtue of the responsibilities of their position.

c. A town vehicle is offered as a recruitment or retention tool for employees and that the Town Council has approved this use as part of a compensation package. This use will be reported to the IRS and taxed at the appropriate rates. It will be the requirement of the Department Head and Town Manager to provide compelling evidence to the Town Council that the use of a town-owned vehicle is an appropriate component of the employee compensation package. In this case, items contained in A-1 are not applicable.

B. Nothing in this policy provides that any employee by virtue of their job duties or position is entitled to the assignment of a take home vehicle. Take home vehicles will typically not be assigned as part of a compensation package to recruit or retain employees except as noted in A-2-C, therefore any take home vehicle not specifically authorized by A-2-C is a privilege, not a right and may be rescinded at any time.

C. Department Heads shall submit to the Town Manager justifications for the assignment of take home vehicles in their departments. Approval of the assignment of a take home vehicle shall be the responsibility of the Town Manager.

D. Town vehicles shall not be taken home by employees living outside the Louisa County limits unless the Town Manager determines that it is in the best interest of the town. In no circumstance will take home vehicles be used for commutes beyond 10 miles of the Louisa County line without the express approval of the Louisa Town Council.

E. No town-owned vehicle will be parked away from the town offices when the assigned operator is off duty, on annual leave, disabled or otherwise not available for recall or work for over 96 consecutive hours. The assignment of a take home car and subsequent removal of the privilege does not under any circumstances infer or place any liability for the town to provide rides home or compensate for travel costs in any way, I.E. if an employee needs to park a take home car at the town offices during an extended annual leave, it is not the responsibility of, nor will the town provide the employee a ride home.

F. **Use of Personal Vehicles**

a. In most cases, it is in the best interest of the town to provide for employee use on a case by case basis and a pool car is owned by the town for this purpose. It is also understood that at times, the town-owned vehicle is unsuitable for the need and the town will need to provide reimbursement for the employee's travel. Employees who use their personal vehicles to conduct ***routine*** town business are eligible for reimbursement upon prior written request being submitted to the Town Manager and formal authorization being obtained. After the travel is complete, mileage will be pain according to the approved mileage reimbursement rates set by the town council during each Fiscal Year Budget adoption. The rates set for ***routine use of personal vehicles*** will typically be 67% of the IRS/GSA reimbursement rates set annually in December of each year for the category: **Government Vehicle Not Available**. Specific rates for the town will be set during the annual budget adoption process.

b. Employees recalled for ***emergency responses*** who are not authorized the use of take home vehicles will be reimbursed for their travel to and from the site of the emergency. Emergency responses are considered requests for immediate assistance relating to public safety, sanitation, and support of the enterprise fund operations (cemetery and utilities services). Prior authorization is not required but the employee must notify their Department Head of the emergency and the need to travel on the first business day following the emergency. Emergency call outs shall be documented by either Louisa Count Dispatch records, Emergency Work Orders generated by business partners (i.e. Miss Utility, Funeral Homes), by the

Town Manager, Department Heads or members of the Louisa Town Council on behalf of the citizens of the Town of Louisa. Upon application, mileage will be paid according to the approved mileage reimbursement rates set by the Town Council during each Fiscal Year Budget adoption. The rates set for ***emergency use of personal vehicles*** will typically be 100% of the IRS/GSA reimbursement rates set annually in December of each year for the category: **Government Vehicle Not Available**. Specific rates for the town will be set during the annual budget adoption process.

G. All employees assigned a take home vehicle shall keep a log of the usage of that vehicle outside of normal duty hours. This log shall include at least the name of the employee, date of call out, service address, nature of call out, and time of service initiation and service completion. This log shall be submitted to the Department Head and forwarded after review to the Town Manager monthly.

H. Department Heads shall review, on a yearly basis each June, the assignment of take home vehicles in their departments. Department Heads shall report to the Town Manager whether the assignments are justified by this policy.

I. Unscheduled non duty-hours use of town-owned vehicles is restricted to bona fide emergency call outs supported by Louisa County Dispatch or Department Head authority.

J. Department Heads may authorize the use of town-owned vehicles for occasional commuter use to attend meetings, training, and court if the use of such vehicle is in the best interest of the town. During commuter use of the vehicle, no private stops are authorized including stops at convenience stores, retail stores, barber shops, etc.

K. Under no circumstances may a town employee operate a town-owned vehicle while under the influence of alcohol or other controlled substances or if they are otherwise unfit to drive due to fatigue, illness, taking over the counter or prescribed medication, which could affect the ability to safely and legally operate the vehicle. Operators of take home care are cautioned to operate the vehicles in safe and responsible manner and to park the vehicle in a safe and secure area. Furthermore, care must also be taken to ensure the perception of inappropriate use is not raised when parking the car.

L. Town-owned vehicles are not to be used to transport family members or other persons not specifically authorized by the Town Manager or Department Head for any reason or any distance.

M. Assignment of a take home car requires the employee to be on-call. Therefore, whenever the take home vehicle is operated, the driver must be in the appropriate uniform of the day with all required gear. I.E. Police Officers – full uniform and web gear or appropriate business attire for court or training events when the vehicle is used for commuter use, Public Works Employees – work clothes, safety boots. Administrative Personnel – proper business attire. There will be no exceptions to this rule.

GIFTS AND GRATUITIES

An employee shall not accept gifts, gratuities, or loans from organizations, business concerns, or individuals with whom he/she has official relationships on behalf of the Town government. These limitations are not intended to prohibit the acceptance of articles of negligible value that are distributed generally, not to prohibit employees from obtaining loans from regular lending institutions.

ACCESS TO PERSONNEL FILES

The Town of Louisa maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, grievance proceedings, disciplinary actions, and other employment records. These files are not subject to public disclosure under the Virginia Freedom of Information Act.

Personnel files are the property of the Town of Louisa, and access to the information they contain is restricted. Generally, only supervisors and management personnel of the Town of Louisa who have a legitimate reason to review information in a file are allowed to do so.

Employees who wish to review their own file should contact the Town Manager. With reasonable advance notice, employees may review their own personnel files in the Town Manager's office and may receive copies thereof. Any person who is the subject of any personnel record and who is 18 years of age or older may waive, in writing, the protections afforded by the Virginia Freedom of Information Act. If the protections are so waived, the town shall open such **records** for inspection and copying.

POLICY RELATED TO THE HANDLING OF CONFIDENTIAL INFORMATION

Generally, records prepared in the transaction of public business and held by the town are considered public records that are subject to public disclosure under the Virginia Freedom of Information Act. However, employees in the course of their duties may come into possession or knowledge of information for which public disclosure is prohibited or not required by state law. Such information may include personnel records, individual medical records, legal memoranda prepared for town employees or Town Council, working papers of the mayor, confidential trade secrets of businesses doing business or proposing to do business in the town, etc. It is of great importance that employees not discuss or disclose such confidential information with persons not authorized to have access to it. If there is a question as to whether the information should be released, then the inquirer should be referred to the Town Manager.

Any employee who improperly uses or discloses confidential information will be subject to disciplinary action, up to and including termination of employment, even if he or she does not actually benefit from the disclosed information. Violators who release private/confidential information may be targeted for legal action by any aggrieved individual as authorized by federal and state law.

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 Town of Louisa uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or Town of Louisa may end the employment relationship at will at any time during or after the probationary period: with or without cause or advance notice.

All new and rehired employees work on probationary status basis for the first six (6) months after their date of hire. The probationary period shall be one year for police officers, in cases of new hires and promotions, and (in case of new hires), the probationary period shall be one-year after successful completion of required basic training certification. Employees who are promoted or transferred within the Town of Louisa must complete an introductory period of the same length with each reassignment to a new position. Any significant absence will automatically extend the probationary period by the length of the absence. If the Town Manager 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 with notice.

In cases of promotions or transfers within the Town of Louisa, an employee who, in the sole judgment of the Town Management, is not successful in the new position can be removed from that position at any time during the probationary period.

If this occurs, the employee may be allowed to return to his or her former job or to a comparable job for which the employee is qualified, depending on availability of such positions and the Town's needs.

Upon satisfactory completion of the probationary period, employees enter the "regular" employment classification. During the probationary period, new employees are eligible for those benefits that are required by law, such as workers' compensation insurance, Social Security, health insurance and sick leave.

After becoming regular full time employees, they may also be eligible for other Town of Louisa-provided benefits, subject to the terms and conditions of each benefits program. Employees should read the information for each specific benefits program for the details on eligibility requirements.

Benefits eligibility and employment status are not changed during the probationary period that results from a promotion or transfer within the Town's Organization.

EMPLOYEE CLASSIFICATION CATEGORIES

Full Time
Those employees who work 32 or more hours a week on a regular basis shall be considered full time employees. Full time employees are eligible for all Employee Benefits as set out herein. Full time positions may be annual salaried or hourly wage positions.

Part Time
Those employees who work less than 32 hours per week shall be considered part time employees. Part time employees are paid wages on an hourly basis and are not eligible for most Town Benefits unless expressly provided for herein.

Seasonal
Those employees who are paid wages on an hourly basis and work irregular hours (usually on a temporary and part time basis) in seasonal jobs such as summer grass cutting or painting Town facilities, etc., shall be considered seasonal employees. Seasonal employees are not eligible for Town Benefits unless expressly provided for herein.

PERFORMANCE EVALUATION

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations are conducted at the end of an employee's probationary period in any new position. This period, known as the probationary period, allows the supervisor and the employee to discuss the job responsibilities, standards, and performance requirements of the new position.

Additional formal performance evaluations are conducted on an annual basis to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths and discuss positive, purposeful approaches for meeting goals.

An employee's performance is weighed based on these performance criteria:

- Aptitude for performing essentials of the job
- Skills displayed while performing job
- Attitude in dealing with supervisors, fellow workers and the public
- Compliance with job assignments and instructions
- Compliance with safety policies and safe work practices

Supervisors will maintain records of employee's abilities and shortcomings. These documented facts will serve as the basis for the performance evaluation.

The performance of all employees is generally evaluated by the appropriate supervisor or Department Head according to an annual basis. Unless a different schedule is adopted by the Town Council, annual performance evaluations shall be conducted on or about the anniversary of each employee's start date. Employees appointed by the Town Council are evaluated by the Town Council on an annual basis according to the same schedule, unless the Town Council adopts a different schedule for the performance evaluations of Council-appointed employees. Merit-based pay adjustments are awarded by the Town of Louisa in an effort to recognize truly superior employee performance. The decision to award such an adjustment is dependent upon numerous factors, including the information documented by this formal

performance evaluation process. It shall be the intent of the pay plan, as long as it is financially feasible, that each employee shall be eligible to have a raise annually. Such increases shall be based on employee performance evaluation.

Compensation for all full time and part time employees will be reviewed at least annually. Raises are recommended by the Department Head and will be determined at least in part by the performance and will be in accordance with an adopted salary schedule. The final approval of the town salary schedule is made by the Town Council. Except for employees appointed by the Town Council, the Town Manager has final approval over all promotions, raises and salary adjustments.

Recognition Policy

It is the policy of the Town of Louisa to recognize excellence in service delivery and high-quality work performed by its employees. The Town Council, Town Manager, and Department Heads may acknowledge, and reward employee achievements as they deem appropriate in their discretion in order to ensure that long service, dedication, special achievements, and high-quality work of employees are appropriately recognized.

EMPLOYEE BENEFITS

Eligible employees of the Town of Louisa are provided a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, state disability, and unemployment insurance) cover all employees in the manner prescribed by state and federal law. "Eligible employees" includes the following category of employees: full time employees.

Benefits eligibility is dependent upon a variety of factors, including employee classification. Your supervisor can identify the programs for which you are eligible.

Details of many of the programs can be found elsewhere in the employee handbook.

The following benefit programs are available to eligible employees:

Paid Holidays
Jury Duty Leave
Medical Insurance
Medical Leave
Military Leave
Sick Leave Annual Leave
Compensatory Leave
Witness Duty Leave

Some benefit programs require contributions from employees, but most are fully paid by the Town of Louisa. The benefit package for Full Time Employees represents an additional cost to the Town of Louisa.

Annual Leave

Annual Leave off with pay is available to full time employees to provide opportunities for rest, relaxation, and personal pursuits.

The amount of paid annual leave time employees receive each year increases with the length of their employment as shown in the following schedule. The accrual rate for the first and last month of employment (if partial) shall be prorated by the number of days worked. Probationary employees do not earn or accrue annual leave.

ANNUAL LEAVE ACCUMULATION SCHEDULE

Full Time Employees:

Length of Service	Leave Earned Per Month	Maximum Leave Accrual
0 - 6 months*	0 Hours	0 Hours
6 months* - 1 year	8 Hours	48 Hours
1 - 5 Years	8 Hours	160 Hours
6 - 10 Years	10 Hours	200 Hours
Over 10 Years	12 Hours	240 Hours

Chart 1

* This 6-month period is intended to reflect the standard probationary period and will be extended in the event that the probationary period is extended beyond 6 months.
Annual Leave shall be earned and awarded monthly, and reported on the employee's leave and earnings statement.

Council-Appointed employees (Town Manager and Chief of Police): The provisions of any employment agreement between an employee and the Town shall take precedence over the annual leave benefits set forth in this policy manual, in the event of any conflict between the terms of this policy and the terms of any employment agreement

Annual leave for salaried employees shall be scheduled with minimal disruption of work and, when possible, at the convenience of the employer. The Town Manager shall act on requests from all employees upon recommendation of the employee's immediate supervisor or Department Head. To take annual leave, employees should request advance approval from their supervisors. Requests will be reviewed based on a number of factors, including business needs and staffing requirements. All requests shall be submitted in writing at least 48 hours in advance, but preferably one week or more.

Once employees enter an eligible employment classification (after end of probation term), they begin to earn paid annual leave time according to the schedule set forth herein. However, before annual leave time can be used, it must be earned and recorded as available for use by the eligible employee. After annual leave time is earned, the employee may request to use earned annual leave time.

Paid annual leave time can be used in minimum increments of one hour.

Annual leave time off is paid at the employee's base pay rate at the time of annual leave. It does not include overtime or special forms of compensation such as compensatory time, bonuses or shift differentials.

As stated above, employees are encouraged to use available paid annual leave time for rest, relaxation, and personal pursuits. In the event that available annual leave is not used by the end of the benefit year, employees may carry unused time forward to the next benefit year. An employee may not accumulate more than 240 hours of annual leave or less, depending on years of service (see chart 1). Existing annual leave days at time of approval of this policy will not be effected.

Employees are encouraged to use annual leave within the year it is earned.

Upon termination of employment, employees will be paid for unused annual leave time that has been earned through the last day of work.

Paid Holidays

The Town Manager shall submit annually a schedule of holidays for employees and present such schedule to the Town Council at its regular December meeting for Council approval. Annual holiday schedules shall be posted for the benefit of all employees. Whenever an employee is required to work a schedules holiday, the employee shall be awarded compensatory leave on an hour for hour basis upon submission of number

of hours worked on a scheduled holiday as required by the employee's supervisor or Department Head. The Town of Louisa will generally grant holiday time off as approved by the Town Council each December for the following Calendar Year. If the Council fails to adopt a specific holiday policy for any particular year, then the following holiday schedule shall apply:

New Year's Day
Martin Luther King Day
Memorial Day
Independence Day
Labor Day
Veterans Day
Columbus Day
Thanksgiving Day
Day after Thanksgiving
Christmas Eve
Christmas Day
New Year's Eve – Off At Noon

The Town of Louisa will grant paid holiday time off to full time employees immediately upon assignment to a full time employment classification. Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day.

An employee may request annual leave on the day before or the day after a scheduled holiday. Supervisors will consider workload and available staff needs at the time of the request. Approval or denial will be based on the work demands and staff availability of the department.

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 a recognized holiday falls during an eligible employee's paid absence (e.g., annual leave, sick leave), then holiday pay will be provided instead of the paid leave time.

For all employees who qualify as "nonexempt" under the Federal Fair Labor Standards Act, paid time off for holidays will be counted as hours worked for the purposes of determining whether overtime pay is owed.

The Town Council may award additional paid holidays in its sole discretion.

Sick Leave Benefits

The Town of Louisa provides paid sick leave benefits to all full time employees for periods of temporary absence due to illness or injuries.

Eligible employees will accrue sick leave benefits at the rate of four hours per month of service beginning 30 days after employment or being placed in an eligible employee classification.

Employees can request use of paid sick leave after completing a waiting period of 30 calendar days from the date they become eligible to accrue sick leave benefits. Paid sick leave can be used in minimum increments of one hour. Eligible employees may use sick leave benefits for an absence due to their own illness or injury or that of an immediate family member. Immediate family member is defined as an employee's parent, step-parent, grandparent, child, step-child, grandchild, spouse, sibling, as well as any legal dependent of the employee living in the employee's household. Sick leave may also be used to attend regular medical and dental appointments for preventative care or treatment.

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

If an employee is absent for three or more consecutive days due to illness or injury, a physician's statement may be required verifying the disability and its beginning and expected ending dates. Such verification may be requested for other sick leave absences as well and may be required as a condition to receiving sick leave benefits.

Before returning to work from a sick leave absence of three calendar days or more, an employee may be asked to provide a physician's verification that he or she may safely return to work.

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 or shift differentials.

As an additional condition of eligibility for sick leave benefits, an employee on an extended absence must apply for any other available compensation and benefits, such as worker's compensation. Sick leave benefits will be used to supplement any payments that an employee is eligible to receive from state disability insurance, workers' compensation or Town of Louisa-provided disability insurance programs. The combination of any such disability payments and sick leave benefits cannot exceed the employee's normal weekly earnings.
Unused sick leave benefits will be allowed to accumulate until the employee has accrued a total of 360 hours worth of sick leave benefits. If the employee's benefits reach this maximum, further accrual of sick leave benefits will be suspended until the employee has reduced the balance below the limit.

Sick leave benefits are intended solely to provide income protection in the event of illness or injury, and may not be used for any other absence. Unused sick leave benefits will not be paid to employees while they are employed or upon termination of employment.

(Added August 15, 2017)

A. Supervisors are responsible for monitoring sick leave usage of the employees, and for collecting leave slips from those employees for each absence from work.

B. The sick leave allowance of an employee may be used for the following:

1. Personal sick leave: illness, injury or other health condition incapacitating the employee and preventing the employee from performing assigned duties, doctor or dental appointments during working hours, and exposure to contagious disease such that the employee's presence on the job would jeopardize the health of co-workers or the public.

2. Family sick leave: illness, injury or other health condition in the immediate family, including doctor and dental appointments, requiring the attendance of the employee. (See above for further definition of immediate family as defined in the policy)

C. An employee shall complete a leave report for each sick leave absence, as follows:

1. When the need for a sick leave absence is foreseeable, the employee shall complete the leave form by the Department in advance of the absence. The employee shall submit such leave form as soon as the need for the sick leave is identified. Failure to comply with this requirement may result in denial of requested sick leave.

2. When the need for a sick leave absence was not foreseeable, the employee shall contact a supervisor prior to the commencement of their next scheduled shift to report the need for the sick leave, and the date/time of their anticipated return. In cases where a sick leave absence is the result of an emergency situation that prevents the employee from communicating with a supervisor prior to the scheduled shift, the employee shall contact a supervisor as soon as possible. The employee shall then complete a leave report form immediately (i.e. the same day) upon returning to duty. Failure to comply with these requirements may result in denial of requested sick leave.

3. Employees shall contact a supervisor each workday and notify them of their status and when they anticipate returning to work.

4. Upon receiving a leave form, the Department will review the form and approve or deny the request to charge the employee's sick leave account. Sick leave is granted at the discretion of the Department and may be refused if not properly justified in the opinion of the Supervisor. An employee should not assume that sick leave will be approved and charged simply because he has an accumulated sick leave balance. Sick leave is a benefit and not entitlement.

D. Documentation of Need for Sick Leave shall be provided by an employee as follows:

1. When an employee has been away from work on sick leave for five (5) consecutive work days, then before returning to work the employee must obtain a written statement from their attending physician or health care provider certifying that the employee is fit to return to regular duties. Where applicable, the employee will be informed by a supervisor that the leave will be counted toward FMLA eligibility.
2. Prior to a foreseen sick leave absence of five (5) or more consecutive work days, an employee's supervisor may require a physician's or health care provider's written statement, as described above, if in the Department's judgment this information is necessary.

E. Restricted Sick Leave Status

1. Any employee meeting the criteria of sick leave abuse shall be placed on restricted leave status. Thereafter, no non-FMLA-qualified sick leave shall be approved unless the employee submits a physician's statement verifying that, for each day of the proposed sick leave absence, the employee was unable to perform their assigned duties, was suffering from a contagious disease such that their presence on the job would jeopardize the health or safety of co-workers or the public, or was required to care for a member of their immediate family. If the employee fails to provide suck documentation, sick leave will be refused and the time away from work will be charged to the employee's accumulated vacation leave or will be categorized and treated, for payroll and disciplinary purposes, as absence with leave (without pay). A supervisor shall consult with the Office of Human Resources prior to taking any such action.

2. An employee who has been placed on restricted sick leave status will remain on that status until:

   a. He or she has fewer than 80 hours attributable to sick leave (approved or unapproved; family and personal sick leave, combined) for a twelve-month period, excluding FMLA-qualified leave, or

   b. The employee's pattern of sick leave usage improves to the satisfaction of the Department Head.

F. Performance Evaluation

1. Sick leave abuse shall be a factor considered in performance evaluations. Supervisors will be required to document, as part of an employee's performance evaluation, that any abuse of sick leave has been discussed and that the employee has been made aware of the consequences of failure to improve their attendance at work.

2. Restricted sick leave status will also be stated in performance evaluations.

3. Merit increases may be denied to an employee who has been placed on restricted sick leave status.

G. Disciplinary Action

In addition to being placed on restricted leave status, employees who abuse sick leave may be subject to disciplinary action in accordance with the Town's Personnel Policies and Procedures.

H. Implementation

1. During the initial implementation of this policy, employees who have used sick leave in a manner that brings them within the definition of Sick Leave Abuse as of the effective date of this policy will be warned that they are in violation of this policy and will be placed on restricted sick leave status if any additional inappropriate sick leave use occurs.

2. Employees who have been placed on restricted leave status under policies in place prior to the implementation of this policy will remain on restricted status until released by their supervisor.

3. Department supervisors shall work closely with the Town's Human Resources Representative, to monitor report and categorize the nature of an employee's absences so that this policy may be implemented in accordance with federal and state laws pertaining to absences due to health conditions.

MODIFIED DUTY PROCEDURES

A. Documentation

1. An employee may make a request to their supervisor for a modified duty assignment, or (in case of an employee who has suffered a work related injury or illness) a supervisor may submit a request. All requests must be submitted to the Department Head for review. Each request must be accompanied by a written statement from a licensed physician or health care provider, indicating the following:

   a) The specific temporary restriction(s) that apply to the employee;

   b) The anticipated duration of each restriction; and

   c) An approximate date on which the employee is expected to be able to return to full duty.

2. If the reason for the request is related to an on-the-job injury, then all rules and procedures pertaining to the documentation of such injuries and the submission of Worker's Compensation claims shall be followed.

3. When an employee is approved for Modified Duty, a written description of the employee's temporary work assignment(s) will be prepared by the Department Head and submitted for approval by the Town's Human Resources Representative. The employee must sign this written description. An employee's temporary work assignment(s) may be changed at any time. (See paragraph B.2 below)

4. Any employee approved for Modified Duty because of illness or injury must be reevaluated by a licensed physician or health care provider, and must provide a written statement from the physician or provider documenting the results of such evaluations every 60 days. The Town reserves the right to request a second opinion from a physician or provider of its choice, and/or to require more frequent evaluations/reports. Failure to provide information sufficient to allow the Department Head and/or the Town's Human Resources Representative to review or evaluate the appropriateness of Modified Duty status will result in a termination of the employee's Modified Duty assignment.

5. Before being reinstated to full duty, the employee must submit a written statement from a licensed physician or health care provider verifying their fitness for duty, or, in the alternative,

at the Department Head and/or Town's option, may require the employee to submit to a fitness-for-duty examination conducted by a physician or provider of the Town's choosing. The fitness-for-duty examination may include a functional capacity examination performed by the physician or provider as directed by the Town. The Department Head must approve an employee's return to full duty status.

6. Personal health information submitted to the Department Head and/or the Town's Human Resources Representative for or in connection with a request for any Modified Duty assignment, and any review(s) thereof, shall be maintained as confidential in accordance with all applicable federal and state requirements. Such information shall be used and disseminated only as permitted by law.

B. Duration

1. The duration of a Modified Duty assignment will be evaluated and determined by the Town's/employee's licensed physician or health care provider on a continuing basis, as well as the Town's ability to continue to offer appropriate work for the employee. However, employees who have used any combination of Modified Duty, Sick Leave, Comp Time, Annual Leave, or non-FMLA Leave Without Pay because of an illness or injury, for 9 months out of a 12 month period (cumulatively) will become ineligible for a continuation of Modified Duty. Leave covered under the FMLA is not counted against the employee.

2. An employee assigned to Modified Duty may expect the nature of their temporary work assignment(s) to change from time to time. No single work assignment shall be made for a period of longer than 90 days without a review by the Department Head.

3. Notwithstanding the time limits discussed within paragraphs 1 and 2 above, anytime a medical report indicates that an employee will never be able to return to full duty, their Modified Duty assignment will be terminated.

4. Upon a termination of Modified Duty status, a decision will be made by the Department Head, Office of Human Resources and/or the employee as to retirement, resignation, permanent reassignment, termination or other options that may be available to the employee under the circumstances.

C. Restrictions

1. While assigned to Modified Duty, no employee shall engage in any off-duty employment involving an activity that has been restricted or prohibited by a licensed physician or health care provider's certification with respect to the employee's job duties.

2. If an employee who has been injured on-the-job refuses a Modified Duty assignment offered by the Department Head or Town and is suitable to their abilities, any Worker's Compensation benefits to which that employee may be entitled are subject to being reduced or terminated as a result of the refusal, pursuant to Code of Virginia §65.2-510 (Attachment A)

ATTACHMENT A

Code of Virginia Title 65.2. Workers' Compensation Chapter 5. Compensation and Payment Thereof

§ 65.2-502. Compensation for partial incapacity; exclusion of AmeriCorps members, certain Food Stamp Employment and Training Program participants, and certain Temporary Assistance for Needy Families participants.

A. Except as otherwise provided in § 65.2-503 or 65.2-510, or as provided in subsections B, C and D, when the incapacity for work resulting from the injury is partial, the employer shall pay, or cause to be paid, as hereinafter provided, to the injured employee during such incapacity a weekly compensation equal

to 66 2/3 percent of the difference between his average weekly wages before the injury and the average weekly wages which he is able to earn thereafter, but not more than 100 percent of the average weekly wage of the Commonwealth as defined in § 65.2-500. For purposes of calculating an injured employee's post-injury average weekly wage, the following rules shall apply to commissioned employees, self-employed income, and income derived from an employer in which the injured worker or their immediate family has an ownership interest: if the period of partial incapacity exists for 13 weeks or less, the injured employee's post-injury average weekly wage shall be computed by dividing the employee's total earnings during the first two weeks of partial incapacity by two, subject to retroactive adjustments as provided hereinafter. If the period of partial incapacity exists for more than 13 weeks, the injured employee's post-injury average weekly wage for each 13-week interval shall be computed by dividing the employee's total earnings during the period of partial incapacity by the number of weeks included in such period; however, if an injured employee's period of partial incapacity ends after the close of a 13-week interval but before the close of the next 13-week interval, the injured employee's post-injury average weekly wage for such portion of the subsequent 13-week interval shall be calculated by dividing the employee's total earnings during the period of partial incapacity by the number of weeks included in such period. When an injured employee is under a continuing award of temporary partial benefits, the employer or the employee shall be entitled to seek a retroactive adjustment of the temporary partial rate for the 90 days preceding the application seeking such adjustment of the temporary partial rate computed in accordance with the above method of calculation. Any resulting amount due to the employee shall be paid to the employee. Any resulting credit due to the employer may be offset dollar for dollar against future compensation benefits due the injured employee, subject to provisions of § 65.2-520. The employee is required pursuant to § 65.2-712 to immediately disclose increases in his earnings. For all other employments, the employee's post-injury average weekly wage may, in the Commission's discretion, be calculated using the preceding formula or a week-to-week calculation. In case the partial incapacity begins after a period of total incapacity, the latter period shall be deducted from the maximum period herein allowed for partial incapacity. However, the employer shall not be required to pay, or cause to be paid, compensation under this section to any injured employee not eligible for lawful employment; nor shall any such injured employee not eligible for lawful employment who is partially incapacitated be entitled during partial incapacity to receive temporary total benefits under § 65.2-500.

B AmeriCorps members as defined in subdivision r of § 65.2-101 shall not be eligible to receive weekly compensation for partial incapacity, whether permanent or temporary, regardless of whether the injury results in death.

C. Food Stamp recipients participating in the work experience component of the Food Stamp Employment and Training Program as defined in subdivision s of § 65.2-101 shall not be eligible to receive weekly compensation for partial incapacity, whether permanent or temporary, regardless of whether the injury results in death.

D. Temporary Assistance for Needy Families recipients participating in the work experience component of the Virginia Initiative for Employment Not Welfare Program as defined in subdivision t of § 65.2-101 shall not be eligible to receive weekly compensation for partial incapacity, whether permanent or temporary, regardless of whether the injury results in death.

Code 1950, § 65-52; 1952, c. 226; 1954, c. 654; 1956, c. 243; 1958, c. 568; 1960, c. 556; 1962, c. 503; 1964, c. 94; 1966, c. 64; 1968, cc. 8, 660, § 65.1-55; 1970, c. 470; 1972, c. 229; 1973, c. 542; 1974, c. 560; 1975, c. 447; 1990, c. 559; 1991, c. 355; 1995, c. 319; 1997, c. 511; 2000, c. 1018; 2004, c. 888; 2005, c. 472; 2006, c. 660.

The Chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Authorization For Medical Treatment

Notes to the Physician:
The Town of Louisa offers modified work duty and will accommodate any and all employees who are eligible to return to work in a modified duty capacity.

If the Employee is released for modified duty only, specify activities to be avoided such as bending, lifting, climbing, extensive walking, operation of a major vehicle, etc.

The employee must be examined by the physician signing this form.
Please examine and provide the necessary treatment to this employee, who claims an accidental injury arising out of and in the course of employment.

EMPLOYEE CERTIFICATION OF PHYSICIAN SELECTION

Employee's Name: _____ Department: _____
Description of alleged injury: _____
_____ Date of injury: _____
I have been provided a list of the Worker's Compensation Panel for the Town of Louisa and understand that by the Virginia Worker's Compensation Law that I am required to utilize one of the listed physicians for treatment of the above described injury.
Panel Physician Selected: _____
Employee Signature: _____ Date: _____
Supervisor's Signature: _____ Date: _____

REPORT OF ATTENDING PHYSICIAN

Diagnoses: _____
_____
Employee work status: return to regular duty on [date]: _____
Return to modified duty on [date]: _____
Other [comments]: _____

Restrictions:
( ) No prolonged standing > ____ hours
( ) No lifting over _____ pounds
( ) No repeated bending
( ) No climbing
( ) No prolonged walking > ___ hours
( ) No prolonged sitting > ___ hours
( ) No pushing/pulling > ____ pounds
( ) No overhead reaching
( ) Other special instructions: _____
_____

Next appointment: _____
Physician's signature: _____ Date: _____

Send medical bills to: Town of Louisa
PO Box 531
Louisa, VA 23093

(Medical bills will not be paid until this form is completed)

Bereavement Leave (Added 3/27/15)

In most cases, up to three consecutive days of paid bereavement leave may be permitted by the Department Head and the Town Manager within 10 days after a death in the immediate family for regular full-time employees. In the event of multiple deaths in the employee's immediate family, each death shall be treated separately. (The immediate family is defined as an employee's parents, step-parents, grandparents, grandchildren, spouse, children, step-children, brothers, sisters or the spouse's parents, grandparents, children, grandchildren, brothers, sisters or any other guardian or legal dependent of the employee and/or living in the same household as the employee). In these instances, the employee will not be asked to use annual leave, sick leave, or Paid Time Off (PTO).

If more than the allotted number of days leave is required or if leave is desired for a death other than the immediate family, you may refer to other leave policies or contact the Town Manager or Department Head. The Town complies with all state and local laws regarding leave.

DONATED LEAVE POLICY

Eligible employees are entitled under the Town of Louisa's Donated Leave Policy to request donated leave from the leave bank as provided below.

Applicability:

1. In order to qualify for donated leave, an employee must:

    A. Be a regular, non-probationary full time Town employee
    B. Have an injury or illness, or be caring for a family member with an injury or illness, which qualifies under use of sick leave
    C. Have exhausted all accrued hours of sick and/or annual leave and compensatory time in their leave account.

2. Application Process

    A. An employee wishing to receive donated annual leave, sick leave or compensatory time shall complete a Donated Leave Request Form and turn it into the Department Head. The Department Head may complete the Request Form for the employee if he or she is unable. Leave shall be donated and may be utilized on an hour for hour basis under this program.
    B. The Department Head or director then completes their section of the Donated Leave Request Form and turns it in to the Town Manager for verification and approval.
    C. If approved, the Town Manager then publicizes the need for donated leave if the current Leave Bank level is insufficient to fulfill the request. The employee's specific circumstances will not be released.

3. Accounting and Usage Procedures
    - Employees wishing to donate leave must complete a leave donation form authorizing the subtraction of the indicated number of leave or compensatory time hours from their account. These forms must be submitted to the Town Manager.
    - Upon direction by the Town Manager, the Treasurer will subtract the hours from the account of the donating employees.
    - Donated leave may be advanced by the Town Manager as determined by the level of need.
    - The requesting department will submit the employee's Donated Leave Request Form detailing the hours requested for that pay period to the Treasurer.
    - The Town Manager will keep record of Leave Bank level.
    - Each hour of annual or sick leave time or compensatory time donated shall be considered equal in value.

Jury Duty

The Town of Louisa 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.

Employees must show the jury duty summons to the Town Manager as soon as possible so that the Town may make arrangements to accommodate the employee's absence. Of course, employees are expected to report for work whenever the court schedule permits.
The Town of Louisa will continue to provide health insurance benefits for full term of the jury duty absence. Annual leave, sick leave, and holiday benefits will continue to accrue during unpaid jury duty leave.

Witness Duty

The Town of Louisa encourages employees to appear in court when subpoenaed to do so. If employees have been subpoenaed or otherwise requested to testify as witnesses regarding business of the Town of Louisa, they will receive paid time off for the entire period of witness duty.

COMPENSATORY LEAVE

Compensatory time shall only be available to nonexempt employees under the Federal Fair Labor Standards Act. Compensatory time in the amount of one hour for each hour worked shall be awarded for hours worked by nonexempt full time employees on approved holidays. Employees may also choose to be awarded compensatory time in lieu of earned overtime; and in such instance, the compensatory time shall be awarded at time and a half, just as overtime would have been calculated. The maximum amount of compensatory leave an employee may accrue is 70 hours. Employees may use compensatory leave time according to the policies that apply to the use of annual leave.

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 these 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.

All nonexempt employees, as defined by the Federal Fair Labor Standards Act, are eligible for overtime compensation pursuant to the provision set forth herein and applicable state and federal law. Overtime pay is based on actual hours worked. Exempt employees under the FLSA, included but not limited to the Town Manager and Chief of Police, are not eligible for overtime compensation.

Overtime compensation is based on 1 and ½ times the hourly rate of pay, or as otherwise required by applicable law.

Time off on sick leave, annual leave, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations.

Failure to work scheduled overtime or overtime worked without prior authorization from the supervisor may result in disciplinary action, up to and including possible termination of employment.

USE OF TOWN EQUIPMENT

Town equipment essential in accomplishing job duties are expensive and may be difficult to replace. When using such property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Please notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment can result in disciplinary action, up to and including termination of employment.

Frequent incidences or accidents may require a physical examination to determine extent of injuries and/or substance abuse.

EMERGENCIES; EMERGENCY COORDINATOR

At times, emergencies such as severe weather, fires, power failures, or natural or man-made disasters may cause hardships to the residents of the town and in these circumstances they will need essential services and reassurance from public servants. At these times the Town of Louisa must be able to provide the essential government services our residents require, therefore all employees are expected to report for work as scheduled regardless of the weather or disruptive occurrence, unless otherwise notified by the Town Manager, Mayor, or Town Coordinator of Emergency Management.

In extreme circumstances employees may use available paid leave time, if approved by their supervisor and Town Manager. All employees are considered essential and are required to report to and remain at work as assigned. Failure of employees to report for work or remain at work during emergency operations may result in disciplinary measures.

Pursuant to § 44-146.19 of the Code of Virginia, the Town Council shall appoint a coordinator of emergency management who shall be responsible for ensuring the integration of the Town's emergency management operations into the county emergency management organization.

BUSINESS TRAVEL EXPENSES

The Town of Louisa will reimburse employees for reasonable business travel expenses incurred while on Town assignments away from the normal work location. In order to be eligible for reimbursement, business travel must be approved in advance by the Town Manager. Employees whose travel plans have been approved are responsible for making their own travel arrangements.

When approved, the actual costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by the Town.

Employees are expected to limit expenses to reasonable amounts.

Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate supervisor. Vehicles owned, leased, or rented by the Town may not be used for personal use unless authorized to do so by the Town Manager or Town Council.

When travel is completed, employees shall submit completed travel expense reports within 5 work days. Reports should be accompanied by receipts for all individual expenses.

Employees shall contact their supervisor for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses, or any other business travel issues.

Abuse of this business travel expenses policy, including falsifying expense reports to reflect costs not incurred by the employee, may be grounds for disciplinary action, up to and including termination of employment.

LEAVE WITHOUT PAY

The following are the situations for which an employee may be on leave without pay status.

Family & Medical Leave Act (Basic Leave Entitlement)

A. Eligible Employees
Eligible employees are entitled to participate in the benefits of the Family and Medical Leave Act ("FMLA"). FMLA leave is unpaid leave. The Town requires an employee to use accrued paid leave on an hour for hour basis in conjunction with FMLA leave.

B. Number of hours worked to be covered
To be eligible under the FMLA, an employee must have worked for the Town for 12 months and must have worked at least 1,250 hours within the 12 months preceding the start of the leave. Part-time and temporary employees who meet these requirements are eligible for FMLA leave.

Purposes for Which FMLA Leave May Be Taken

FMLA leave may be used:

A. to care for an employee's child after birth, or for the placement with an employee of a child for adoption or foster care (provided that the leave is requested and used within 12 months of the birth, placement, adoption, or foster care),

B. to care for an employee's spouse, child, or parent (does not include in-laws) who has a serious health condition,

C. when the employee is unable to work because of their own serious health condition.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Serious Health Condition Defined

A. Definition

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 healthcare provider. Continuing treatment involves two or more treatments (or one treatment when the condition is such that continuing follow-up is or will be required) by a healthcare provider, pregnancy, prenatal care, or other chronic or long-term serious health conditions.

B. Qualifications for Serious Health Condition

To qualify for leave due to the serious health condition of a family member, the family member must be incapable of self-care. To qualify for leave due to the serious health condition of the employee, the employee must be unable to work at all or unable to perform any of the essential functions of the employee's position.

C. Employers Requirements

Employees are required to obtain a healthcare provider certification for all absences for which FMLA leave is being requested. A chronic or long-term health condition or pregnancy does not require a visit to the healthcare provider for each absence; however, a statement by the healthcare provider that the absence was due to the chronic condition or pregnancy may be requested by the Town at its discretion.

FMLA Benefits

A. Leave

An eligible employee is entitled to a total of 12 weeks of unpaid leave during any 12 month period. Employees will be required to use accumulated paid leave (sick, compensatory, annual, etc.) on an hour for hour basis concurrent with the FMLA leave. If FMLA leave is exhausted before the end of the 12-month period, the employee will not be entitled to further FMLA leave during this period.

An employee is required to request FMLA leave in writing at least 30 days before the leave is to commence if the need for the leave is foreseeable. In circumstances when the leave is not foreseeable 30 days in advance, an employee must request the leave as soon as practicable. The Town may designate leave as FMLA leave without a request from an employee.

FMLA leave taken for a serious health condition of the employee or family member may be taken intermittently or on a reduced-hours basis.

FMLA leave taken for birth, adoption, placement, or foster care cannot be taken intermittently unless approved in advance. If both spouses work for the Town, the total FMLA leave that may be taken for this event by both employees is 12 weeks, pro-rated between as the spouses choose. FMLA leave taken for the birth, adoption, placement, or foster care of a child must be taken within the 12 months following the event.

Should the Town 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.

B. Job Restoration

Upon return from FMLA leave, an employee is entitled to be restored to the same position that was held before the start of the FMLA leave, or to an equivalent position

with equivalent benefits, pay, and other terms and conditions of employment. If an employee is unable to return to work after the FMLA leave benefits have been exhausted, the employee will not have a right to return to his or her position even if there are unused accrued leave balances.

Key employees are entitled to FMLA leave but are not entitled to job restoration if re-employment after the conclusion of the leave will cause a substantial and grievous economic injury to the Town. A key employee is a salaried employee who is among the highest paid ten percent of the Town's workforce. A key employee will be notified in writing of his or her status in response to the employee's notice of intent to take FMLA leave, unless circumstances do not permit such notice. If a key employee is already on FMLA leave when s/he receives notice that s/he is a key employee, the employee will be given a reasonable time to return to work before losing the right to job restoration.

C. Health Benefits

If paid leave is used for FMLA purposes, an employee will maintain the same benefits as if working. If the employee is on leave without pay, continuation in the health care plan is permitted, provided that the employee continues to pay for his or her share of the premiums. If the employee fails to make his premium payments, the employee will be provided written notice of this failure and will be given an additional 15 days to make payment in full. If payment is not made after this notice, health benefit coverage will cease.

The Council, in its discretion, may choose to pay the Town's ordinary share of the health insurance premiums of an employee on unpaid FMLA leave, as if the employee were on paid status. However, in such cases, the Town may require the employee to reimburse the Town for such expenditures made on the employee's behalf, regardless of whether or not the employee returns to work after the conclusion of the FMLA leave.

Other leave without pay. When an employee has exhausted all annual leave, compensatory, sick leave and FMLA, then the Town Council may, at its discretion, place such employee on leave without pay status for a period determined by the Council.

AT-WILL EMPLOYMENT

Employment with the Town of Louisa is at the mutual consent of the Town and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice.

EQUAL OPPORTUNITY EMPLOYER/NON DISCRIMINATION

The Town is an equal opportunity employer and does not discriminate against any employee or applicant for employment because of race, religion, color, sex, age, genetics, disability, political affiliation or national origin.

DRUG-FREE WORKPLACE

It is the Town's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner. The Town provides each employee with the Substance Abuse Policy. **See attached Addendum 3.** This policy is part of the overall personnel policies for the Town. All employees are required to comply with the Substance Abuse Policy.

While on Town of Louisa premises and while conducting business-related activities off Town premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs.

The legal use of medically prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

Violations of this policy may lead to disciplinary action, up to and including termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

To inform employees about important provisions of this policy, the Town of Louisa has established a drug-free awareness program. The program provides information on the dangers and effects of substance abuse in the workplace, resources available to employees, and consequences for violations of this policy.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace shall raise their concerns with their supervisor or the Town Manager without fear of reprisal.

ATTENDANCE AND PUNCTUALITY

To maintain a safe and productive environment, the Town of Louisa 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 Town of Louisa. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they shall notify their 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, up to and including termination of employment.

PERSONAL APPEARANCE

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the public's image of the Town Government. It is imperative that each employee present an image to citizens, visitors and fellow employees that reflects favorably on the Town.

During business hours, employees are expected to present a clean and neat appearance and to dress accordingly to the requirements of their position. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances employees will not be compensated for the time away from work.

SECURITY INSPECTIONS

The Town of Louisa wishes to maintain a work environment that is free of illegal drugs, alcohol, explosives, or other improper materials. To this end, the Town prohibits the possession, transfer, sale, or use of such materials on its premises. The Town 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 Town. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the Town of Louisa at any time, either with or without prior notice.

The Town likewise wishes to discourage theft or unauthorized possession of the property of employees, the Town, and citizens. To facilitate enforcement of this policy, the Town or its representatives may inspect not only desks and lockers but also persons and/or vehicles on the Town property and any packages or other belongings on Town property, if there is reasonable cause for suspicion that such vehicle, package or other

belongings contain illegal materials or unauthorized Town property. Any employee who wishes to avoid inspection of any articles or materials should not bring such items onto the Town's premises.

USE OF TOWN COMPUTERS AND TELEPHONES

All personal computers and telephones provided by the Town for employees to conduct their work are property of the Town and are to be used solely for official town purposes. The Town Manager or his designee may inspect the contents of any computer owned by the Town with or without advance warning to any employee. Employees shall not use Town computers or telephones for illegal purposes. Excessive and inappropriate personal use of such devices, or any illegal use of such devices, may be grounds for dismissal. **By accepting a position of employment with the Town, employees acknowledge and agree that they have no right to or expectation of privacy with regard to the use of any Town computer, telephone or other similar device.**

WORKER'S COMPENSATION AND ACCIDENT REPORTING

Any employee injured on the job must report the injury immediately to his/her supervisor. The supervisor must submit a detailed accident report to either the Superintendent of Maintenance or to the Town Manager's Office for completion of a Worker's Compensation Form. Please see **Addendum 2** for the Town's Worker's Compensation Administrative Procedures.

All losses, damages, accidents or occurrences which involve any Town employees, equipment, property (including the utility system) shall be reported to the Town Manager's Office on forms prescribed by the Town Manager, whether or not they result in a claim to the Town. All non-supervisory employees upon learning of an accident shall report the incident to their supervisor. All supervisory employees upon learning of an incident shall personally investigate to determine the circumstances involved, and shall then prepare a report to be submitted to the Town Manager's Office within one day of learning of an incident.

See Addendum 2 for Worker's Compensation Administrative Procedures.

Evaluating Employee Safety

An employee's conformance to safety rules and regulations and his/her work habits will be considered in his/her annual performance evaluation. The refusal of an employee to abide by safety rules, such as wearing hard hats or safety shoes may result in immediate suspension and possible dismissal.

EMPLOYEE STANDARDS OF CONDUCT AND DISCIPLINARY ACTIONS

To ensure orderly operations and provide the best possible work environment, the Town of Louisa expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

Employees are expected to conduct themselves in a professional manner, as representatives of the Town.

Employees are expected to avoid any action, which might result in giving preferential treatment to any organization or person, losing independence or impartiality of action, or adversely affecting the integrity of the Town.

Employees shall refrain from any use of his/her official position which is motivated by the desire for private gain for himself/herself or any other person.

Employees shall not use his/her Town position in any way to coerce or give the appearance of coercing another person to provide any financial benefit to the employee or to other persons.

Employees shall avoid any action that might result in giving preferential treatment to any organization or person, losing his/her independence or impartiality of action, or affecting adversely the confidence of the public in the integrity of the Town government.

Each employee shall exercise care in his/her personal financial activities to avoid any appearance of acting on the basis of information obtained in the course of performing his/her Town activities. If an employee is required under the State and Local Government Conflict of Interests Act (2.2-3100 thru 2.2-3131) he or she is responsible for complying with the Act.

An employee who witnesses another employee engaging in an unlawful act or any act that constitutes a violation of the town personnel policies on the job, shall report the act to his/her supervisor without threat or fear of reprisal.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, which may include, depending upon the circumstances: oral admonishment, written reprimand, suspension, demotion, or dismissal:

Theft or Inappropriate Removal or Possession of Property

Falsification of timekeeping or any Town records

Working under the Influence of Alcohol, Illegal Drugs, or any medication or substance that renders the employee incapable of performing his or her duties, or creates an unsafe work environment.
Possession, Distribution, Sale, Transfer, or Use of Alcohol or Illegal Drugs in the Workplace, While on Duty, or While Operating Employer-Owned Vehicles or Equipment

Fighting or Threatening Violence in the Workplace

Boisterous or Disruptive Activity in the Workplace

Negligence or Improper Conduct Leading to Damage of Employer-Owned or Privately-Owned Property

Insubordination or Other Disrespectful Conduct

Violation of Safety or Health Rules

Smoking in Prohibited Areas

Sexual or Other Unlawful or Unwelcome Harassment

Possession of Dangerous or Unauthorized Materials in the Workplace

Excessive Absenteeism or Any Absence Without Notice

Unauthorized Absence from Work Station During the Workday

Unauthorized Use of Telephones, Mail System, or Other Employer-Owned Equipment

Unauthorized Disclosure of Confidential Information

Violation of Personnel Policies

Unsatisfactory Performance or Conduct

Violations of any provisions of this Personnel Manual or any of any other personnel policies adopted by the Town Council.

Notification of disciplinary action:

Prior to imposing the disciplinary action, including termination, the supervisor shall inform the employee of the reason for the discipline and the employee shall have the right to comment on the discipline. However, the supervisor may have the employee removed from the workplace prior giving an opportunity to comment if the employee's continued presence poses a safety danger or is disruptive to the workplace.

GRIEVANCE POLICY

The Town of Louisa desires to resolve employee complaints and grievances in a fair and equitable manner. The Town follows the following Standards of Conduct.

In any organization it would be unrealistic to assume that employees would never have an occasion to question a decision which affects them. Human beings are not perfect and an employee will make mistakes whether he or she is a laborer, a clerical worker, or a Department Head.

In many cases where employees feel they have been mistreated or they are the victims of a poor decision, there has usually been a misunderstanding between the employee and the supervisor who made the decision.

Since a frank discussion between these two individuals – supervisor and employee – can usually resolve such misunderstandings, a free and open atmosphere between an employee and his/her supervisor is strongly encouraged. Decisions which affect employees should be thoroughly discussed with those affected.

When a problem cannot be resolved to the satisfaction of the employee, the employee has the right and privilege of appealing through the formal grievance procedure.

Employees whose grievances result from work situations deserve and have the right to submit grievances for orderly resolution with complete freedom from discrimination, coercion, recrimination, restraint, or reprisal. This does not, however, confer the right upon anyone to make slanderous or libelous statements.

Grievance Procedures: Please see **Addendum 1** for the Town Grievance Procedures.

POLITICAL ACTIVITIES

Purpose:

1. To foster governmental efficiency and to ensure that employees can perform their jobs without being pressured to support specific political candidates or to interpret regulations favorably for supporters of such candidates.

2. To allow employee performance and advancement to be judged without regard to prior political activity.

3. To promote public confidence in the integrity of the Town government to the end that employees and officials will not be perceived as making decisions on the basis of political loyalties.

Statement of Policy:

Section 1 – Prohibited Activities during Working Hours. An employee shall be subject to discipline up to and including immediate dismissal for violation of these provisions.

A. No officer or employee shall, while on duty during an assigned work shift as an employee of the Town:
    1. Request or solicit contributions or anything of value for any political candidate or party.
    2. Participate in any political campaign by:
        (a) Speaking in favor of any candidate or cause.
        (b) Distributing literature.
        (c) Picketing or demonstrating on behalf of or in opposition to any political candidate or cause.

(d) Organize, plan, or in any other way participate in the administration of any political campaign.

B. No officer, employee or volunteer shall, while on duty and/or in the uniform of the Town, or while operating any Town vehicle, display any badge, button, sign or sticker promoting or opposing any political cause or candidate.
C. No officer or employee of the Town shall use public roads, property, or any other instrumentality or thing of value belonging to the Town to promote or oppose any political case or candidate.
D. Nothing in this policy shall be interpreted to prohibit an employee from displaying bumper stickers or other signs on privately owned vehicles.

Section 2 – Coercion, Intimidation of Public Employees. No officer or employee of the Town shall use his/her public office or employment for the purposes, or with the effect of:

A. Coercing or intimidating any Town employee or employees with respect to contributing to, opposing or promoting, or refraining from contributing to, opposing or promoting any political cause or candidate.
B. Obtaining a benefit as a result of any political activity by:
    1. Intentionally committing an unauthorized act under color of law.
    2. Intentionally refraining from performing a duty imposed upon him/her by law.

Section 3 – Illegal Political Activities. No officer or employee of the Town shall engage in any political activity which is prohibited under state or federal law. Any person engaging in such an activity shall be subject to disciplinary action, including immediate dismissal.

Section 4 – Running For Office. Any employee that declares for public or political office or seeks an elected position may but is not required to request a leave of absence from the Town Council until the election. Such leave of absence shall not be for more than sixty (60) calendar days, and shall be unpaid excepting annual leave already accrued on the personnel records of the Town at the time of the request of the leave of absence. Notwithstanding the foregoing, no employee who declares for public or political office or seeks an elected position shall participate in any campaign activity, seeking of contributions or support, seeking of votes, or shall otherwise engage in any activity the primary purpose of which is to further said employee's chance for attaining the public or political office or elected positions so sought, while on duty and/or in the uniform of the Town, or while operating any Town vehicle, or while otherwise performing any duties required of said employment on behalf of the Town. Any violation of this prohibition shall be subject to discipline up to and including immediate dismissal.

PURCHASING POLICY (adopted by Town Council February 19, 2019)

1 Small purchases under $250 or gas may be purchased by all employees when required – supervisors are required to certify receipts for small purchases.

2. Invoices between $251 and $2,500 may be purchased by supervisors or department heads when allocated in the budget with appropriate general ledger coding and verified by the Town Manager.

3. Items greater than $2,500 need the Town Manager's approval and notification sent to the Accounts Payable Department 3 business days prior to Town Council's monthly meeting. Exceptions may be approved by submitting a request to the Town Manager with a copy sent to the Account Payable department.

4. Town Manager has the authority to make General Ledger adjustments in amounts up to $5,000 within the approved and allocated budget. An item over $5,000 requires Town Council approval and notification of the funding source.

5. Three quotes or an emergency memo justification are required for purchases over $5,000 unless state or federal contracts are used.

6. Policy applies only to "discretionary" spending and does not apply to insurance, payroll, or other one- time, budgeted line items.

Addendum 1.

GRIEVANCE PROCEDURE

The purpose of this procedure is to provide a prompt, fair, and orderly method for the resolution of employee grievances initiated by eligible employees of the Town of Louisa, Virginia ("the town").

I. Definition of Grievance

A. A grievance is a complaint or dispute by an employee relating to his employment, including but not necessarily limited to:

1. Disciplinary actions, including disciplinary demotions, suspensions, and dismissals provided that such dismissals result from formal discipline or unsatisfactory job performance.

2. The application of personnel policies, procedures, rules, and regulations, and the application of ordinances and statutes.

3. Acts of retaliation as the result of the use of or the participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth of Virginia, has reported any violation of such law to a governmental authority, has sought any change in law before the United States Congress or the General Assembly of Virginia, or has reported an incident of fraud, abuse, or gross mismanagement.

4. Discrimination on the basis of race, color, creed, religion, political affiliation, age, disability, national origin, or sex.

B. Management Rights and Prerogatives

The Town reserves to itself the exclusive right to manage the affairs and operations of Town government. Accordingly, complaints involving the following management rights and prerogatives are not grievable:

1. Establishment and revision of wages or salaries, position classification, or general benefits.

2. Work activity accepted by the employee as a condition of employment, or work activity which may reasonably be expected to be a part of the job content.

3. The contents of ordinances, statutes, or established personnel policies, procedures, rules, and regulations.

4. The methods, means, and personnel by which work activities are to be carried on, including but not necessarily limited to:

a. The provision of equipment, tools, and facilities necessary to accomplish tasks.

b. The scheduling and distribution of manpower/personnel resources.

c. Training and career development.

5. The hiring, promotion, transfer, assignment, and retention of employees in positions within the Town's service.

6. Failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly.

7. The relief of employees from duties, or taking action as may be necessary to carry out the duties, of the Town in emergencies.

8. Direction and evaluation of the work of Town employees.

9. Termination, layoff, demotion, or suspension from duties because of lack of work, reduction in force, or job abolition, except where such action affects an employee who has been reinstated within the previous six months as the result of the final determination of a grievance. In any grievance brought under the exception to this paragraph, the action shall be upheld upon a showing by the Town that:

a. There was a valid business reason for the action, and

b. The employee was notified of the reason in writing prior to the effective date of the action.

II. Coverage of Personnel

A. Except as noted below, all non-probationary full-time and part-time employees are eligible to file grievances under this procedure. The following are the exceptions:

1. Key officials of (the Town). For purposes of this procedure, a key official is defined as an employee appointed to their position by an act of the Town Council.

2. Members of boards and commissions.

3. Employees whose terms of employment are limited by law.

4. Officials and employees who serve at the will or pleasure of an appointing authority.

5. Appointees of elected individuals or elected groups.

6. Probationary employees in matters concerning their dismissal. Probationary employees may, however, use this procedure for complaints or disputes other than dismissals that are determined to be grievable.

7. Temporary, limited term, and seasonal employees.

8. Law enforcement officers as defined in §9.1-500 of the Code of Virginia whose grievance is subject to the provisions of §9.1-500 et seq. of the Code of Virginia

(Law-Enforcement Officers Procedural Guarantee Act) and who have elected to proceed pursuant to those provisions in the resolution of their grievance, or any other employee electing to proceed pursuant to any other existing procedure in the resolution of his grievance. (*See Section VIII*)

B. The Town Manager shall determine the officers and employees (by position) excluded from this grievance procedure and shall maintain a list of such excluded positions.

III. Operation of the Grievance Procedure

A. Step 1. An employee who believes he has a grievance and wishes to utilize this procedure shall discuss the grievance informally with his immediate supervisor within 20 calendar days of the occurrence of the incident giving rise to the grievance or within twenty calendar days following the time when the employee reasonably should have gained knowledge of its occurrence. A response to the grievance shall be communicated, either orally or in writing, to the grievant within 10 calendar days.

Note: If the complaint is alleging discrimination or retaliation by the immediate supervisor the grievance may be presented at Step 1 to the department head or, if there is no department head above the immediate supervisor to the Town Manager. If Step 1 is with the Town Manager, Step 2 is omitted and the written grievance is presented to the Town Manager. The grievance proceeds immediately to Step 3.

B. Step 2. If the grievant is not satisfied with and does not accept the Step 1 response, or if a response is not provided within the required time frame, the grievant may proceed by putting the grievance in writing on the Grievance Form which is attached to this procedure. The Grievance Form shall be delivered, by mail or in person, to the department head within 10 calendar days of receipt of the supervisor's response or the deadline for that response, whichever occurs first. If the immediate supervisor is the department head, the written grievance should be presented to the Town Manager and it will proceed as if it were at Step 3.

The grievant shall specify the relief that he expects to gain through the use of this procedure. The department head shall promptly meet with the grievant. Normally, the only persons who may be present at the meeting or hearing shall be the agency head, the grievant, and the appropriate witnesses. The department head shall render a written response to the grievance within 10 calendar days following receipt of the completed request form with a copy of the response being sent to the manager. By mutual consent of the grievant and the department head or the grievant may skip Step 2 and proceed directly to Step 3.

C. Step 3. If the grievant does not accept the response at Step 2, or if the department head fails to respond within the required time frame, the grievant shall indicate his desire to advance the grievance to Step 3 on the Grievance Form. The Grievance Form shall be delivered by mail or in person, directly to the Town Manager within 10 calendar days following receipt of the Step 2 response, or immediately after the deadline for that response, whichever occurs first. If the Town Manager determines (or has previously determined) that the complaint is grievable, a meeting of the grievant, the grievant's representative if there is one, a representative of the affected department and the Town Manager will be held within 5 days. Appropriate witnesses for each side and such other person as the Town Manager or the grievant may want to call, may be present to offer testimony only. The Town Manager shall render a written response to the grievance within 10 calendar days following receipt of the completed request form.

In the event that the Town Manager determines that the complaint, or a portion of the complaint, is not grievable, the grievant may appeal that decision to the Circuit Court as set out in Section IV (B) of this procedure.

D. Step 4. If the grievant does not accept the Step 3 written response, or if the Town Manager fails to respond within the required time frame, and the grievant wishes to advance to a grievance panel hearing, the grievant shall complete Step 4 of the Grievance Form.

The Grievance Form shall be delivered, by mail or in person, directly to the Town Manager within 10 calendar days following receipt of the Step 3 response or the deadline for that response, whichever occurs first. The Grievance Form shall contain the name of the person whom the grievant desires to serve on the grievance panel. The grievant shall not name a person to serve on the grievance panel unless and until the grievant has received that person's consent to do so. The grievance shall be heard by an impartial grievance panel as set out in Section VI of this procedure.

IV. Grievability and Access

A. Grievability and access are determined by the Town Manager generally after the grievance reaches Step 3. Only after the Town Manager has determined that a complaint is grievable and/or the grievant has access to the procedure may a grievance be advanced through Steps 3 and 4. Should the question of grievability or access arise at Step 2 the grievant or the department head may request a ruling on grievability and/or on access by the Town Manager. The Town Manager shall render a decision within 10 calendar days of receipt of the ruling request and shall send a copy of the decision to the grievant and the department head.

B. The Town Manager's decision on grievability and/or access may be appealed to the Circuit Court of the County. Such appeals shall be instituted by the grievant by filing a notice of appeal with the Town Manager within 10 calendar days from the date the grievant received the decision. Within 10 calendar days after the filing of the notice of appeal, the Town Manager or his designee shall transmit to the Clerk of the Circuit Court a copy of the Town Manager's decision on grievability or access to the procedure, a copy of the notice of appeal, a copy of the grievance record, and copies of all exhibits. A list of the evidence furnished to the Court shall also be furnished to the grievant. The appeal will be heard by the Court as provided by law. The decision of the Court is final and is not appealable.

V. General Terms

Except as otherwise noted, the following rules apply to all levels of grievance hearings.

A. Time intervals specified in Steps 1 through 4 may be extended by mutual consent of the parties.

B. When a deadline falls on a Saturday, Sunday or Town holiday, the next calendar day that is not a Saturday, Sunday, or Town holiday shall be considered the last calendar day.

C. All grievance meeting and hearings shall be held during normal Town working hours unless both the grievant and the Town Manager should mutually agree otherwise.

D. Town employees who are necessary participants at grievance hearings shall not lose pay for time necessarily lost from their jobs and will not be charged leave because of their attendance at the grievance proceedings.

E. At the Step 3 meeting, the grievant, at his option, may have present, a representative of

his choice. If the grievant is represented by legal counsel, the Town likewise has the option of being represented by counsel.

F. The use of recording devices or a court reporter is not permitted at Step 1, 2 and 3 meetings. Only Step 4 hearings may be recorded.

G. Hearings are not intended to be conducted like proceedings in court and the rules of evidence do not apply.

H. At Step 4, the grievance panel shall have the discretion to limit the attendance at the hearing of persons not having a direct interest in the hearing.

I. At the request of either party, Step 4 hearings shall be private.

J. Except in grievances involving discipline or in cases where the grievance panel determines otherwise, the grievant shall present his evidence first.

K. The grievance panel shall determine the propriety of and the weight to be given the evidence submitted.

L. Both the grievant and the Town may call appropriate witnesses. All witnesses, including the grievant, shall be subject to examination and cross-examination.

M. Witness shall be present only while actually giving testimony and shall otherwise be excluded from the room.

N. The grievant shall not be entitled to financially recover more than that which he has lost; the grievant's costs are not to be assessed against the Town.

O. Where a grievant has obtained partial relief at one level of this grievance procedure but decides to appeal to the next higher level, the filing of a request form to the next higher level shall constitute rejection of, and relinquishment of any claim to, any and all relief granted at the previous level.

P. Each party shall bear the costs and expenses, if any, of his legal counsel or representative.

VI. Rules Concerning Grievance Panels and Panel Hearings

A. Selection of Grievance Panel.

1. Within 5 calendar days of receipt of the Step 4 request form, the Town Manager shall appoint a member to serve on a grievance panel. The member selected by the grievant and the member selected by the Town Manager shall then select a third member.

2. If the panel member appointed by the grievant and the panel member appointed by the Town Manager or his designee cannot agree upon a third panel member within 20 calendar days of the Town's receipt of the selection of the first two panel members, then the chief judge of the Circuit Court shall choose an impartial, third panel member. The third panel member shall act as chair of the panel.

B. Eligibility to Serve on Grievance Panel.

The panel shall not be composed of any persons having direct involvement with the grievance being heard by the panel, or with the complaint or dispute, giving rise to the grievance. Managers who are in a direct line of supervision of a grievant, persons residing in the same household as the grievant, and the following relatives of a participant

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

The following rules apply to Step 4 grievance panels and the conduct of Step 4 grievance panel hearings:

1. The grievant shall bear the reasonable costs and expenses, if any, of his panel member.

2. The Town shall bear the reasonable costs and expenses, if any, of its panel member and those of the third panel member unless the grievant objects. Upon objection, the reasonable costs and expenses of the third panel member shall be shared equally between the Town and the grievant.

3. No person shall receive any compensation, whether monetary or otherwise, for his time in serving as a member of a grievance panel. Notwithstanding this prohibition, a Town employee serving as a member of a grievance panel may receive his usual Town salary for the period he serves on such a panel.

4. The panel shall promptly set the date, time, and location for hearing the grievance and shall notify the parties.

5. The Town shall provide the panel with copies of the grievance record prior to the hearing, and shall provide the grievant with a list of the documents furnished to the panel.

6. Each party shall furnish to the other copies of all documents, exhibits, and a list of witnesses it intends to use at the panel hearing 7 calendar days in advance of the hearing.

7. Both the grievant and the Town may be represented by legal counsel or other representative at the panel hearing. Such representatives may examine, cross-examine, question, and present evidence on behalf of the grievant or the Town before the panel without being in violation of the provisions of Virginia Code §54.1-3904.

8. The panel shall have the authority to determine the admissibility of evidence without regard to the burden of proof so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence. The Town shall present it's evidence first in grievances challenging a disciplinary action and shall have the burden of persuasion on such issue.

9. All evidence shall be presented in the presence of the panel and the parties except by mutual consent of the parties.

10. The decision of the panel should be rendered as soon as possible, but, in any case, not later than 5 calendar days following the conclusion of the hearing.

11. The panel shall have the authority, if it finds (based on the greater weight of the evidence) that the grievant has been denied a benefit or wrongly disciplined without just cause (where such cause is required) to reverse, reduce, or otherwise modify such action and, where appropriate, to order the reinstatement

of such employee to his former position with back pay.

a. Back pay shall not exceed pay for time actually lost or paid leave required to be taken due to such suspension or discharge, in an amount the panel believes equitable up to the amount of actual loss.

b. Any award of back pay shall be offset by interim earnings the grievant earned during the period of separation.

c. The panel also has the power to sustain, modify, or reverse (the Town's) action.

12. The panel shall not have the authority to do any of the following:

a. Formulate policies or procedures.

b. Alter existing policies or procedures.

c. Circumscribe or modify the rights afforded the parties in this procedure.

d. Grant relief greater than that which the grievant has requested in the request form.

13. The majority decision of the panel, acting within the scope of its authority, shall be final and binding, subject to existing policies, procedures, and law.

14. The question of whether the relief granted by a panel is consistent with written policy shall be determined by the Town Manager or his designee, unless the Town Manager or his designee 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 Attorney for the Commonwealth for Louisa County.

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

VII. Compliance

A. Except as noted in paragraph VII(B), after the initial submission of the grievance to the immediate supervisor, the failure of either party to comply with all substantial procedural requirements of this procedure without just cause shall 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 5 work days of receipt of written notification by the other party of the noncompliance. Such written notification by the grievant shall be made directly to the Town Manager.

B. If one of the management respondents in Steps 1, 2, or 3 does not respond to the grievance, the grievant at his option, may move the grievance to the next level by submitting it without the response to the next Step or the grievant can provide the Town Manager notice of the non-compliance as set forth in paragraph VII(A).

The Town Manager shall determine compliance issues. Compliance determinations made by the Town Manager or his designee shall be subject to judicial review, which shall be initiated by the grievant filing a petition with the Circuit Court of the County within 30 calendar days of the compliance determination.

VIII. Law-Enforcement Officer's Procedural Guarantees Act

Law enforcement officers as defined in Chapter 5 of Title 9.1 (§9.1-500 et seq.) of the Code of Virginia

("LEOPGA") employed by the Town, whose grievance is subject to the provisions of the LEOPGA, may elect to proceed pursuant to those provisions in lieu of the Town's grievance procedures in the resolution of their grievance. The provisions of the LEOPGA are set out in this section.

DEFINITIONS

"Agency" means the Department of State Police, the Division of Capitol Police, the Virginia Marine Resources Commission, the Virginia Port Authority, the Department of Game and Inland Fisheries, the Department of Alcoholic Beverage Control, the Department of Conservation and Recreation, or the Department of Motor Vehicles; or the political subdivision or the campus police department of any public institution of higher education of the Commonwealth employing the law-enforcement officer.

"Law-Enforcement Officer" means any person, other than a Chief of Police or the Superintendent of the Department of State Police, who, in his official capacity is, (i) authorized by law to make arrests and (ii) a non-probationary officer of one of the following agencies:

a. The Department of State Police, the Division of Capitol Police, the Virginia Marine Resources Commission, the Virginia Port Authority, the Department of Game and Inland Fisheries, the Department of Alcoholic Beverage Control, the Department of Motor Vehicles, or the Department of Conservation and Recreation;

b. The police department, bureau or force of any political subdivision or the campus police department of any public institution of higher education of the Commonwealth where such department, bureau or force has ten or more law-enforcement officers; or

c. Any conservation police officer as defined in §9.1-101.

For the purposes of this chapter, "law-enforcement officer" shall not include the sheriff's department of any city or county. The rights accorded law-enforcement officers in this chapter are minimum rights and all agencies shall adopt grievance procedures that are consistent with this chapter. However, an agency may provide for additional rights of law-enforcement officers in its grievance procedure. This chapter does not prohibit the informal counseling of a law-enforcement officer by a supervisor in reference to a minor infraction of policy or procedure, which does not result in disciplinary action being taken against the law-enforcement officer.

Conduct of Investigation

The LEOPGA specifies that whenever a law-enforcement officer is subject of an investigation by an agency, and the focus of the investigation concerns matters, which could lead to the dismissal, demotion, suspension or transfer for punitive reasons:

- The officer shall be questioned at a reasonable time and place as designated by the investigating officer, preferable when the officer under investigation is on duty and at one of the following locations: office of the command of the investigating officer; or the office of the local precinct or unit of the officer being investigated, unless the matters being investigated are of such a nature that requires immediate action.

- Prior to the officer being questioned, he shall be informed of (i) the name and rank of the investigating officer and of any individual present during the questioning and (ii) the nature of the investigation.

- If a blood or urine specimen is taken from a law-enforcement officer for the purpose of determining whether the officer has used drugs or alcohol, the specimen shall be divided and placed into two separate containers. One container shall be tested while the other is held in a proper manner, to preserve the specimen, by the facility collecting or testing the specimen. Should the first specimen test positive, the law-enforcement officer shall have the right to have the second

specimen tested by an independent laboratory of his choice (pursuant to §18.2-268.1 through §18.2-268.1); the laboratory chosen by the officer must be accredited or certified by one or more of the following bodies: the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB), the College of American Pathologies (CAP), the United State Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA), or the American Board of Forensic Toxicology (ABFT). The officer shall notify the chief of his agency in writing of his request within 10 days of being notified of positive specimen results.

Notice of charges; response; election to proceed under grievance procedure of local governing body

Prior to dismissing, demoting, suspending without pay, or transferring for punitive reasons, the following rights shall be afforded the law-enforcement officer:

- Notified in writing of all charges, the basis therefore, and the action which may be taken;
- Given an opportunity, within a reasonable time limit after the date of the written notice provided above, respond orally and in writing to the charges. The time limit shall be determined by the agency, but in no event shall it be less than five calendar days unless agreed to by the law-enforcement officer;
- The law-enforcement officer may be assisted by counsel at his own expense; and
- Given written notification of his right to initiate a grievance under the grievance procedure established by the local governing body pursuant to §15.2-1506 and §15.2-1507. A copy of this grievance procedure must be provided upon his request.
- A law-enforcement officer may proceed under either the local governing body's grievance procedure or the LEOPGA, but not both.

Personal Assets of Officers

No law-enforcement officer shall be required or requested to disclose any item of his property, income, assets, source of income, debts, or personal or domestic expenditures, including those of any member of his family or household, unless (i) such information is necessary in investigating a possible conflict of interest with respect to the performance of his official duties (ii) such disclosure is required by law, or (iii) such information is related to an investigation. Nothing in this section shall preclude an agency from requiring the law-enforcement officer to disclose any place of off-duty employment where he may be contacted.

Hearing; Hearing Panel Recommendations

Whenever a law-enforcement officer is dismissed, demoted, suspended or transferred for punitive reasons, he may, within a reasonable amount of time (as set by the agency) following such action, request a hearing. If the law-enforcement officer makes a timely request, a hearing shall be held within a reasonable amount of time (as set by the agency). This hearing shall not be set later than fourteen calendar days following the date of the request unless agreed upon by the law-enforcement officer. The law-enforcement officer and the agency will have the opportunity to present evidence, examine, and cross-examine witnesses. The law-enforcement officer can be represented by counsel unless the officer and agency are afforded, by regulation, the right to counsel in a subsequent de novo (new) hearing. The grievant and agency heard are both allowed to pick one panel member.

- Grievant – One member from within the agency
- Agency head – One member of equal rank to, but no more than two ranks above, the grievant
- These two panel members then pick one member from within the agency

*If the two appointed members cannot agree upon a third member, then the Chief Judge of the judicial circuit wherein the grievant's duty station lies, will choose the third party.

The hearing panel may, and on the request of either the law-enforcement officer or his agency shall, issue subpoenas requiring the testimony of witnesses who have refused or failed to appear at the hearing. The hearing panel shall rule on the admissibility of the evidence. A record shall be made of the hearing.

At the discretion of the agency, it may, in lieu of complying with §9.1-502 give the law-enforcement officer a statement, in writing, of the charges, the basis therefore, the action which may be taken, and provide a hearing as provided for in this section prior to dismissing, demoting, suspending or transferring for punitive reasons the law-enforcement officer. Any recommendations of the hearing panel and the reason therefore, shall be in writing and transmitted promptly to the law-enforcement officer or his attorney and the agency head. Such recommendations shall be advisory only, but shall be given significant weight.

Immediate Suspension

Nothing in this chapter shall prevent the immediate suspension without pay of any law-enforcement officer whose continued presence on the job is deemed to be a substantial and immediate threat to the welfare of his agency or the public, nor shall anything in this chapter prevent the suspension of a law-enforcement officer for refusing to obey a direct order issued in conformance with the agency's written and disseminated regulations. In such a case, the law-enforcement officer shall, upon request, be afforded the rights provided for under this chapter within a reasonable amount of time set by the agency.

Grievance Hearing Form

Please type or print

_____ _____

Name of Grievant Job Title

_____ _____

Department Telephone Number(s)

Step 2 – Department Head Meeting: To be completed by the grievant at Step 2 only and filed with the grievant's department with a copy sent to the Manager.

1. Date of the incident-giving rise to this grievance. _____

2. Date of the grievant's first awareness of the incident. _____

3. Have you had a Step 1 informal hearing with your immediate supervisor?

   ___Yes ___No (check one)

4. If yes, when? _____

5. Person(s) against whom this grievance is directed.

   _____

   _____

   _____

6. Specify the incident that resulted in this grievance. (Use separate sheets if necessary)

   _____

   _____

   _____

7. Specify the policy(ies), rule(s), or regulation(s) at issue. (Use separate sheets if necessary)

   _____

   _____

   _____

8. Specify why the action taken was not proper. (Use separate sheets if necessary)

   _____

   _____

   _____

9. Specify the relief sought. (Use separate sheets if necessary)

_____

_____

_____

_____
Signature of Grievant

Date Submitted: _____

****

Department Head Response:

_____

_____

_____

_____

_____
Signature of Departmental Head and Date

Date Grievance Was Received: _____

****

Request for Step 3 – Town Manager Meeting: To be completed by the Grievant at Step 3 only and filed directly with the Manager's office.

I wish to have my grievance heard at the Step 3 (Town Manager) level. I understand that, by requesting to have my grievance heard at Step 3, I am giving up the relief, if any, that was awarded to me at Step 2.

_____
Signature of Grievant

Date Submitted: _____

****

Town Manager Response:

_____

_____

_____

_____
Signature of Town Manager and Date

Date Grievance Was Received: _____

****

Request for Step 4 – Grievance Panel Hearing: To be completed by the grievant at Step 4 only and filed directly with the Town Manager.

1. I wish to have my grievance heard at the Step 4 (grievance panel) level. I understand that, by requesting to have my grievance heard at Step 4, I am giving up the relief, if any, that was awarded to me at Step 3.

2. Name of grievant's panel member: _____

   Address: _____

   Telephone Number: Home: _____

   Work: _____

   _____
   Signature of Grievant

   Date Submitted: _____

Town Panel Member

Name of Town's panel member: _____

Address: _____

Telephone Number: Home: _____

Work: _____

Addendum 2

Worker's Compensation Administrative Procedures

Workers' Compensation Policy

Our first responsibility is the prevention of occupational injuries and illnesses. Despite our best efforts, injuries and illnesses do sometimes occur. Workers' Compensation provides benefits for an employee in the event of certain occupational illnesses, injuries, or death.

Reporting

Employees are required to immediately report, in writing, all workplace injuries, conditions or illnesses, to their supervisor. All incidents shall be reported no matter how insignificant and regardless if medical treatment is necessary. The employee should retain a copy of the written notice given to the supervisor. If the immediate supervisor is not available, report must be made to the Town Manager. Late reporting by the employee can result in delayed or denied workers' compensation benefits.

The Town Manager shall immediately complete an accident report and submit this report to its workers' compensation provider (VML Insurance). Delays in reporting can jeopardize the employees' rights under the workers' compensation law and subject the Town to penalties, which can be assessed by the Virginia Workers' Compensation Commission. All accident reports shall be submitted to the workers' compensation provider within 24 hours of the notification of a work related injury or illness.

Panel of Physicians

The Town has an approved Panel of Physicians for treating workers' compensation injuries and illnesses. The supervisor or Town Manager shall, immediately upon notification of a work related injury or illness, provide the employee with a copy of the Panel of Physicians. The employee shall sign and date an acknowledgement of receipt of the Panel of Physicians and the supervisor shall witness the employee's signature. The Panel of Physicians shall be offered to the employee, regardless if the employee intends to receive medical attention. The supervisor or Town Manager shall provide the employee with a copy of the signed Panel.

Treatment by a physician or medical facility outside of the panel will be at the employee's expense.

However, in the event of an emergency the employee may seek treatment at the closest emergency facility. Once the emergency treatment is completed a Panel physician must be chosen for follow up care.

All departments shall post a copy of the Panel of Physicians in a conspicuous location.

Medical Treatment

An employee shall not utilize health insurance for situations believed to be work related, unless the claim is denied by the workers' compensation carrier.

Wage Loss Benefits

An employee is not entitled to lost wage compensation for the first seven days of incapacity resulting from a work related disability. The Virginia Workers' Compensation Law includes weekends/holidays in this count, and these days do not need to be consecutive.

The employee will be given the option of using earned sick/annual leave for up to seven days. If the employee chooses not to use earned leave this will be excused leave without pay. It is the employee's responsibility to notify his supervisor or Town Manager regarding how he/she would like to charge the first seven days missed. If a designation is not made, the period missed from work will not be compensated by the employer.

If the absence is longer than seven days, the employee will receive compensation benefits from VML Insurance Programs in accordance with the provisions of the Virginia Workers' Compensation Act.

If an employee is out of work over 21 days for a covered injury/illness, which disability is authorized by a panel physician, the employee will receive VML Insurance Programs, compensation for the first seven days. The employee may turn this payment over to, or reimburse the Town for the amount of compensation awarded to the employee for the first seven days of absence and the Town shall reinstate the employees' earned leave. Because workers' compensation benefits are not taxable, the Town shall make a taxable adjustment on this pay.

Injured employees do not continue to accrue sick and annual leave while out of work due to a workers' compensation injury/illness.

Temporary and part-time employees who are not eligible for annual leave and employees who have no earned leave available will not receive pay for the first seven days missed from work unless the employees absence is greater than 21 days under the conditions described above.

Earned sick/annual leave cannot be used concurrently with workers' compensation benefits.

Work related disability will be designated under the Family Medical Leave Act (FMLA), if applicable, and will run concurrently with workers' compensation benefits, if the disability constitutes a "serious health condition".

While receiving workers' compensation benefits, any voluntary deductions are the responsibility of the employee.

Earned sick/annual leave may be used for disability resulting from a denied workers' compensation claim and disability will be designated under FMLA, if applicable, if the disability constitutes a "serious health condition".

Return to Work – Light/Modified Duty:

The Town shall make every effort to provide light/modified duty for employees with temporary restrictions resulting from a work-related disability, however, the Town is not required to alter employment classifications nor create new employment positions or classifications in order to accommodate a light or modified duty status. All light/modified assignments will be within the employee's medical capability and will adhere to the treating physician's recommendations. The light/modified assignment may or may not be in the same occupation, department, pay scale, hours, etc. as the employee was performing prior to the work-related injury or illness.

If an employee refuses a light/modified assignment that has been approved by their treating physician and is within their capabilities, his/her workers' compensation benefits will be jeopardized.

Addendum 3

Substance Abuse Policy

ARTICLE I. GENERAL POLICY

The Town of Louisa has adopted a Substance Abuse Policy which encompasses all employees, both full-time and part-time.

The Town Manager of the Town of Louisa shall oversee the implementation and operation of all necessary regulations concerning this Substance Abuse Policy.

The Town of Louisa is dedicated to providing safe, dependable, courteous and economical public services to our customers and citizens. Our employees are our most valuable resource and it is our goal to provide a healthy, satisfying working environment which promotes personal opportunities for growth.

The presence of drug and alcohol in the workplace and the influence of these substances on employees during working hours are inconsistent with effective government. As a public employer, the Town is entrusted with the health and safety of its citizens as well as its employees.

It is the policy of the Town of Louisa to (1) assure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner; (2) create a workplace environment free from the adverse effects of drug abuse and alcohol misuse; (3) prohibit the unlawful manufacture, distribution, dispensing, possession or use of controlled substances; and (4) to encourage employees to seek professional assistance anytime personal problems, including alcohol and drug dependency adversely affect the ability of employees to perform their assigned duties.

ARTICLE II. PURPOSE

The purpose of this policy is to assure worker fitness for duty and to protect our employees and the public from the risks posed by the misuse of alcohol and use of prohibited drugs.

The purpose of this policy is to encompass all full-time and part-time employees regardless of their various assigned department duties.

ARTICLE III. APPLICABILITY

This policy applies to all employees, contract employees and contractors when they are on Town property or when performing any Town related business or "when on the job", as the same is defined in Article VI hereinbelow. This policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work. Visitors, vendors, and contractor employees are governed by this policy while on Town Premises and will not be permitted to conduct Town business if found to be in violation of this policy.

ARTICLE IV. PROHIBITED SUBSTANCES

"PROHIBITED SUBSTANCES" addressed by this policy include the following:

A. Any illegal drug or any substance identified in Schedules I through V, Section 202 of the Controlled Substances Act (21 USC 812), as amended and as further defined by 21 CFR 1300.11 through 1300.15. This includes, but is not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any other drug not approved for medical use by the U.S. Food and Drug Administration. Illegal use includes us of any illegal drug, misuse of legally prescribed drugs, and the use of illegally obtained prescription drugs.

B. The appropriate consumption, ingestion or use of legally prescribed drugs and non-prescription medications is not prohibited. However, the consumption, ingestion or use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to supervisory personnel and medical advice must be sought by the employee, as appropriate, before performing work-related duties.

A legally prescribed drug means that the individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing Town services or when on the job is prohibited.

C. The consumption, use or ingestion of beverages containing alcohol or substances including medication, mouthwash, food, candy or any substance such that alcohol is present in the body while performing Town services or when on the job is prohibited. The concentration of alcohol expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath testing device.

ARTICLE V. OTHER DEFINITIONS

A. *Reasonable Suspicion.* Means that the Town, or its agent(s), reasonably believes the actions or appearance or conduct of any employee while at work are indicative of substance abuse. Examples may include, but are not limited to: observations or excessive laughing, paranoia, slurred or rapid speech, sudden mood swings, blood shot eyes, odor of alcohol, or erratic job performance, fights (to mean physical contact), assaults, and flagrant disregard or violations of established safety, security, or other operating procedures, occurrence of a serious or potentially serious accident that may have been caused by prohibited substance abuse or alcohol misuse, or evidence of the manufacture, distribution, possession, or use of controlled substances, drugs, alcohol, or other prohibited substances.

B. *Substance Abuse.* Means the use of any illegal drug or the misuse of any legal drug or misuse of alcohol. For the purposes of this policy, use of any illegal drug is evidenced by a measurable quantity of an illegal drug in the body at cutoff levels specified in the Department of Health and Human Services Mandatory Guidelines for Federal Workplace Drug Testing Programs.

ARTICLE VI. PROHIBITED CONDUCT

The Town of Louisa expressly prohibits employees from reporting to work with a measurable quantity (as defined in Article V Paragraph B of this policy and/or this Article) of any illegal drug or alcohol in the body. The possession, manufacture, distribution, purchase, or sale of illegal drugs or alcohol when on the job is also strictly prohibited. If any employee is found to be distributing, selling or possessing any illegal drug on the job, the Town Police will be called to the scene. The sale, manufacture, distribution, purchase, or use of illegal drugs or alcohol when on the job (for the purpose of this policy "when on the job" or "on the job" includes lunch and other authorized breaks), are grounds for disciplinary action, up to and including immediate dismissal. The Town recognizes substance abuse can be successfully treated. In addition to or in lieu of disciplinary action, Town employees will be given the opportunity to successfully complete counseling or a rehabilitation program to overcome addiction to drugs or alcohol.

No employee shall report for duty or remain on duty when his/her ability to perform any assigned functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.04 or greater. No employee shall use alcohol while on duty, in uniform, while performing any functions of the Town or incidental employment of the Town, or just before or just after performing any such function. No employee shall use alcohol within four hours of reporting for duty, or during the

hours that said employee is on call. An employee who has an alcohol concentration of greater than 0.02 but less than 0.04 shall be removed from his/her position for eight hours. The inability to perform assigned duties due to an alcohol test result of greater than 0.02 but less than 0.04 will be considered the same as a no-show to work subject to disciplinary procedures for such no-show.

Further, the misuse or abuse of legal drugs while on the job is prohibited, as set forth in Article IV Paragraph B hereinabove.

Violation of any of the prohibited conduct is punishable by disciplinary action up to and including termination.

ARTICLE VII. CONFIDENTIALITY

Confidentiality, consistent with legal, safety and security considerations, is fundamental to this policy. The results of all physical examinations and substance abuse tests will be treated as confidential, and distribution will be limited to those having a need to know.

ARTICLE VIII. TRAINING

Training will be provided to all employees on this policy.

ARTICLE IX. SCREENING

All employees and designated applicants for employment, see paragraph A hereinbelow, will be screened for substance abuse under the following conditions:

A. *Pre-employment Screening.* Applicants for employment in law enforcement and safety-sensitive positions, and other positions where drug or alcohol use could have an adverse impact on the public, are subject to substance abuse screening as a condition of employment. A positive test result or a refusal to consent to or to take the required test shall be grounds for disqualification from employment considerations.

B. *Reasonable Suspicion Screening.* All employees are subject to reasonable suspicions substance abuse screening, including urine drug testing and breath alcohol testing. If a supervisor reasonably suspects than an employee may be misusing drugs or alcohol, he/she may request that the employee be tested. Refusal to consent to a test or to be tested upon request may result in disciplinary action, up to and including termination.

C. All employees shall be required to undergo urine and breath testing if they are involved in an accident with a Town-owned vehicle that results in a fatality. This includes all surviving employees that are on-duty in the vehicle and any other employee whose performance could have contributed to the accident. In addition, post-accident test shall be conducted: (1) if an accident results in injuries requiring transportation to a medical treatment facility; (2) if one or more vehicles incurs disabling damage that requires towing from the site; or (3) if the employee receives a citation under state or local law for a moving traffic violation arising from the accident. If no citation is given, employees covered by this policy may still be tested if they could have contributed to the accident.

Following an accident, the employee will be tested as soon as possible, but not to exceed eight (8) hours for alcohol testing and thirty two (32) hours for drug testing. Any employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test. Any employee who leaves the scene of the accident without justifiable explanation prior to submission to drug and alcohol testing will be considered to have refused the test and their employment shall be terminated. Employees tested under this provision will include not only the operations personnel, but any other covered employee whose performance could have contributed to the accident.

D. Refusal, as used in this policy, can include an inability to provide a sufficient urine specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.

E. Where an employee is suspected of providing false information in connection with a test, or where the employee is suspected of falsifying test results through tampering, contamination, adulteration, or substitution, the employee will be required to undergo an observed collection.

ARTICLE X. PROPER APPLICATION OF THE POLICY

The Town is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors are required to use and apply aspects of this policy in an unbiased and impartial manner. Any supervisor who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regards to subordinates, shall be subject to disciplinary action, up to and including termination.

ARTICLE XI. PROCEDURES

A. If a supervisor suspects an employee of being under the influence of alcohol or drugs, he/she should first observe the employee closely, noting unusual behavior. It is important for the supervisor not to come to any set conclusions, because often prescribed drugs or certain illnesses may have the same effect.

B. When observing the employee, the supervisor should simply note abnormal behavior and the inability to perform job duties. The supervisor should not attempt to diagnose the employee. Whenever practicable, another supervisor or employee should be called in as a witness to confirm findings, before the employee is confronted. However, the failure of another supervisor or employee being called in as a witness to confirm findings before the employee is confronted, shall not relieve the employee from the provisions of this policy, or otherwise negate any requirements of an employee hereunder.

C. After observing the employee and making notes of unusual behavior, the supervisor shall immediately contact the Town Manager, if available, and the Town Manager, or the supervisor where the Town Manager is not available, shall confront the employee. The Town Manager or supervisor shall not accuse the employee of using illegal drugs or misusing legal drugs or alcohol. The Town Manager or supervisor should inform the employee of what has been observed, and then seek an explanation from the employee for the actions of the employee. At this point, the Town Manager or supervisor also may request a "reasonable suspicion" substance abuse screen.

D. A reasonable suspicion substance abuse screen is done to screen employee(s) for alcohol/illegal drug content at the Town's expense. The employee does have the right to refuse the substance screen, but may be subject to disciplinary action, up to and including dismissal, for failure to take a reasonable suspicion screen. The Town Manager, or the supervisor, shall complete the "Reasonable Suspicion Substance Screen Form: and have the employee sign the "Drug and Alcohol Consent Form". If the employee refuses to sign the form, that person is subject to disciplinary action up to and including dismissal or termination. A copy of the forms should be sent to the Town Manager's office. The Town Manager or supervisor is responsible for accompanying the employee to the site where the examination will take place, and either waiting for or picking the employee up after the examination. For no reason may the impaired employee operate a motor vehicle. If the Town Manager or supervisor is unable to drive the employee home after the exam, he/she should try to contact a family member, co-worker, or place the employee in a taxi cab.

E. The screen must take place at one of the following locations:

(1) Dr. Al Southall's office

(2)

F. If the employee agrees to undergo screening, the employee shall be place on administrative leave as soon as the test samples have been taken and the employee is on the way home. The employee cannot return to work until the test results are returned. If the test results are negative, the time will be charged to paid administrative leave and expenses incurred for testing, including taxi fare, will be paid by the Town. If the test results are confirmed positive, the time will be charged to leave without pay and other expenses incurred for testing, including taxi fare, may be charged to the employee.

If the employee refuses to undergo substance abuse screening, that person is subject to disciplinary action, up to and including dismissal or termination.

G. No disciplinary action shall be taken until the results of the test are in. The results will be sent directly to the Town Manager, who will then contact the employee's supervisor and thereafter the Town Manager shall determine the appropriate course of action. The action will depend upon the severity of the offense and the employee's past work and performance history.

H. All testing shall be in accordance with established State and Federal guidelines and the employee has the right to appeal the findings through the Town's grievance procedures, and in all events shall have the right to appeal the findings to the Town Council. Substance levels which will be reported as a positive test result and the type of substances that will be screened, are as set forth herein or are as on file in the Town Manager's office.

I. In the event an employee tests positive on the initial screen, a confirmation test will be performed. Upon notification of confirmed positive results, the employee has the right to request within twenty four (24) hours the retesting of the original sample at the employee's expense by a fully qualified medical examiner specified by the employee. The Town Manager will coordinate the process. If the confirmation test (or retest, if applicable) is positive, the following disciplinary actions will apply:

1. First offense: In an effort to encourage the employee to take responsibility for his/her problem, the first violation will result in permission being granted to the employee to seek professional assistance, treatment or counseling with a qualified professional, or other generally recognized agency in the field, such as the local or regional Alcohol Safety Action Program, someone of the employee's choosing and at the employee's sole costs and expense. The counselor or agency is subject to approval by the Town Manager, which approval will not be unreasonably withheld. During the period of assistance, counseling or treatment, the employee shall be on leave without pay. The Town reserves the right to determine when and under what conditions the employee returns to work. An employee shall have a fitness for duty report before he/she returns to work. If the employee does not choose to seek such assistance, treatment and/or counseling does not complete the same, the employee may be dismissed or terminated.

2. Subsequent offenses: The Town Manager will evaluate the circumstances, length of time since the first offense, severity of the incident and other appropriate factors and make a decision on the disciplinary action that will be taken, up to and including termination.

J. If an employee voluntarily admits to having a drug or alcohol problem, he/she will be encouraged to seek professional help. The admittance of such a problem to a supervisor will be kept confidential, and disclosed only to the Town Manager, and the employee's job security and/or promotional opportunities will not be jeopardized because of a request for help. In order for an employee's admission of a substance abuse problem to be considered voluntary, the employee must make this admission prior to a request to submit to a substance abuse test or screen which subsequently results in a confirmed positive test result or a refusal to be tested.

K. Town vehicle operators are required to notify the Town Manager immediately (not later than the next working day after the conviction) of any charge of violation of criminal drug statutes or driving under the influence of drugs or alcohol. All employees convicted of violation of any criminal drug statutes must notify the Town Manager not later than five calendar days after the conviction.

Failure to comply with this notification provision shall result in disciplinary action, up to and including dismissal or termination.

ARTICLE XII.

Drugs that will be tested for in any urine screen shall include marijuana, cocaine, opiates, amphetamines, and phencyclidine, and any other drugs which are from time to time listed as subject to this policy and on file with the Town Manager's office.

ARTICLE XIII. EXEMPTION FOR PRESCRIBED MEDICAL TREATMENT

The use of legally controlled substances as part of a prescribed medical treatment by a licensed physician will not subject an employee to disciplinary action or denial of employment if that treatment will not/does not adversely affect job performance. Prescribed use must be substantiated by a physician's report or statement. If the use of prescribed drugs adversely affect's an employee's job performance and/or is detrimental to the public trust or safety of other employees or citizen, it is in the best interest of the employee and the Town for the employee to be placed on leave during the period that the employee's performance is affected by the substance.

ARTICLE XIV. SUPERVISOR RESPONSIBILITY

Any supervisor who knowingly permits a violation of this policy by employees under his/her direct supervision may be subject to disciplinary action.

ARTICLE XV. EFFECTIVE DATE

This policy shall become effective January 31st, 1998.

Addendum 4

Cell Phone Policy

We deeply value the safety and well-being of all employees. Due to the insurance underwriter rules, we are instituting a new policy.

1. Employees are not permitted to use a handheld cell phone while operating a motor vehicle on Town business and/or while at work for the Town.

2. Employees are not permitted to read or respond to e-mails or text messages while operating a motor vehicle on Town business and/or on Town time.

3. While driving, calls cannot be answered and must be directed to voice mail.

4. If an employee must make an emergency call(911), the vehicle should first be parked in a safe location.

Employees will be given two written warnings. The third time an employee is found to be in violation of this policy, it is grounds for immediate dismissal, or revocation of driving privileges in town vehicles and on town business.

Addendum 5

Adverse Weather/Emergency Conditions (Added 3/27/15)

The Town of Louisa will make every effort to maintain normal work hours, even during inclement weather. However, there are times when weather or emergency conditions necessitate the complete closing and/or delayed opening or early closing of the Town Office Buildings in order to protect the safety of our employees. In the event adverse weather conditions/emergency conditions cause difficulty for employees traveling to or from work, and the Town offices are not officially closed, a liberal leave policy shall be in effect.

This policy permits non-essential employees to use annual or compensatory leave (if available) paid-time-off, or leave without pay to cover their absence(s) should they not report to work, come in late, or leave work early. A non-essential employee is defined as those employees, as determined by the Town Manager and Department Head, whose function is not considered essential for the operation of Town services. These employees are not required to work during adverse weather conditions.

Adverse weather conditions are determined and defined by the Town Manager and will be assessed in conjunction with but separate from County of Louisa's decision. Such absences, as is the case for all absences, require approval by the Department Head or Town Manager. The decision to either close and/or delay the opening of the Town Office Buildings will be made by the Town Manager, after consultation with the Mayor and/or designated member(s) of the Louisa Town Council. The Town will make every effort to maintain a consistent policy with the schedule of the County of Louisa. However this is not guaranteed, as the two bodies are separate. Consultation with the County will occur to determine that the needs of the locality are met and to maintain some uniformity among local government as well as to notify local media.

When extreme weather is threatening our locality, employees can call the Town office, Town Manager or consult directly with his/her Department Head. A decision on the government's operating schedule will be made by 6:30 a.m.

In conjunction with the County of Louisa, four television stations, set forth in the Adverse Weather Conditions policy for closing government offices will be notified when offices will be closed or delayed. They are:

- Channel 6 (WTVR-TV, Richmond)
- Channel 8 (WRIC-TV, Richmond)
- Channel 12 (WWBT-TV, Richmond)
- Channel 29 (WVIR-TV, Charlottesville)

If an announcement is not made, please report to work as regularly scheduled because the Town's government offices are open. However, if an employee has any doubt about whether or not the Town Offices have been closed and/or have a delayed opening, the employee should call his/her supervisor.

Should the Town Manager authorize the complete closing of Town offices due to adverse weather or emergency conditions employees will be paid accordingly:

- Non-essential full-time employees, both exempt and non-exempt, will be compensated for the day based upon their regularly scheduled hours of work.
- Should inclement weather conditions cause early closing or late opening of the Town offices, the effect on employees who report to work will be:

  Non-essential full-time employees, both exempt and non-exempt, will be compensated for the entire day based upon their regular scheduled hours of work.

  Part-time employees will be compensated for the hours actually worked.

In addition, non-essential personnel who report to work prior to the late opening of Town offices or who work beyond an early closing will not be entitled to any additional compensation, unless they are requested to do so and have the additional time approved by his/her Department Head.

Employees in positions designated as essential are required to work regardless of adverse weather conditions. Also considered essential are those employees required to respond to and work during Town emergencies as part of their specific job description with no additional compensation unless there is overtime, and these overtime hours are approved by his/her Department Head. All such employees shall report to work as scheduled. Departments have the authority to require essential staff to report earlier than the scheduled workday and/or to work longer than the regular schedule.

When an individual is on annual leave, sick leave, paid-time-off (PTO), etc. during a day that there is a complete closing, delayed opening or early closing the individual will be charged the appropriate leave for the full time they are not at work.

Employees who choose to use liberal leave and not report to work on a day when there is a delayed opening or early closing will not be eligible for any type of inclement weather compensation.

PERSONNEL POLICY AND EMPLOYEE HANDBOOK
EMPLOYEE ACKNOWLEDEMENT FORM

The employee handbook describes important information about the Town of Louisa, and I understand that I should consult the Town Manager regarding any questions not answered in the handbook.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Town Council or the Town Manager under the Town Council's direction has the authority to adopt any revisions to the policies in this handbook.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. Either the Town or I may terminate my employment at will, with or without cause, at any time, so long as there is no violation of applicable federal or state laws. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

The Personnel Policy is available online at www.louisatown.org Government section.

EMPLOYEE'S SIGNATURE _____

EMPLOYEE'S NAME _____

DATE _____

EMPLOYEE COPY

PERSONNEL POLICY AND EMPLOYEE HANDBOOK
EMPLOYEE ACKNOWLEDEMENT FORM

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The Personnel Policy is available online at www.louisatown.org Government section.

EMPLOYEE'S SIGNATURE _____

EMPLOYEE'S NAME _____

DATE _____

TOWN OF LOUISA COPY