

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

READING FILE

April 24, 2007

FOR YOUR INFORMATION

1. Support Material for Agenda Item No. G-3; Revisions to Chapter 2, Employment, to the James City County Personnel Policies and Procedures Manual – Revisions to Chapter 2
2. Support Material for Agenda Item No. G-4; Virginia Department of Transportation (VDOT) Agreement with James City County for Pass-Through Federal Revenue – Jamestown 2007 Anniversary Weekend – Standard Project Administration Agreement

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CHAPTER 2

EMPLOYMENT PRACTICES

Section 2.1 — Policy

It is and shall continue to be the policy of James City County to provide employment on an equal opportunity basis to all, and to administer its employment practices without regard to race, religion, national origin, physical handicap, age, or sex.

Section 2.2 — Appointing Authority

The Board of Supervisors delegates to the County Administrator the responsibility for recruitment, selection, and appointment of employees within the guidelines of the approved budget.

Section 2.3 — Employment Categories

- A. — Permanent position — A permanent position is one established by the Board, funded in the budget, and projected to continue indefinitely unless the Board shall eliminate it. A permanent position may be either a full-time or a part-time position.
- B. — Limited term position — A limited term position is one established by the Board of Supervisors, funded under a special revenue source other than the operating general fund or James City Service Authority revenues, and projected to continue subject to the continuation of the respective program. In the event such funding should cease, the positions so affected shall have no guarantee of general County funding. A limited term position may be either a full-time or a part-time position.
- C. — Temporary position — A temporary position is one established by the Board of Supervisors or the County Administrator to perform a specific function, such as a special project or to substitute for a permanent employee, with the term of employment depending on the continuing need for the function being performed. A temporary position may be either a full-time or a part-time position. A temporary position shall be maintained for no more than 12 months, although the position may be renewed by the Board of Supervisors or the County Administrator. Temporary employees may be discharged at the will of the County Administrator, without cause or hearing.
- D. — On-call position — An on-call position is one established by the Board of Supervisors or the County Administrator to serve the County on an as-needed basis to provide necessary public service. Employees in on-call positions may be discharged at the will of the County Administrator, without cause or hearing.

~~E. — Other position — An other position is one in a department or office which does not follow all or some of the County's Personnel Policies. An other position may include: members of boards and commissions; elected and appointed officials; positions in agencies for which the County serves as fiscal agent; or positions in offices of Constitutional or appointed officials. An other position is projected to continue indefinitely and may be either full-time or part-time. Specific information regarding policies followed by other positions may be obtained from the Human Resource Department.~~

Section 2.4 — Hours of Employment

~~A. — Full Time Employment — Full-time employment refers to all positions so declared by the Board of Supervisors or the County Administrator. The employee filling a full-time position shall work the number of hours so designated by that department as full-time, which shall be a minimum of 40 hours per week, or 2,080 hours per year as a regular work schedule.~~

~~B. — Part-Time Employment — A part-time position is one which has as its regular work schedule, fewer hours per week or year than a comparable full-time position.~~

~~C. — Official Work Hours — The official hours of work for the County office and administrative personnel shall be 8:00 a.m. to 5:00 p.m. Monday through Friday with one hour for lunch. Because of differing requirements, schedules may vary from these times.~~

Section 2.5 — Recruitment for Employment Vacancies

~~The Human Resource Department shall work with a department with a vacant position to determine the recruitment required to obtain qualified applicants to fill the vacancy.~~

~~A. — Internal Recruitment Policy: — In those instances where it is felt that employees within the organization may possess the knowledge, skills, and abilities required for a vacant position, the Department Manager may request that recruitment be restricted to James City County and James City Service Authority employees in full-time and part-time permanent, limited-term, temporary and on-call positions and all individuals serving in the Community Work Experience Placement (CWEP) program placements in James City County and James City Service Authority.~~

~~B. — External Recruitment Policy: — In those instances where recruitment is not restricted exclusively within the organization, recruitment for the vacant position shall be conducted externally, and applications from the general public and from employees shall be accepted.~~

Recruitment is not necessary when a position becomes vacant within six months of a previous recruitment effort for a position performing similar duties and when there are qualified applicants on file from which to select for employment.

Section 2.6 — Employment Applications

Persons seeking to apply for employment with James City County shall be referred to the Human Resource Department. Applications shall be accepted only for posted vacancies, with the exception of police, fire and selected positions which experience high turnover or difficulty in recruitment. Specific positions must be designated on all employment applications to guarantee full review of the application in the selection process.

Section 2.7 — Employment Tests and Examinations

- A. Required — The County Administrator may require, but is not limited to, utilization of one or more of the following tools in the pre-employment or post-employment process: oral interviews; evaluation of experience and training; reference and background checks; polygraph tests; written examinations; agility tests; performance tests; psychological tests and medical examinations. Applicants, if required to undergo skills testings, will normally be tested by the Human Resource Department staff, although occasional outside expertise may be utilized in test selection and administration. Tests used shall be predictive of success in the job under consideration.
- B. Refusal — Any applicant refusing to undergo any required tests or examinations shall be eliminated from further consideration; in such a situation, the applicant shall be deemed to have withdrawn the employment application.

Section 2.7.1 — Physical Examinations

- A. Purpose — Physical examinations are provided by James City County and the James City Service Authority to: ensure that candidates offered employment and employees in designated job classes are able to safely and satisfactorily perform the required physical aspects of the duties of the position for which they have been selected; comply with local, State, and Federal regulations; ensure a safe work environment for employees and the public; and, reduce the prospect of future work-related injury or illness.
- B. Post Offer Physicals — Physical examinations shall be required for all individuals offered employment for designated Public Safety and Operations positions prior to beginning work.

- C. ~~Post Employment Physicals~~ Designated Public Safety and Operations positions shall be required to have physical examinations after the initial post offer physical, in accordance with the established Physical Exam Schedule.
- D. ~~Definitions~~ For purposes of this section Public Safety positions include sworn Police positions, uniformed Fire positions, and Emergency Medical Services positions. Operations positions include those requiring a Commercial Driver's License, the use of a respirator, or any other positions identified as physically demanding.
- E. ~~Content~~ The content of physical examinations may vary by position.
- F. ~~Cost~~ The County shall pay the cost of required post offer and post-employment physical examinations.

Section 2.8 ~~References~~

All applicants for employment with the County are required to provide at least three work/personal references. It shall be the responsibility of the department manager where the vacancy exists to verify these references prior to employment of an applicant.

Section 2.9 ~~Hiring of Relatives~~

- A. ~~Restricted~~ No member of a family shall directly or indirectly supervise another member of the same family. A selection of a relative of a department manager or of a higher County official shall be reviewed and approved by the County Administrator prior to appointment. A relative of a member of the Board of Supervisors shall not be hired by the County in any capacity.
- B. ~~Family~~ Relative or member of a family is defined for the purposes of this section as spouse, parent, spouse's parent, son, daughter, brother, sister, son-in-law, daughter in law, sister in law, brother in law, grandparents, grandchildren, step children, guardian and step parents.

Section 2.9.1. Special Employment Conditions

- A. ~~General~~ Some job classes or positions require specific licenses or certifications, which are listed in the job description or class specification, such as a driver's license or Cardiac Technician designation. Employees in positions requiring such licenses or certifications must maintain them in order to continue their employment.
- B. ~~Police and Fire Department Personnel~~ Employees in positions in the Police or Fire Departments which are covered by the Heart and Lung legislation and who begin employment on or after July 1, 1994, shall not use tobacco products in any form on or off duty. New hires who use tobacco products may be granted a period of time in which to stop.

Section 2.10 — Orientation for New Employees

- A. — Policy — It is the County policy to provide information to help all new employees learn more about the County and what is expected from them as employees of James City County.
- B. — Personnel Department Responsibility — Employees in permanent and limited term positions shall meet with a Human Resource Department representative to insure that all formal paperwork related to employment is complete. The employee shall be given an Employee Handbook along with other pertinent data about employment with James City County.
- C. — Department Manager Responsibility — The department manager shall require the supervisor of a new employee to explain job responsibilities, duties and working conditions and to provide general information regarding County facilities and organization.
- D. — Employee Responsibility — It shall be the responsibility of the employee to read the Employee Handbook and to become familiar with its content, as well as all other County policies, procedures, and regulations.

Section 2.11 — Probationary Period

- A. — Objective — The probationary period is a trial period designed to give both the newly hired or promoted employee and the County an opportunity to determine whether the correct employment decision has been made.
- B. — Duration — Employees appointed or promoted to permanent or limited term positions shall serve a probationary period of six (6) months. Persons appointed to sworn positions in the Police and Fire Departments and to Dispatcher positions shall serve a probationary period of twelve (12) months. The Department Manager, with the concurrence of the Human Resource Manager, may extend a probationary period for up to six additional months if it is deemed necessary to evaluate the employment decision.
- C. — Termination — Employees serving probationary periods may be discharged or demoted at the will of the County Administrator, without cause or hearing.

Section 2.12 — Reserved

Section 2.13 — Performance Evaluations

Each employee's job performance shall be reviewed and evaluated every six months on a form provided by the Human Resource Department. The evaluation shall be signed by the employee and become a part of the employee's personnel file.

Section 2.14 — Employment Date

- A. — Defined — The employment date is the date on which an employee was initially employed in a permanent or limited term position, provided there has

~~been no break in service. The employment date for an employee who begins employment in a temporary position and is subsequently selected for a permanent or limited term position, is the date on which the employee was initially employed as a temporary employee, provided there has been no break in service.~~

- ~~B. — Purpose — The employment date is the effective date to determine length of service with the County for computing seniority, leave accrual, and service recognition.~~

Section 2.15 — Reemployment

~~Any former employee of the County may reapply for employment. If selected, such employee shall be treated the same as if initially employed with the County.~~

Section 2.16 — Reinstatement

~~A former employee may be reinstated to the employee's former position if that position has not been filled and not more than one year has passed since separation from employment. If such reinstatement occurs, a condition of the reinstatement shall be the reimbursement of all terminal leave payments. A reinstated employee shall retain the original employment date. All VRS and health insurance benefits may be restored as permitted by those programs.~~

Section 2.17 — Transfer

~~A transfer is a lateral move of an employee from one position to another position in the same salary grade, or a change in the assignment of a position from one department to another. Transfers shall be authorized by the Human Resource Manager.~~

Section 2.18 — Promotion

~~A promotion is the selection of an employee, after competition with internal or external applicants, to a different position at a higher salary grade. The Internal Recruitment Policy (Section 2.5A) encourages the promotion of employees.~~

Section 2.19 — Career Ladder Advancement

~~A career ladder advancement is the progression of an employee from a position in a designated career ladder class to the higher level of that class. Such advancement shall occur upon meeting the minimum qualifications for the higher level class and upon the recommendation of the department manager and concurrence of the Human Resource Manager. The recommendation for advancement shall be based on a review of the employee's qualifications, experience and work performance.~~

Section 2.20 — Demotions

- ~~A. — Demotion — A demotion is a reduction in the salary grade of an employee in conjunction with a change of job duties and responsibilities or positions.~~

B. ~~Voluntary Demotion~~—A voluntary demotion is a demotion made at the request of an employee for personal reasons or to remain employed if his position is eliminated. A voluntary demotion may not require a reduction in salary.

C. ~~Disciplinary Demotion~~—A disciplinary demotion is a demotion for the purpose of reprimanding an employee for inappropriate conduct as outlined in Chapter 7, Standards of Conduct.

Section 2.21 ~~Temporary Assignments~~

A. ~~Purpose~~—An employee may be temporarily assigned to a vacant position, or a prescribed set of duties, other than that to which officially assigned, for a variety of reasons including emergency situations, abnormal workload, or organizational changes, job vacancies, unmet needs pending the establishment of a new position, development opportunities; or for other purposes necessary to provide quality public service.

~~B. Duration, Approval, Documentation, and Compensation~~

Duration	Six (6) Weeks within a 12 month period	Between 6 Weeks and Six (6) Months within a 12 month period	Between 6 Months and One (1) Year Within a 12 month period	More than 1 Year
Approval	Supervisor	Department Manager (DM)	Human Resources (HR)	County Administrator (CA)
Documentation	None	DM writes reasons and expected duration to HR	DM writes business reasons and expected duration to HR; if HR concurs, they notify Payroll	DM writes business reasons and proposed duration; HR makes recommendation; CA decides
Compensation	No change	No change	If position in higher salary range, increase consistent with promotion effective the beginning of the seventh month	Maintains increase given at 6 months

~~Exceptions may be granted by the County Administrator.~~

~~C. Salary Adjustment Considerations~~

- ~~1. Performance Increase—Performance increases effective during the portion of the assignment in which the employee is receiving a temporary salary adjustment shall be handled in accordance with Section 4.11.D4.~~
- ~~2. End of Temporary Salary Adjustment—When the employee returns to her regular duties, the salary shall be reduced by the same dollar amount by which it was temporarily increased.~~

~~Section 2.22 Outside Employment~~

- ~~A. Conflict With County Employment—An employee may engage in supplemental employment, provided that the performance of assigned duties with the County is not impaired and provided an actual or potential conflict is not created.~~
- ~~B. Approval—Each employee who desires to engage in supplemental employment shall inform the department manager and Human Resource Department, in writing, prior to beginning such work. If the department manager or the Human Resource Department determines at any time that the other employment creates an actual or potential conflict which reflects discredit or potential discredit upon the County, or that the performance of assigned duties with the County are impaired by the supplementary job, the employee shall be requested to terminate the outside employment. Refusal to comply with such request shall result in disciplinary action.~~
- ~~C. Appeal—An unfavorable decision made by the department manager or Human Resource Manager may be appealed to the County Administrator.~~

~~Section 2.23 Political Activity~~

~~An employee may not serve as a member of the James City County Board of Supervisors while employed by the County or the James City Service Authority. This does not prohibit County employees from seeking election to the Board of Supervisors; however, the employee shall submit his or her resignation within seven (7) days of being elected. In the event that he or she fails to resign, he or she shall cease to be a County/James City Service Authority employee. Effective (3-16-92).~~

~~Section 2.24 Reduction in Force (RIF) (Revised 9/23/97)~~

- ~~A. Policy—Every reasonable effort shall be made to accomplish the elimination of a position without having to lay off an employee in the event that permanent County positions must be eliminated due to circumstances such as financial shortfalls, curtailment or reduction of services, reorganizing/streamlining operations, privatizing functions, or other situations. The County shall attempt to achieve necessary reductions through attrition or through the placement of employees in other County positions.~~

Assistance shall also be provided to secure employment outside the County, if necessary.

- B. ~~Alternatives to Reduction in Force~~—The County shall take proactive steps whenever practical to avoid or minimize a reduction in force. Such steps may include the elimination of temporary or on-call hours, a hiring freeze, incentives for retirement, job sharing, use of part-time positions, or other strategies which may reduce expenses or hold open potential vacancies for employees whose positions will be eliminated.
- C. ~~Identifying Job Classes to be Eliminated~~—In the event that positions must be eliminated, a number of factors shall be considered in identifying which job classes to eliminate. These include the County's vision, mission, and goals; the needs of our customers; skills needed in the organization; and source of funding of the job class. Reasons for selecting job classes to be eliminated shall be documented by the Department Manager and submitted to the Human Resource Manager and the County Administrator. The County Administrator shall make the final determination.
- D. ~~More than One Employee in a Job Class~~—If there is more than one employee in a job class and it is necessary to reduce the number of employees in that class, the following factors will be considered in determining which employees will be subject to lay off: Job performance, skills contributed to the job, length of service with the County, and source of funding of the position. Reasons for selecting employees subject to lay off shall be documented by the Department Manager and submitted to the Human Resource Manager and County Administrator. The County Administrator shall make the final determination.
- E. ~~Notification~~—Employees in positions targeted to be eliminated will be notified in writing as soon as possible, but no fewer than 60 calendar days prior to the effective date of the elimination of the position.
- F. ~~Placement Within the Organization~~—The Human Resource Department (HRD) will meet with employees in positions identified to be eliminated to determine their skills, experience, education and training, and interests so that the HRD may identify other positions in the organization for which they may qualify, or for which retraining is feasible. Every reasonable effort shall be made to place employees in positions identified to be eliminated in another job within the County at the same, lower, or higher salary range. In such cases, the affected employee's pay will be handled in accordance with the compensation policies for promotion, transfer and voluntary demotion in Chapter 4 of this Manual.
- G. ~~Placement Outside the Organization~~—Assistance in obtaining employment outside the organization shall be made available to the employee. This includes assistance in preparing resumes, training in interview skills, information on conducting a job search, use of telephones, computers, and typing support. Employees shall be given reasonable time off not charged to leave to interview for other jobs prior to the date the position is eliminated.

~~H. Employees Who Are Separated An employee who is separated from employment through a RIF shall be given preferential consideration for vacancies which occur for which the individual is qualified and makes application. Preferential consideration means that the employee will be eligible for internal, as well as, external employment opportunities, that the HRD will mail Employment Opportunity Bulletins to the employee's home, and that applications from these employees, as long as they meet the minimum qualifications of the job, shall be referred to the hiring department. Preferential consideration shall be given for a period of 12 months from the date of separation. An employee hired under preferential consideration shall be considered reinstated, in accordance with Chapter 2 of this Manual.~~

~~Employees who are separated are eligible for payment of leave balances and other benefits in accordance with Chapter 5 of this Manual.~~

~~If the separated employee elects to continue County sponsored group health insurance under COBRA, the County will continue to pay its share of the premium for up to six months, or until the employee is no longer eligible under COBRA, whichever comes first.~~

~~Separated employees and their immediate families shall continue to be eligible for services provided by the County's Employee Assistance Program for 12 months from the date of separation.~~

~~I. Employees Who are Not Separated Employees who retain their jobs through a RIF may also be affected in a number of ways such as by an increased workload and concerns about job security. The HRD will work with departments to take actions to assist employees with the transition.~~

Section 2.25 Resignations

~~A. Policy It is the policy of the County to make a reasonable effort to retain good employees. However, the County requires notice of resignations to effectively replace employees who are leaving the County employment.~~

~~B. Notice Employees in exempt positions are required to give the Human Resource Department at least 20 work days notice of an impending resignation. All employees are required to give the Personnel Department at least ten (10) work days notice of an impending resignation; failure to comply shall result in loss of annual and sick leave payments as outlined in Chapter 5, Section 5.4.~~

Section 2.26 — Unemployment Insurance (Unemployment Compensation)

~~Any separating employee may file for unemployment compensation through the Virginia Employment Commission. Eligibility for such benefits, however, requires that the employee (a) left employment for good cause, (b) was not discharged for misconduct, and (c) did not refuse suitable employment.~~

~~The Virginia Employment Commission should be contacted for details.~~

Rev. 5-11-04

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Recruitment is not necessary when a position becomes vacant within six months of a previous recruitment effort for a position performing similar duties and when there are qualified applicants on file from which to select for employment.

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- A. Required — The County Administrator may require, but is not limited to, utilization of one or more of the following tools in the pre-employment or post-employment process: oral interviews; evaluation of experience and training; reference and background checks; polygraph tests; written examinations; agility tests; performance tests; psychological tests and medical examinations. Applicants, if required to undergo skills testings, will normally be tested by the Human Resource Department staff, although occasional outside expertise may be utilized in test selection and administration. Tests used shall be predictive of success in the job under consideration.
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- E. ~~Content~~ The content of physical examinations may vary by position.
- F. ~~Cost~~ The County shall pay the cost of required post offer and post-employment physical examinations.

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C. ~~Disciplinary Demotion~~—A disciplinary demotion is a demotion for the purpose of reprimanding an employee for inappropriate conduct as outlined in Chapter 7, Standards of Conduct.

Section 2.21 ~~Temporary Assignments~~

A. ~~Purpose~~—An employee may be temporarily assigned to a vacant position, or a prescribed set of duties, other than that to which officially assigned, for a variety of reasons including emergency situations, abnormal workload, or organizational changes, job vacancies, unmet needs pending the establishment of a new position, development opportunities; or for other purposes necessary to provide quality public service.

~~B. Duration, Approval, Documentation, and Compensation~~

Duration	Six (6) Weeks within a 12 month period	Between 6 Weeks and Six (6) Months within a 12 month period	Between 6 Months and One (1) Year Within a 12 month period	More than 1 Year
Approval	Supervisor	Department Manager (DM)	Human Resources (HR)	County Administrator (CA)
Documentation	None	DM writes reasons and expected duration to HR	DM writes business reasons and expected duration to HR; if HR concurs, they notify Payroll	DM writes business reasons and proposed duration; HR makes recommendation; CA decides
Compensation	No change	No change	If position in higher salary range, increase consistent with promotion effective the beginning of the seventh month	Maintains increase given at 6 months

~~Exceptions may be granted by the County Administrator.~~

~~C. Salary Adjustment Considerations~~

- ~~1. Performance Increase—Performance increases effective during the portion of the assignment in which the employee is receiving a temporary salary adjustment shall be handled in accordance with Section 4.11.D4.~~
- ~~2. End of Temporary Salary Adjustment—When the employee returns to her regular duties, the salary shall be reduced by the same dollar amount by which it was temporarily increased.~~

~~Section 2.22 Outside Employment~~

- ~~A. Conflict With County Employment—An employee may engage in supplemental employment, provided that the performance of assigned duties with the County is not impaired and provided an actual or potential conflict is not created.~~
- ~~B. Approval—Each employee who desires to engage in supplemental employment shall inform the department manager and Human Resource Department, in writing, prior to beginning such work. If the department manager or the Human Resource Department determines at any time that the other employment creates an actual or potential conflict which reflects discredit or potential discredit upon the County, or that the performance of assigned duties with the County are impaired by the supplementary job, the employee shall be requested to terminate the outside employment. Refusal to comply with such request shall result in disciplinary action.~~
- ~~C. Appeal—An unfavorable decision made by the department manager or Human Resource Manager may be appealed to the County Administrator.~~

~~Section 2.23 Political Activity~~

~~An employee may not serve as a member of the James City County Board of Supervisors while employed by the County or the James City Service Authority. This does not prohibit County employees from seeking election to the Board of Supervisors; however, the employee shall submit his or her resignation within seven (7) days of being elected. In the event that he or she fails to resign, he or she shall cease to be a County/James City Service Authority employee. Effective (3-16-92).~~

~~Section 2.24 Reduction in Force (RIF) (Revised 9/23/97)~~

- ~~A. Policy—Every reasonable effort shall be made to accomplish the elimination of a position without having to lay off an employee in the event that permanent County positions must be eliminated due to circumstances such as financial shortfalls, curtailment or reduction of services, reorganizing/streamlining operations, privatizing functions, or other situations. The County shall attempt to achieve necessary reductions through attrition or through the placement of employees in other County positions.~~

Assistance shall also be provided to secure employment outside the County, if necessary.

- B. ~~Alternatives to Reduction in Force~~ The County shall take proactive steps whenever practical to avoid or minimize a reduction in force. Such steps may include the elimination of temporary or on-call hours, a hiring freeze, incentives for retirement, job sharing, use of part-time positions, or other strategies which may reduce expenses or hold open potential vacancies for employees whose positions will be eliminated.
- C. ~~Identifying Job Classes to be Eliminated~~ In the event that positions must be eliminated, a number of factors shall be considered in identifying which job classes to eliminate. These include the County's vision, mission, and goals; the needs of our customers; skills needed in the organization; and source of funding of the job class. Reasons for selecting job classes to be eliminated shall be documented by the Department Manager and submitted to the Human Resource Manager and the County Administrator. The County Administrator shall make the final determination.
- D. ~~More than One Employee in a Job Class~~ If there is more than one employee in a job class and it is necessary to reduce the number of employees in that class, the following factors will be considered in determining which employees will be subject to lay off: Job performance, skills contributed to the job, length of service with the County, and source of funding of the position. Reasons for selecting employees subject to lay off shall be documented by the Department Manager and submitted to the Human Resource Manager and County Administrator. The County Administrator shall make the final determination.
- E. ~~Notification~~ Employees in positions targeted to be eliminated will be notified in writing as soon as possible, but no fewer than 60 calendar days prior to the effective date of the elimination of the position.
- F. ~~Placement Within the Organization~~ The Human Resource Department (HRD) will meet with employees in positions identified to be eliminated to determine their skills, experience, education and training, and interests so that the HRD may identify other positions in the organization for which they may qualify, or for which retraining is feasible. Every reasonable effort shall be made to place employees in positions identified to be eliminated in another job within the County at the same, lower, or higher salary range. In such cases, the affected employee's pay will be handled in accordance with the compensation policies for promotion, transfer and voluntary demotion in Chapter 4 of this Manual.
- G. ~~Placement Outside the Organization~~ Assistance in obtaining employment outside the organization shall be made available to the employee. This includes assistance in preparing resumes, training in interview skills, information on conducting a job search, use of telephones, computers, and typing support. Employees shall be given reasonable time off not charged to leave to interview for other jobs prior to the date the position is eliminated.

~~H. Employees Who Are Separated An employee who is separated from employment through a RIF shall be given preferential consideration for vacancies which occur for which the individual is qualified and makes application. Preferential consideration means that the employee will be eligible for internal, as well as, external employment opportunities, that the HRD will mail Employment Opportunity Bulletins to the employee's home, and that applications from these employees, as long as they meet the minimum qualifications of the job, shall be referred to the hiring department. Preferential consideration shall be given for a period of 12 months from the date of separation. An employee hired under preferential consideration shall be considered reinstated, in accordance with Chapter 2 of this Manual.~~

~~Employees who are separated are eligible for payment of leave balances and other benefits in accordance with Chapter 5 of this Manual.~~

~~If the separated employee elects to continue County sponsored group health insurance under COBRA, the County will continue to pay its share of the premium for up to six months, or until the employee is no longer eligible under COBRA, whichever comes first.~~

~~Separated employees and their immediate families shall continue to be eligible for services provided by the County's Employee Assistance Program for 12 months from the date of separation.~~

~~I. Employees Who are Not Separated Employees who retain their jobs through a RIF may also be affected in a number of ways such as by an increased workload and concerns about job security. The HRD will work with departments to take actions to assist employees with the transition.~~

Section 2.25 Resignations

~~A. Policy It is the policy of the County to make a reasonable effort to retain good employees. However, the County requires notice of resignations to effectively replace employees who are leaving the County employment.~~

~~B. Notice Employees in exempt positions are required to give the Human Resource Department at least 20 work days notice of an impending resignation. All employees are required to give the Personnel Department at least ten (10) work days notice of an impending resignation; failure to comply shall result in loss of annual and sick leave payments as outlined in Chapter 5, Section 5.4.~~

Section 2.26 — Unemployment Insurance (Unemployment Compensation)

~~Any separating employee may file for unemployment compensation through the Virginia Employment Commission. Eligibility for such benefits, however, requires that the employee (a) left employment for good cause, (b) was not discharged for misconduct, and (c) did not refuse suitable employment.~~

~~The Virginia Employment Commission should be contacted for details.~~

Rev. 5-11-04

CHAPTER 2

EMPLOYMENT

Section 2.1 Philosophy

To support our value of “Demonstrating high standards of excellence, efficiency and commitment to service,” James City County seeks to attract and retain a diverse group of excellent employees whose experiences and qualifications best meet the needs of the organization.

Section 2.2 Policy

It is the policy of James City County to recruit and hire without regard to race, color, religion, gender, national origin, age, disability, pregnancy, or sexual orientation. Employment practices shall be in compliance with Chapter 10, “Diversity and Equal Employment Opportunity.”

Section 2.3 Legal Basis

James City County is committed to ensuring that our employment policies are in compliance with all applicable employment laws and regulations, including but not limited to: Title VII of the Civil Rights Act; the Fair Labor Standards Act; the Age Discrimination in Employment Act; the Americans With Disabilities Act; the Uniformed Services Employment and Reemployment Rights Act; and, the Fair Credit Reporting Act.

In accordance with the Charter of James City County, § 4.2., the County Administrator is responsible for the administration of the affairs of the County including the authority to employ and to dismiss employees.

Section 2.4 Definitions

A. Contract Employee – *A person providing services to the County through a temporary employment or leasing agency, as an independent contractor, or who in any other way fails to meet the Internal Revenue Service definition of an employee.*

B. Family Member – *For purposes of this Chapter, family member is defined as spouse, parent, guardian, brother, sister, son, daughter, grandparent, grandchild; any of these as an in-law or as a step relation; or any person residing in the same household as the employee.*

C. Full-Time Position – A Full-time position is one that has as its regular work schedule the number of hours below:

Sworn Fire Personnel:	2,916 hours per year
Sworn Police Personnel:	2,167 hours per year
All other personnel:	2,080 hours per year

Sworn Fire and Police personnel may be assigned as needed to full-time positions authorized to work 2,080 hours.

D. Internal Candidate – Internal candidates are job applicants who are current employees in full or part-time Regular, Limited-Term, Temporary or On-Call positions. Eligibility as an internal candidate varies for employees in positions categorized as “Other.” Specific information regarding eligibility is available from the Human Resource Department.

E. Limited-Term Position – A Limited-Term position is one established by the Board of Supervisors, funded under a special revenue source other than the operating General Fund or James City Service Authority revenues, and projected to continue subject to funding. If the funding should end, the position has no guarantee of general County funding. A Limited-Term position may be either full-time or part-time. Employees in Limited-Term positions work a fixed number of hours per year and generally a fixed number of hours per week.

F. On-Call Position – An On-Call position is created from a pool of hours established by the Board of Supervisors or County Administrator. On-Call hours are established to provide on-going public service in situations where work schedules, such as the number of hours per day, or number of days per week, vary from day-to-day or week-to-week due to operational needs; or to supplement staff during absences or peak work times. Employees in On-Call positions may be discharged at the will of the department manager without cause or hearing.

G. Other Position – An Other position is one in a department or office which follows some or none of the County’s personnel policies. An Other position may include members of boards and commissions; elected and appointed officials or positions in the offices of elected or appointed officials; or positions in agencies for which the County serves as fiscal agent. An Other position is projected to continue indefinitely and may be either full-time or part-time. Policies followed by Other positions vary and specific information is available from the Human Resource Department.

H. Part-Time Position – A part-time position is one which has as its regular work schedule less than the number of full-time hours as described in Section 2.4 C.

I. Regular Position – A Regular position is one established by the Board of Supervisors, funded from the operating General Fund or James City Service Authority revenues and projected to continue indefinitely unless the Board eliminates it. A Regular position may be either full-time or part-time. Employees in Regular positions work a fixed number of hours per year and generally a fixed number of hours per week.

J. Supervisor, Direct – A direct supervisor is an employee who assigns, guides, monitors, evaluates the work and signs the performance evaluation of one or more employees.

K. Supervisor, Indirect – A supervisor anywhere in the line of supervision above an employee's immediate supervisor, i.e. the employee's supervisor's supervisor.

L. Temporary Position – A Temporary position is one established by the Board of Supervisors or the County Administrator to perform a specific function with an ending date, such as a special project or to substitute when a position is vacant. The term of employment depends on the length of time needed to perform the special function, but has a specific ending date which shall not exceed 12 months. Temporary positions are reviewed each fiscal year. The Board of Supervisors or County Administrator may extend a Temporary position. A Temporary position may be either full or part-time and may have either a fixed or fluctuating number of hours per week. Employees in Temporary positions may be discharged at the will of the County Administrator without cause or hearing.

Section 2.5 Recruitment

The Human Resource Department works collaboratively with hiring departments to identify talent within the organization or to design a recruitment strategy to solicit a qualified and diverse applicant pool from outside the organization to fill a vacant position.

A. Recruitment Necessary – Vacancies for all full or part-time Regular and Limited-Term positions must be listed on the Human Resource Department's employment opportunities announcement, unless otherwise stated in Section 2.5 B. A variety of other recruitment sources may also be used as determined in the recruitment strategy, including but not limited to, websites, newspapers, professional publications, job fairs, or radio announcements.

Recruitment is also necessary when a part-time Regular or Limited-term position is approved by the Board of Supervisors to become full-time. In

the event the incumbent in the part-time position is not selected for the full-time position, the Reduction in Force policy would apply.

B. Recruitment Not Necessary - Recruitment is not necessary when:

- 1. The original position, or a position in the same job class, becomes vacant within twelve months of the date the position was filled from the most recent recruitment and a viable applicant pool still exists.*
- 2. An employee is transferred or demoted to a vacant position.*
- 3. An employee is placed in a vacant position due to a reduction in force.*
- 4. The position is Temporary or On-call.*

C. Length of Advertisement – Positions advertised without a closing date shall remain open for a minimum of seven calendar days. Applications for such positions are accepted on an on-going basis or until all vacancies are filled.

Positions advertised with a closing date shall remain open for a minimum of seven calendar days. Applications will not be accepted after the closing date unless the recruitment period is extended or the job is re-advertised.

D. Internal Recruitment – The Department Manager may request that recruitment be restricted to internal candidates if it is felt that employees within the organization may possess the experience and qualifications required for a vacant position.

When organizational needs dictate, such as position reclassifications or departmental reorganizations which do not result in position vacancies, and with the approval of the Human Resource Manager, internal recruitment may be limited to employees in specific departments, divisions, or to incumbents of specific job classes or positions.

E. External Recruitment – In those instances where recruitment is not restricted within the organization, recruitment for the vacant position shall be conducted outside the organization and applications from the public and from employees shall be accepted.

F. Recruitment Incentives - Hiring departments may offer incentives as a strategy to fill positions which have been identified by Human Resources as having significant recruitment and retention problems or are critical to the organization's mission and ongoing operations. Up to 5% of the minimum of the salary range of the job class to which the candidate is hired may be used to fund the incentives. Exceptions may be granted by the County Administrator.

All incentives are paid by the hiring department and must be approved by the Department Manager and the Human Resource Manager prior to incurring the expense. Incentives may not be in the form of bonuses or other direct payments to the candidate. Recruitment and retention incentives include the following:

1. Referral Incentive – Hiring departments, in collaboration with Human Resources, may develop programs to give Incentive Awards to employees who refer external candidates selected for positions.
2. Payment for Recruitment Expenses - Departments may arrange and pay for a County hotel or motel room for lodging associated with the interview and selection process. Applicants may also be reimbursed for verified travel expenses associated with the interview and selection process. Reimbursement shall be consistent with James City County travel policy
3. Leave – A balance up to a maximum of 160 hours of annual leave may be given as a condition of employment. Leave accrual shall begin in the sixth month and shall be accrued in accordance with Section 5.4.E.1.

Successful candidates may also be given a higher annual leave accrual rate at the time of initial hire. Accrual would remain at that rate until years of service with the County are consistent with accrual rates as outlined in Section 5.4.E.1.

Any leave balances beyond normal accrual will not be paid if the employee leaves employment within a time period agreed upon in the employment offer.

All terms and conditions of any recruitment and retention incentives, such as requirements for satisfactory performance, duration of employment and repayment terms if the terms and conditions are not met shall be included in the formal offer of employment letter issued by the Human Resource Department.

- G. Employment Agencies – Employment agencies may be used to fill positions temporarily. The Human Resource Department will coordinate with the department and a temporary employment agency. The hiring department will then work directly with the temporary employment agency for timekeeping and billing.

Employment agencies may also be used to solicit qualified applicants for vacancies. Payment of fees for service or placement costs is subject to

available departmental funding and shall be approved in advance by the Department Manager and Human Resource Manager.

Section 2.6 Application Process

All individuals interested in employment with James City County must apply through the application process designated by the Human Resource Department.

The County may disqualify an applicant who does not meet the requirements specified in the job description or job posting, fails to submit complete, accurate or current information, or makes false or deceptive statements.

Section 2.7 Selection Process

The Human Resource Department works with hiring supervisors to develop a selection process that is non discriminatory and designed to identify the best candidate for the position. Selection tools will be used to assess knowledge, skills and abilities required for the position. All selection tools shall be coordinated with and approved by the Human Resource Department and shall be administered consistently and impartially.

A. Pre-Employment Selection Tools – *Selection tools, including but not limited to the following, may be used in the pre-employment process: oral interviews; skills demonstrations; presentations; work samples; portfolios; written knowledge/skills assessment exercises; driving record, criminal history or sex offender checks authorized by the applicant; and reference checks.*

B. Post-Offer Selection Tools - *The following checks and assessments may be used only after a contingent offer of employment has been made: background check, fitness assessment, physical examination, or personality suitability assessment. Failure to successfully complete any of these assessments will result in the withdrawal of the contingent offer of employment.*

C. Refusal or Failure to Participate – *Any applicant refusing or failing to undergo any part of the selection process shall be eliminated from further consideration for the position. In such a situation, the applicant shall be considered to have withdrawn the employment application.*

D. Veteran Hiring - *In accordance with the Code of Virginia §15.2-1509, the County shall take into consideration an individual's status as an honorably discharged veteran in hiring policies and practices. Applicants identified as veterans, who meet all of the knowledge, skills and eligibility requirements for an available position, shall be considered for employment by the hiring department.*

A “veteran” is any person who has received an honorable discharge from the armed forces of the United States and has (1) provided more than 180 consecutive days of full-time, active duty service in the armed forces of the United States or reserve components thereof, including the National Guard, or (2) has a service-connected disability rating fixed by the United States Veterans Administration.

- E. Physical Examinations - Physical examinations are performed by a medical professional designated by the County and are required for identified job classes to: ensure that candidates offered employment and employees in these job classes are able to safely and satisfactorily perform the required physical aspects of the job; comply with local, State and Federal regulations; and ensure a safe work environment and protect the public.

Job classes requiring physical exams are identified in the Compensation Plan.

The content of the physical exam varies by job class based on the physical requirements of the job. The County pays the cost of the required post-offer, post-employment, or fitness for duty physical examinations.

- F. Reference Checking - It shall be the responsibility of the hiring supervisor to check employment references of the candidate being considered for employment prior to extending a job offer.

Section 2.8 Hiring

- A. Job Offer – The Human Resource Department or the hiring supervisor may extend a verbal job offer to the candidate selected for the position. The Human Resource Department shall issue a formal written offer of employment.

- B. Employment Date - The employment date is the date on which an employee was initially employed, provided there has been no break in service. The employment date is the date used to determine length of service with the County for computing service recognition and leave accrual rates, unless a higher annual leave accrual rate was negotiated at the time of initial hire.

- C. Reinstatement - A former employee may be reinstated to the position he or she held or to a vacant position in the same job class in the same department within one year of separation from the County.

As a condition of reinstatement, the employee shall repay all annual and sick leave payments received at the time of separation and leave balances shall be restored. A reinstated employee shall retain the original

employment date and the applicable leave accrual rate upon return. Retirement benefits may be restored as permitted by those programs.

- D. Transfer – Transfer is the movement of an employee to a vacant position in the same salary range. Employees may be transferred at the discretion of the organization to meet organizational needs. Transferred employees do not serve a probationary period and are compensated in accordance with Section 4.12 C.
- E. Promotion - A promotion is the selection of an employee, after competition with internal or external applicants, to a different position in a higher salary range. Employees who are promoted receive a salary increase in accordance with Section 4.12 A.
- F. Voluntary Demotion – A demotion is the movement of an employee to a different position in a lower salary range. An employee may choose to accept a position in a lower salary range for a number of reasons, such as a career change, career broadening experience, for personal reasons or to remain employed if his or her position is eliminated. A voluntary demotion may or may not require a reduction in salary. See Section 4.12 D.
- G. Hiring Overlap - In order to provide uninterrupted services and a seamless transition, the County Administrator may approve hiring an employee prior to the termination date of the incumbent. This hiring overlap is contingent upon available funding within the department and shall not exceed thirty calendar days. Exceptions to the length of overlap may be granted by the County Administrator.
- H. Hiring of and Supervision of Family Members – No family member, as defined in Section 2.4 B., shall be hired, promoted, or temporarily assigned as a direct or indirect supervisor or report of another member of the same family. The selection of a family member of a department manager to fill a position in any department shall be subject to approval by the County Administrator prior to hire. A family member of the County Administrator or Board of Supervisors shall not be hired by the County in any capacity.
- I. Minimum Age - Employees must be a minimum of sixteen years of age by the date of hire. Employees between age sixteen and eighteen may only be hired in positions which meet the Child Labor Regulations of the Fair Labor Standards Act, CFR, Title 29, Chapter V, Part 570.
- J. Licenses and certifications – Some positions require specific licenses or certifications, which are listed in the job description. Failure to maintain required licenses or certifications may result in demotion or termination of employment.

K. Special Public Safety Employment Conditions - Employees in positions in the Police or Fire Departments which are covered by the “Heart and Lung legislation”, Code of Virginia §65.2-402, and who began employment on or after July 1, 1994, shall not use tobacco products in any form on or off duty. New hires who use tobacco products may be granted a period of time in which to stop. Failure to refrain from using tobacco products in any form on or off duty may result in termination of employment.

L. Holding More Than One County Job - Employees in nonexempt positions, with the approval of the Human Resource Manager, may hold more than one County job, either full or part-time, in situations where work hours can be monitored and overtime paid in accordance with the overtime requirements of the Fair Labor Standards Act, CFR, Title 29, Chapter V, Part 553.

Employees in exempt positions may hold more than one County job, either full or part-time, with the approval of the respective Department Managers.

M. Volunteering – Employees in nonexempt positions may volunteer to perform work in other County jobs without compensation as long as the services are offered freely, without pressure or coercion, and the work is not the same type of work the individual is employed to perform for the County. Any such volunteer work shall be reviewed by the Human Resource Department for compliance with requirements of the Fair Labor Standards Act, CFR, Title 29 Part 553, Subpart B prior to beginning the volunteer work.

Employees in exempt positions may volunteer to perform work in any position.

N. Career Ladder Advancement - A career ladder advancement is the progression of an employee from a position in a designated career ladder class to a higher level position of that class.

Upon meeting the minimum qualifications for the higher level career ladder position as required in the job description, and upon a review of the employee’s qualifications, experience and work performance, the Department Manager may approve the career ladder advancement.

Failure to maintain the minimum requirements, required certifications or to perform the work requirements of the career ladder position will result in a demotion to the career ladder position the employee is performing or for which he or she is qualified. Such career ladder demotions will result in a salary reduction consistent with Section 4.12 B.

O. Hiring Within Career Ladder Levels – With the approval of the Department Manager, external candidates may be hired at a career ladder level for which they meet the minimum qualifications as required in the job description.

P. Temporary Assignments

1. An employee may be temporarily assigned to a vacant position, or a prescribed set of duties, other than that to which officially assigned, for a variety of reasons including emergency situations, abnormal workload, organizational changes, job vacancies, unmet needs pending the establishment of a new position, development opportunities; or for other purposes necessary to provide quality public service.

2. Duration, Approval, Documentation, and Compensation

Duration	Six (6) Weeks within a 12 month period	Between 6 Weeks and Six (6) Months within a 12 month period	Between 6 Months and One (1) Year Within a 12 month period	More than 1 Year
Approval	Supervisor	Department Manager (DM)	Human Resources (HR)	County Administrator (CA)
Documentation	None	None	DM writes business reasons and expected duration to HR; if HR concurs, they notify Payroll	DM writes business reasons and proposed duration; HR makes recommendation; CA decides
Compensation	No change	No change	If position in higher salary range, increase consistent with promotion effective the beginning of the seventh month	Maintains increase given at 6 months

Exceptions may be granted by the County Administrator.

3. Salary Adjustment Considerations

- a. Performance Increase - Performance increases effective during the portion of the assignment in which the employee is receiving a temporary salary adjustment shall be handled in accordance with Section 4.11.D.4.
- b. End of Temporary Salary Adjustment - When the employee returns to her regular duties, the salary shall be reduced by the same dollar amount by which it was temporarily increased.

Section 2.9 Orientation for New Employees

- A. Human Resource Department Responsibility – The Human Resource Department will offer assistance to employees in enrolling in applicable benefits and will provide ways for them to learn more about the County and what is expected from them as County employees.
- B. Department Responsibility – The Department Manager is responsible for ensuring that new employees are oriented to the work site and receive information regarding job duties, responsibilities, expectations and work rules.
- C. Employee Responsibility – The employee is responsible for attending required orientation and training sessions and for being familiar with the James City County Personnel Policies and Procedures Manual and departmental policies and procedures.

Section 2.10 Introductory Employment Period

The introductory employment period is designed to give both the employee and the County an opportunity to determine whether the correct employment decision has been made.

- A. Initial Introductory Period – Employees initially hired in Regular and Limited-term positions shall serve an introductory period of at least six months. Some job classes, because of a long training period or annual work cycles, require a one-year probationary period. Such job classes are identified in the Compensation Plan.
- B. Promotional Introductory Period – Employees promoted to Regular or Limited-term positions shall serve an introductory period of six months.
- C. Extension - The Department Manager, with the concurrence of the Human Resource Manager, may extend either an initial or promotional

introductory period for up to six additional months if it is deemed necessary to fully evaluate the hiring decision.

- D. Termination During the Introductory Period – *At any time during the introductory period if the employee determines that employment in the position or with the County is not a good match or in the employee’s best interest, the employee may resign from employment in good standing.*

Should the County determine that the hiring decision does not meet the needs of the organization, the employee may be discharged at the will of the County Administrator without cause or hearing at any time during the introductory period. Employees in introductory periods are not eligible to use the Grievance Procedure.

Section 2.11 Work Hours, Schedules and Practices

- A. Official Work Hours – *The official work hours for County office and administrative employees shall be 8:00 a.m. to 5:00 p.m. Monday through Friday with a one hour unpaid lunch break. Lunch or other meal breaks may not normally be taken at the end of the work period. Because of differing requirements in operational departments, official work hours for a County office may vary with the approval of the County Administrator.*

- B. Alternative Work Schedule – *An alternative work schedule is the daily work schedule of an individual employee that deviates from the official business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday. Alternative work schedules must be approved by the Department Manager.*

Alternative work schedules may include any daily or weekly work schedule or work arrangement designed to enhance service to customers or increase productivity, such as flex-time, compressed work week, or telecommuting. Alternative work schedules must be in compliance with the overtime requirements of the Fair Labor Standards Act, CFR, Title 29, Chapter V, Part 553.

Alternative work schedules for full-time positions must include a minimum of a 30 minute unpaid meal break at a time approved by the supervisor. Exceptions may be granted by the County Administrator.

Employees working alternative schedules who do not work on a holiday are compensated for the number of hours equal to the employee’s monthly sick leave accrual rate. See Section 5.3 B.2.

- C. Outside Employment – *The County is considered the primary employer. An employee may hold another non-County job provided that an actual or perceived conflict of interest is not created; the employment does not*

discredit or potentially discredit the County; and, the work of the second job does not distract from the performance of County duties.

Requests to hold second jobs must be made in writing and approved by the Department Manager and Human Resource Manager prior to beginning such work. If the Department or Human Resource Manager determines at any time that the other employment causes a conflict, interferes with County duties, or is disruptive to the workplace, the employee shall be requested to terminate the outside employment. Refusal to comply with such a request may result in termination of employment.

Employees are prohibited from performing work of second jobs or businesses during paid work time. This includes sales of services or products, such as cosmetics, jewelry, or dishware; scheduling appointments with customers; telephone calls; use of electronic mail; or any other related activities.

- D. Solicitations – Solicitations for charity, fund-raising, or staff gifts are allowed only with the Department Manager’s approval that such activities do not detract from the employee’s work performance and are not disruptive to the workplace.*

Under no circumstances shall an employee be required or obligated to contribute to any solicitation request.

- E. Fitness for Duty – To ensure an employee is safely and fully able to perform the essential functions of the employee’s job, the employee may be directed by the Department Manager, with the concurrence of the Human Resource Manager, to be examined by a County designated medical professional. The employee may also seek, at his own expense, an evaluation by a medical professional of his choice in addition to the evaluation by the County designated medical professional. If, after consultation with the employee’s medical professional, the County designated medical professional determines that the employee is unable to perform the essential functions of the job, the employee’s continued employment will be addressed in accordance with applicable policies.*

- F. Election to the Board of Supervisors – An employee may not serve as a member of the James City County Board of Supervisors while employed by the County or the James City Service Authority. This does not prohibit a County employee from seeking election to the Board of Supervisors; however, the employee shall submit his or her resignation within seven (7) days of being elected. In the event the employee fails to resign, the County Administrator shall terminate his or her employment.*

Section 2.12 Separation from Employment

A. Reference Giving - Requests for references may be referred to the Human Resource Department. Supervisors may also furnish, at the request of a prospective employer, factual information, given in good faith, about a current or former employee's professional conduct, reasons for separation or job performance. Information provided should be documented facts not opinions or interpretations of facts. Employees are subject to civil liability if the information provided is false, intended to deliberately mislead or is provided with reckless disregard for whether or not it is false, per the Code of Virginia § 8.01-46.1.

B. Resignations - To leave employment in good standing, an employee must give written notification of the intended resignation and resignation date to the immediate supervisor. Written resignation is also required for retirement.

Employees are asked to give as much notice as possible to ensure a smooth transition, but are required to give a minimum of fourteen (14) calendar days notice of an impending resignation. Failure to do so shall result in a loss of annual and sick leave payments as outlined in Section 5.4.E. Exceptions to leave forfeiture may be granted by the Department Manager.

Once a resignation has been accepted, it may be withdrawn only with the approval of the Department Manager.

C. Termination by County Administrator – Employment may be terminated by the County Administrator for reasons including, but not limited to: inappropriate conduct in accordance with Chapter 7, failure to successfully complete introductory period; failure to continue to meet job requirements; loss of required certifications; unsatisfactory work performance, or a reduction in force.

Section 2.13 Reduction in Force (RIF)

A. Eligibility – The RIF policy applies only to employees in Regular positions who have successfully completed their initial introductory period. Employees in Limited Term, Other, Temporary, or On-Call positions are not covered.

B. Policy - Every reasonable effort shall be made to accomplish the elimination of a position without having to lay-off an employee in the event that Regular positions must be eliminated due to circumstances such as financial shortfalls, curtailment or reduction of services, reorganizing/streamlining operations, privatizing functions, or other situations. The County shall attempt to achieve necessary reductions

through attrition or through the placement of employees in other County positions. Assistance shall also be provided to seek employment outside the County, if necessary.

- C. *Alternatives to Reduction in Force - The County shall take proactive steps whenever practical to avoid or minimize a reduction in force. Such steps may include the elimination of temporary or on-call hours, a hiring freeze, incentives for retirement, job sharing, use of part-time positions, or other strategies which may reduce expenses or hold open potential vacancies for employees whose positions will be eliminated.*
- D. *Identifying Job Classes to be Eliminated - In the event that positions must be eliminated, a number of factors shall be considered in identifying which job classes to eliminate. These include the County's vision, mission, and goals; the needs of our customers; skills needed in the organization; and source of funding of the job class. Reasons for selecting job classes to be eliminated shall be documented by the Department Manager and submitted to the Human Resource Manager and the County Administrator. The County Administrator shall make the final determination.*
- E. *More than One Employee in a Job Class - If there is more than one employee in a job class and it is necessary to reduce the number of employees in that class, the following factors will be considered in determining which employees will be subject to lay-off: job performance; skills contributed to the job; length of service with the County; and source of funding of the position. Reasons for selecting employees subject to lay-off shall be documented by the Department Manager and submitted to the Human Resource Manager and County Administrator. The County Administrator shall make the final determination.*
- F. *Notification - Employees in positions targeted to be eliminated will be notified in writing as soon as possible, but no fewer than 60 calendar days prior to the effective date of the elimination of the position.*
- G. *Placement Within the Organization - The Human Resource Department will meet with employees in positions identified to be eliminated to determine their skills, experience, education and training, and interests so that the Human Resource Department may identify other positions in the organization for which they may qualify, or for which retraining is feasible. Every reasonable effort shall be made to place employees in positions identified to be eliminated in another job within the County at the same, lower, or higher salary range. In such cases, the affected employee's pay will be handled in accordance with the compensation policies for promotion, transfer and voluntary demotion in Section 4.12.*
- H. *Placement Outside the Organization - Assistance in obtaining employment outside the organization shall be made available to the employee. This*

includes assistance in preparing resumes, training in interview skills, information on conducting a job search, use of telephones, computers, and typing support. Employees shall be given reasonable time off not charged to leave to interview for other jobs prior to the date the position is eliminated.

- I. Employees Who Are Separated - An employee who is separated from employment through a RIF shall be given preferential consideration for vacancies which occur for which the individual is qualified and makes application. Preferential consideration means that the employee will be eligible for internal, as well as, external employment opportunities; that the Human Resource Department will send Employment Opportunity Bulletins to the employee's home or designated e-mail address; and that applications from these employees, as long as they meet the minimum qualifications of the job, shall be referred to the hiring department. Preferential consideration shall be given for a period of 12 months from the date of separation. An employee hired under preferential consideration shall be considered reinstated.

Employees who are separated are eligible for payment of leave balances and other benefits in accordance with Chapter 5 of this Manual.

If the separated employee elects to continue County-sponsored group health insurance under COBRA, the County will continue to pay its share of the premium for up to six months, or until the employee is no longer eligible under COBRA, whichever comes first.

Separated employees and their immediate families shall continue to be eligible for services provided by the County's Employee Assistance Program for 12 months from the date of separation.

- J. Employees Who are Not Separated - Employees who retain their jobs through a RIF may also be affected in a number of ways such as by an increased workload and concerns about job security. The Human Resource Department will work with departments to take actions to assist employees with the transition.

Section 2.14 Elimination of Limited Term or Other Positions

In the event that Limited Term or Other positions must be eliminated due to circumstances such as financial shortfalls, curtailment or reduction of services, reorganizing/streamlining operations, privatizing functions or other situations, the Human Resource Department will work with the affected departments to: notify employees in positions identified to be eliminated as far in advance as possible; meet with those employees to determine their skills, experience, education and training in order to identify other positions in the organization for which they may apply; and offer assistance in obtaining employment outside the

organization including assistance preparing resumes, coaching in interview skills, or providing information on conducting a job search.

Employees who are separated are eligible for payment of leave balances and other benefits in accordance with Chapter 5 of this Manual.

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CHAPTER 2

EMPLOYMENT

Section 2.1 Philosophy

To support our value of “Demonstrating high standards of excellence, efficiency and commitment to service,” James City County seeks to attract and retain a diverse group of excellent employees whose experiences and qualifications best meet the needs of the organization.

Section 2.2 Policy

It is the policy of James City County to recruit and hire without regard to race, color, religion, gender, national origin, age, disability, pregnancy, or sexual orientation. Employment practices shall be in compliance with Chapter 10, “Diversity and Equal Employment Opportunity.”

Section 2.3 Legal Basis

James City County is committed to ensuring that our employment policies are in compliance with all applicable employment laws and regulations, including but not limited to: Title VII of the Civil Rights Act; the Fair Labor Standards Act; the Age Discrimination in Employment Act; the Americans With Disabilities Act; the Uniformed Services Employment and Reemployment Rights Act; and, the Fair Credit Reporting Act.

In accordance with the Charter of James City County, § 4.2., the County Administrator is responsible for the administration of the affairs of the County including the authority to employ and to dismiss employees.

Section 2.4 Definitions

A. Contract Employee – *A person providing services to the County through a temporary employment or leasing agency, as an independent contractor, or who in any other way fails to meet the Internal Revenue Service definition of an employee.*

B. Family Member – *For purposes of this Chapter, family member is defined as spouse, parent, guardian, brother, sister, son, daughter, grandparent, grandchild; any of these as an in-law or as a step relation; or any person residing in the same household as the employee.*

C. Full-Time Position – A Full-time position is one that has as its regular work schedule the number of hours below:

Sworn Fire Personnel:	2,916 hours per year
Sworn Police Personnel:	2,167 hours per year
All other personnel:	2,080 hours per year

Sworn Fire and Police personnel may be assigned as needed to full-time positions authorized to work 2,080 hours.

D. Internal Candidate – Internal candidates are job applicants who are current employees in full or part-time Regular, Limited-Term, Temporary or On-Call positions. Eligibility as an internal candidate varies for employees in positions categorized as “Other.” Specific information regarding eligibility is available from the Human Resource Department.

E. Limited-Term Position – A Limited-Term position is one established by the Board of Supervisors, funded under a special revenue source other than the operating General Fund or James City Service Authority revenues, and projected to continue subject to funding. If the funding should end, the position has no guarantee of general County funding. A Limited-Term position may be either full-time or part-time. Employees in Limited-Term positions work a fixed number of hours per year and generally a fixed number of hours per week.

F. On-Call Position – An On-Call position is created from a pool of hours established by the Board of Supervisors or County Administrator. On-Call hours are established to provide on-going public service in situations where work schedules, such as the number of hours per day, or number of days per week, vary from day-to-day or week-to-week due to operational needs; or to supplement staff during absences or peak work times. Employees in On-Call positions may be discharged at the will of the department manager without cause or hearing.

G. Other Position – An Other position is one in a department or office which follows some or none of the County’s personnel policies. An Other position may include members of boards and commissions; elected and appointed officials or positions in the offices of elected or appointed officials; or positions in agencies for which the County serves as fiscal agent. An Other position is projected to continue indefinitely and may be either full-time or part-time. Policies followed by Other positions vary and specific information is available from the Human Resource Department.

H. Part-Time Position – A part-time position is one which has as its regular work schedule less than the number of full-time hours as described in Section 2.4 C.

I. Regular Position – A Regular position is one established by the Board of Supervisors, funded from the operating General Fund or James City Service Authority revenues and projected to continue indefinitely unless the Board eliminates it. A Regular position may be either full-time or part-time. Employees in Regular positions work a fixed number of hours per year and generally a fixed number of hours per week.

J. Supervisor, Direct – A direct supervisor is an employee who assigns, guides, monitors, evaluates the work and signs the performance evaluation of one or more employees.

K. Supervisor, Indirect – A supervisor anywhere in the line of supervision above an employee's immediate supervisor, i.e. the employee's supervisor's supervisor.

L. Temporary Position – A Temporary position is one established by the Board of Supervisors or the County Administrator to perform a specific function with an ending date, such as a special project or to substitute when a position is vacant. The term of employment depends on the length of time needed to perform the special function, but has a specific ending date which shall not exceed 12 months. Temporary positions are reviewed each fiscal year. The Board of Supervisors or County Administrator may extend a Temporary position. A Temporary position may be either full or part-time and may have either a fixed or fluctuating number of hours per week. Employees in Temporary positions may be discharged at the will of the County Administrator without cause or hearing.

Section 2.5 Recruitment

The Human Resource Department works collaboratively with hiring departments to identify talent within the organization or to design a recruitment strategy to solicit a qualified and diverse applicant pool from outside the organization to fill a vacant position.

A. Recruitment Necessary – Vacancies for all full or part-time Regular and Limited-Term positions must be listed on the Human Resource Department's employment opportunities announcement, unless otherwise stated in Section 2.5 B. A variety of other recruitment sources may also be used as determined in the recruitment strategy, including but not limited to, websites, newspapers, professional publications, job fairs, or radio announcements.

Recruitment is also necessary when a part-time Regular or Limited-term position is approved by the Board of Supervisors to become full-time. In

the event the incumbent in the part-time position is not selected for the full-time position, the Reduction in Force policy would apply.

B. Recruitment Not Necessary - Recruitment is not necessary when:

- 1. The original position, or a position in the same job class, becomes vacant within twelve months of the date the position was filled from the most recent recruitment and a viable applicant pool still exists.*
- 2. An employee is transferred or demoted to a vacant position.*
- 3. An employee is placed in a vacant position due to a reduction in force.*
- 4. The position is Temporary or On-call.*

C. Length of Advertisement – Positions advertised without a closing date shall remain open for a minimum of seven calendar days. Applications for such positions are accepted on an on-going basis or until all vacancies are filled.

Positions advertised with a closing date shall remain open for a minimum of seven calendar days. Applications will not be accepted after the closing date unless the recruitment period is extended or the job is re-advertised.

D. Internal Recruitment – The Department Manager may request that recruitment be restricted to internal candidates if it is felt that employees within the organization may possess the experience and qualifications required for a vacant position.

When organizational needs dictate, such as position reclassifications or departmental reorganizations which do not result in position vacancies, and with the approval of the Human Resource Manager, internal recruitment may be limited to employees in specific departments, divisions, or to incumbents of specific job classes or positions.

E. External Recruitment – In those instances where recruitment is not restricted within the organization, recruitment for the vacant position shall be conducted outside the organization and applications from the public and from employees shall be accepted.

F. Recruitment Incentives - Hiring departments may offer incentives as a strategy to fill positions which have been identified by Human Resources as having significant recruitment and retention problems or are critical to the organization's mission and ongoing operations. Up to 5% of the minimum of the salary range of the job class to which the candidate is hired may be used to fund the incentives. Exceptions may be granted by the County Administrator.

All incentives are paid by the hiring department and must be approved by the Department Manager and the Human Resource Manager prior to incurring the expense. Incentives may not be in the form of bonuses or other direct payments to the candidate. Recruitment and retention incentives include the following:

- 1. Referral Incentive – Hiring departments, in collaboration with Human Resources, may develop programs to give Incentive Awards to employees who refer external candidates selected for positions.*
- 2. Payment for Recruitment Expenses - Departments may arrange and pay for a County hotel or motel room for lodging associated with the interview and selection process. Applicants may also be reimbursed for verified travel expenses associated with the interview and selection process. Reimbursement shall be consistent with James City County travel policy*
- 3. Leave – A balance up to a maximum of 160 hours of annual leave may be given as a condition of employment. Leave accrual shall begin in the sixth month and shall be accrued in accordance with Section 5.4.E.1.*

Successful candidates may also be given a higher annual leave accrual rate at the time of initial hire. Accrual would remain at that rate until years of service with the County are consistent with accrual rates as outlined in Section 5.4.E.1.

Any leave balances beyond normal accrual will not be paid if the employee leaves employment within a time period agreed upon in the employment offer.

All terms and conditions of any recruitment and retention incentives, such as requirements for satisfactory performance, duration of employment and repayment terms if the terms and conditions are not met shall be included in the formal offer of employment letter issued by the Human Resource Department.

- G. Employment Agencies – Employment agencies may be used to fill positions temporarily. The Human Resource Department will coordinate with the department and a temporary employment agency. The hiring department will then work directly with the temporary employment agency for timekeeping and billing.*

Employment agencies may also be used to solicit qualified applicants for vacancies. Payment of fees for service or placement costs is subject to

available departmental funding and shall be approved in advance by the Department Manager and Human Resource Manager.

Section 2.6 Application Process

All individuals interested in employment with James City County must apply through the application process designated by the Human Resource Department.

The County may disqualify an applicant who does not meet the requirements specified in the job description or job posting, fails to submit complete, accurate or current information, or makes false or deceptive statements.

Section 2.7 Selection Process

The Human Resource Department works with hiring supervisors to develop a selection process that is non discriminatory and designed to identify the best candidate for the position. Selection tools will be used to assess knowledge, skills and abilities required for the position. All selection tools shall be coordinated with and approved by the Human Resource Department and shall be administered consistently and impartially.

A. Pre-Employment Selection Tools – *Selection tools, including but not limited to the following, may be used in the pre-employment process: oral interviews; skills demonstrations; presentations; work samples; portfolios; written knowledge/skills assessment exercises; driving record, criminal history or sex offender checks authorized by the applicant; and reference checks.*

B. Post-Offer Selection Tools - *The following checks and assessments may be used only after a contingent offer of employment has been made: background check, fitness assessment, physical examination, or personality suitability assessment. Failure to successfully complete any of these assessments will result in the withdrawal of the contingent offer of employment.*

C. Refusal or Failure to Participate – *Any applicant refusing or failing to undergo any part of the selection process shall be eliminated from further consideration for the position. In such a situation, the applicant shall be considered to have withdrawn the employment application.*

D. Veteran Hiring - *In accordance with the Code of Virginia §15.2-1509, the County shall take into consideration an individual's status as an honorably discharged veteran in hiring policies and practices. Applicants identified as veterans, who meet all of the knowledge, skills and eligibility requirements for an available position, shall be considered for employment by the hiring department.*

A “veteran” is any person who has received an honorable discharge from the armed forces of the United States and has (1) provided more than 180 consecutive days of full-time, active duty service in the armed forces of the United States or reserve components thereof, including the National Guard, or (2) has a service-connected disability rating fixed by the United States Veterans Administration.

- E. Physical Examinations - Physical examinations are performed by a medical professional designated by the County and are required for identified job classes to: ensure that candidates offered employment and employees in these job classes are able to safely and satisfactorily perform the required physical aspects of the job; comply with local, State and Federal regulations; and ensure a safe work environment and protect the public.

Job classes requiring physical exams are identified in the Compensation Plan.

The content of the physical exam varies by job class based on the physical requirements of the job. The County pays the cost of the required post-offer, post-employment, or fitness for duty physical examinations.

- F. Reference Checking - It shall be the responsibility of the hiring supervisor to check employment references of the candidate being considered for employment prior to extending a job offer.

Section 2.8 Hiring

- A. Job Offer – The Human Resource Department or the hiring supervisor may extend a verbal job offer to the candidate selected for the position. The Human Resource Department shall issue a formal written offer of employment.

- B. Employment Date - The employment date is the date on which an employee was initially employed, provided there has been no break in service. The employment date is the date used to determine length of service with the County for computing service recognition and leave accrual rates, unless a higher annual leave accrual rate was negotiated at the time of initial hire.

- C. Reinstatement - A former employee may be reinstated to the position he or she held or to a vacant position in the same job class in the same department within one year of separation from the County.

As a condition of reinstatement, the employee shall repay all annual and sick leave payments received at the time of separation and leave balances shall be restored. A reinstated employee shall retain the original

employment date and the applicable leave accrual rate upon return. Retirement benefits may be restored as permitted by those programs.

- D. Transfer – Transfer is the movement of an employee to a vacant position in the same salary range. Employees may be transferred at the discretion of the organization to meet organizational needs. Transferred employees do not serve a probationary period and are compensated in accordance with Section 4.12 C.
- E. Promotion - A promotion is the selection of an employee, after competition with internal or external applicants, to a different position in a higher salary range. Employees who are promoted receive a salary increase in accordance with Section 4.12 A.
- F. Voluntary Demotion – A demotion is the movement of an employee to a different position in a lower salary range. An employee may choose to accept a position in a lower salary range for a number of reasons, such as a career change, career broadening experience, for personal reasons or to remain employed if his or her position is eliminated. A voluntary demotion may or may not require a reduction in salary. See Section 4.12 D.
- G. Hiring Overlap - In order to provide uninterrupted services and a seamless transition, the County Administrator may approve hiring an employee prior to the termination date of the incumbent. This hiring overlap is contingent upon available funding within the department and shall not exceed thirty calendar days. Exceptions to the length of overlap may be granted by the County Administrator.
- H. Hiring of and Supervision of Family Members – No family member, as defined in Section 2.4 B., shall be hired, promoted, or temporarily assigned as a direct or indirect supervisor or report of another member of the same family. The selection of a family member of a department manager to fill a position in any department shall be subject to approval by the County Administrator prior to hire. A family member of the County Administrator or Board of Supervisors shall not be hired by the County in any capacity.
- I. Minimum Age - Employees must be a minimum of sixteen years of age by the date of hire. Employees between age sixteen and eighteen may only be hired in positions which meet the Child Labor Regulations of the Fair Labor Standards Act, CFR, Title 29, Chapter V, Part 570.
- J. Licenses and certifications – Some positions require specific licenses or certifications, which are listed in the job description. Failure to maintain required licenses or certifications may result in demotion or termination of employment.

K. Special Public Safety Employment Conditions - Employees in positions in the Police or Fire Departments which are covered by the “Heart and Lung legislation”, Code of Virginia §65.2-402, and who began employment on or after July 1, 1994, shall not use tobacco products in any form on or off duty. New hires who use tobacco products may be granted a period of time in which to stop. Failure to refrain from using tobacco products in any form on or off duty may result in termination of employment.

L. Holding More Than One County Job - Employees in nonexempt positions, with the approval of the Human Resource Manager, may hold more than one County job, either full or part-time, in situations where work hours can be monitored and overtime paid in accordance with the overtime requirements of the Fair Labor Standards Act, CFR, Title 29, Chapter V, Part 553.

Employees in exempt positions may hold more than one County job, either full or part-time, with the approval of the respective Department Managers.

M. Volunteering – Employees in nonexempt positions may volunteer to perform work in other County jobs without compensation as long as the services are offered freely, without pressure or coercion, and the work is not the same type of work the individual is employed to perform for the County. Any such volunteer work shall be reviewed by the Human Resource Department for compliance with requirements of the Fair Labor Standards Act, CFR, Title 29 Part 553, Subpart B prior to beginning the volunteer work.

Employees in exempt positions may volunteer to perform work in any position.

N. Career Ladder Advancement - A career ladder advancement is the progression of an employee from a position in a designated career ladder class to a higher level position of that class.

Upon meeting the minimum qualifications for the higher level career ladder position as required in the job description, and upon a review of the employee’s qualifications, experience and work performance, the Department Manager may approve the career ladder advancement.

Failure to maintain the minimum requirements, required certifications or to perform the work requirements of the career ladder position will result in a demotion to the career ladder position the employee is performing or for which he or she is qualified. Such career ladder demotions will result in a salary reduction consistent with Section 4.12 B.

O. Hiring Within Career Ladder Levels – With the approval of the Department Manager, external candidates may be hired at a career ladder level for which they meet the minimum qualifications as required in the job description.

P. Temporary Assignments

1. An employee may be temporarily assigned to a vacant position, or a prescribed set of duties, other than that to which officially assigned, for a variety of reasons including emergency situations, abnormal workload, organizational changes, job vacancies, unmet needs pending the establishment of a new position, development opportunities; or for other purposes necessary to provide quality public service.

2. Duration, Approval, Documentation, and Compensation

Duration	Six (6) Weeks within a 12 month period	Between 6 Weeks and Six (6) Months within a 12 month period	Between 6 Months and One (1) Year Within a 12 month period	More than 1 Year
Approval	Supervisor	Department Manager (DM)	Human Resources (HR)	County Administrator (CA)
Documentation	None	None	DM writes business reasons and expected duration to HR; if HR concurs, they notify Payroll	DM writes business reasons and proposed duration; HR makes recommendation; CA decides
Compensation	No change	No change	If position in higher salary range, increase consistent with promotion effective the beginning of the seventh month	Maintains increase given at 6 months

Exceptions may be granted by the County Administrator.

3. Salary Adjustment Considerations

- a. Performance Increase - Performance increases effective during the portion of the assignment in which the employee is receiving a temporary salary adjustment shall be handled in accordance with Section 4.11.D.4.
- b. End of Temporary Salary Adjustment - When the employee returns to her regular duties, the salary shall be reduced by the same dollar amount by which it was temporarily increased.

Section 2.9 Orientation for New Employees

- A. Human Resource Department Responsibility – The Human Resource Department will offer assistance to employees in enrolling in applicable benefits and will provide ways for them to learn more about the County and what is expected from them as County employees.
- B. Department Responsibility – The Department Manager is responsible for ensuring that new employees are oriented to the work site and receive information regarding job duties, responsibilities, expectations and work rules.
- C. Employee Responsibility – The employee is responsible for attending required orientation and training sessions and for being familiar with the James City County Personnel Policies and Procedures Manual and departmental policies and procedures.

Section 2.10 Introductory Employment Period

The introductory employment period is designed to give both the employee and the County an opportunity to determine whether the correct employment decision has been made.

- A. Initial Introductory Period – Employees initially hired in Regular and Limited-term positions shall serve an introductory period of at least six months. Some job classes, because of a long training period or annual work cycles, require a one-year probationary period. Such job classes are identified in the Compensation Plan.
- B. Promotional Introductory Period – Employees promoted to Regular or Limited-term positions shall serve an introductory period of six months.
- C. Extension - The Department Manager, with the concurrence of the Human Resource Manager, may extend either an initial or promotional

introductory period for up to six additional months if it is deemed necessary to fully evaluate the hiring decision.

- D. Termination During the Introductory Period – *At any time during the introductory period if the employee determines that employment in the position or with the County is not a good match or in the employee's best interest, the employee may resign from employment in good standing.*

Should the County determine that the hiring decision does not meet the needs of the organization, the employee may be discharged at the will of the County Administrator without cause or hearing at any time during the introductory period. Employees in introductory periods are not eligible to use the Grievance Procedure.

Section 2.11 Work Hours, Schedules and Practices

- A. Official Work Hours – *The official work hours for County office and administrative employees shall be 8:00 a.m. to 5:00 p.m. Monday through Friday with a one hour unpaid lunch break. Lunch or other meal breaks may not normally be taken at the end of the work period. Because of differing requirements in operational departments, official work hours for a County office may vary with the approval of the County Administrator.*

- B. Alternative Work Schedule – *An alternative work schedule is the daily work schedule of an individual employee that deviates from the official business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday. Alternative work schedules must be approved by the Department Manager.*

Alternative work schedules may include any daily or weekly work schedule or work arrangement designed to enhance service to customers or increase productivity, such as flex-time, compressed work week, or telecommuting. Alternative work schedules must be in compliance with the overtime requirements of the Fair Labor Standards Act, CFR, Title 29, Chapter V, Part 553.

Alternative work schedules for full-time positions must include a minimum of a 30 minute unpaid meal break at a time approved by the supervisor. Exceptions may be granted by the County Administrator.

Employees working alternative schedules who do not work on a holiday are compensated for the number of hours equal to the employee's monthly sick leave accrual rate. See Section 5.3 B.2.

- C. Outside Employment – *The County is considered the primary employer. An employee may hold another non-County job provided that an actual or perceived conflict of interest is not created; the employment does not*

discredit or potentially discredit the County; and, the work of the second job does not distract from the performance of County duties.

Requests to hold second jobs must be made in writing and approved by the Department Manager and Human Resource Manager prior to beginning such work. If the Department or Human Resource Manager determines at any time that the other employment causes a conflict, interferes with County duties, or is disruptive to the workplace, the employee shall be requested to terminate the outside employment. Refusal to comply with such a request may result in termination of employment.

Employees are prohibited from performing work of second jobs or businesses during paid work time. This includes sales of services or products, such as cosmetics, jewelry, or dishware; scheduling appointments with customers; telephone calls; use of electronic mail; or any other related activities.

- D. Solicitations – Solicitations for charity, fund-raising, or staff gifts are allowed only with the Department Manager’s approval that such activities do not detract from the employee’s work performance and are not disruptive to the workplace.*

Under no circumstances shall an employee be required or obligated to contribute to any solicitation request.

- E. Fitness for Duty – To ensure an employee is safely and fully able to perform the essential functions of the employee’s job, the employee may be directed by the Department Manager, with the concurrence of the Human Resource Manager, to be examined by a County designated medical professional. The employee may also seek, at his own expense, an evaluation by a medical professional of his choice in addition to the evaluation by the County designated medical professional. If, after consultation with the employee’s medical professional, the County designated medical professional determines that the employee is unable to perform the essential functions of the job, the employee’s continued employment will be addressed in accordance with applicable policies.*

- F. Election to the Board of Supervisors – An employee may not serve as a member of the James City County Board of Supervisors while employed by the County or the James City Service Authority. This does not prohibit a County employee from seeking election to the Board of Supervisors; however, the employee shall submit his or her resignation within seven (7) days of being elected. In the event the employee fails to resign, the County Administrator shall terminate his or her employment.*

Section 2.12 Separation from Employment

A. Reference Giving - Requests for references may be referred to the Human Resource Department. Supervisors may also furnish, at the request of a prospective employer, factual information, given in good faith, about a current or former employee's professional conduct, reasons for separation or job performance. Information provided should be documented facts not opinions or interpretations of facts. Employees are subject to civil liability if the information provided is false, intended to deliberately mislead or is provided with reckless disregard for whether or not it is false, per the Code of Virginia § 8.01-46.1.

B. Resignations - To leave employment in good standing, an employee must give written notification of the intended resignation and resignation date to the immediate supervisor. Written resignation is also required for retirement.

Employees are asked to give as much notice as possible to ensure a smooth transition, but are required to give a minimum of fourteen (14) calendar days notice of an impending resignation. Failure to do so shall result in a loss of annual and sick leave payments as outlined in Section 5.4.E. Exceptions to leave forfeiture may be granted by the Department Manager.

Once a resignation has been accepted, it may be withdrawn only with the approval of the Department Manager.

C. Termination by County Administrator – Employment may be terminated by the County Administrator for reasons including, but not limited to: inappropriate conduct in accordance with Chapter 7, failure to successfully complete introductory period; failure to continue to meet job requirements; loss of required certifications; unsatisfactory work performance, or a reduction in force.

Section 2.13 Reduction in Force (RIF)

A. Eligibility – The RIF policy applies only to employees in Regular positions who have successfully completed their initial introductory period. Employees in Limited Term, Other, Temporary, or On-Call positions are not covered.

B. Policy - Every reasonable effort shall be made to accomplish the elimination of a position without having to lay-off an employee in the event that Regular positions must be eliminated due to circumstances such as financial shortfalls, curtailment or reduction of services, reorganizing/streamlining operations, privatizing functions, or other situations. The County shall attempt to achieve necessary reductions

through attrition or through the placement of employees in other County positions. Assistance shall also be provided to seek employment outside the County, if necessary.

C. Alternatives to Reduction in Force - *The County shall take proactive steps whenever practical to avoid or minimize a reduction in force. Such steps may include the elimination of temporary or on-call hours, a hiring freeze, incentives for retirement, job sharing, use of part-time positions, or other strategies which may reduce expenses or hold open potential vacancies for employees whose positions will be eliminated.*

D. Identifying Job Classes to be Eliminated - *In the event that positions must be eliminated, a number of factors shall be considered in identifying which job classes to eliminate. These include the County's vision, mission, and goals; the needs of our customers; skills needed in the organization; and source of funding of the job class. Reasons for selecting job classes to be eliminated shall be documented by the Department Manager and submitted to the Human Resource Manager and the County Administrator. The County Administrator shall make the final determination.*

E. More than One Employee in a Job Class - *If there is more than one employee in a job class and it is necessary to reduce the number of employees in that class, the following factors will be considered in determining which employees will be subject to lay-off: job performance; skills contributed to the job; length of service with the County; and source of funding of the position. Reasons for selecting employees subject to lay-off shall be documented by the Department Manager and submitted to the Human Resource Manager and County Administrator. The County Administrator shall make the final determination.*

F. Notification - *Employees in positions targeted to be eliminated will be notified in writing as soon as possible, but no fewer than 60 calendar days prior to the effective date of the elimination of the position.*

G. Placement Within the Organization - *The Human Resource Department will meet with employees in positions identified to be eliminated to determine their skills, experience, education and training, and interests so that the Human Resource Department may identify other positions in the organization for which they may qualify, or for which retraining is feasible. Every reasonable effort shall be made to place employees in positions identified to be eliminated in another job within the County at the same, lower, or higher salary range. In such cases, the affected employee's pay will be handled in accordance with the compensation policies for promotion, transfer and voluntary demotion in Section 4.12.*

H. Placement Outside the Organization - *Assistance in obtaining employment outside the organization shall be made available to the employee. This*

includes assistance in preparing resumes, training in interview skills, information on conducting a job search, use of telephones, computers, and typing support. Employees shall be given reasonable time off not charged to leave to interview for other jobs prior to the date the position is eliminated.

- I. *Employees Who Are Separated* - *An employee who is separated from employment through a RIF shall be given preferential consideration for vacancies which occur for which the individual is qualified and makes application. Preferential consideration means that the employee will be eligible for internal, as well as, external employment opportunities; that the Human Resource Department will send Employment Opportunity Bulletins to the employee's home or designated e-mail address; and that applications from these employees, as long as they meet the minimum qualifications of the job, shall be referred to the hiring department. Preferential consideration shall be given for a period of 12 months from the date of separation. An employee hired under preferential consideration shall be considered reinstated.*

Employees who are separated are eligible for payment of leave balances and other benefits in accordance with Chapter 5 of this Manual.

If the separated employee elects to continue County-sponsored group health insurance under COBRA, the County will continue to pay its share of the premium for up to six months, or until the employee is no longer eligible under COBRA, whichever comes first.

Separated employees and their immediate families shall continue to be eligible for services provided by the County's Employee Assistance Program for 12 months from the date of separation.

- J. *Employees Who are Not Separated* - *Employees who retain their jobs through a RIF may also be affected in a number of ways such as by an increased workload and concerns about job security. The Human Resource Department will work with departments to take actions to assist employees with the transition.*

Section 2.14 Elimination of Limited Term or Other Positions

In the event that Limited Term or Other positions must be eliminated due to circumstances such as financial shortfalls, curtailment or reduction of services, reorganizing/streamlining operations, privatizing functions or other situations, the Human Resource Department will work with the affected departments to: notify employees in positions identified to be eliminated as far in advance as possible; meet with those employees to determine their skills, experience, education and training in order to identify other positions in the organization for which they may apply; and offer assistance in obtaining employment outside the

organization including assistance preparing resumes, coaching in interview skills, or providing information on conducting a job search.

Employees who are separated are eligible for payment of leave balances and other benefits in accordance with Chapter 5 of this Manual.

Chapter2.doc

Rev. April 9, 2007

STANDARD PROJECT ADMINISTRATION AGREEMENT

Project Number	UPC	Local Designation
	85554	Williamsburg 2007 Transportation

THIS AGREEMENT, made and executed in triplicate this ____ day of _____, 2007, by and between the **County of James City**, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

WHEREAS, the LOCALITY has expressed its desire to administer the work described in Appendix A, and such work for each improvement shown is hereinafter referred to as a Project; and

WHEREAS, the funds shown in Appendix A have been allocated to finance each Project; and

WHEREAS, the LOCALITY will progress with the development of each Project so that any federal funds allocated to each Project may be obligated within three years of allocation to each Project in accordance with the current Statewide Transportation Improvement Program, unless otherwise specified in writing by the Department; and

WHEREAS, both parties have concurred in the LOCALITY's general administration of the phase(s) of work for the respective Project(s) listed in Appendix A in accordance with applicable federal, state, and local law and regulations.

NOW THEREFORE, in consideration of the mutual premises contained herein, the parties hereto agree as follows:

1. The LOCALITY shall:
 - a. Be responsible for all activities necessary to complete the noted phase of each Project shown in Appendix A, except the performance of the State Environmental Review Process (SERP), and coordinate with the DEPARTMENT for all reviews, approvals, and environmental actions and decisions, as required. Each Project will be designed and constructed to meet or exceed current American Association of State Highway and Transportation Officials standards or supplementary standards approved by the DEPARTMENT.
 - b. Receive prior written authorization from the DEPARTMENT to proceed with preliminary engineering, right-of-way acquisition and utility relocation, and construction phases of each Project.
 - c. Maintain accurate and complete records of each Project's development and documentation of all expenditures and make such information available for inspection or auditing by the DEPARTMENT. Records and documentation for items for which reimbursement will be requested shall be maintained for no less than three (3) years following

acceptance of the final voucher on each Project, or all such records and documentation may be turned over to the DEPARTMENT in a manner acceptable to the DEPARTMENT.

- d. No more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of related vendor invoices paid by the LOCALITY and a to-date project summary schedule tracking payment requests and adjustments. A request for reimbursement shall be made within 90 days after any eligible project expenses are incurred by the Locality. For federally funded projects and pursuant to the Federal Code of Regulation Title 49, Section 18.43, violations of the provision may result in the imposition of sanctions including possible denial or delay of payment of all or a part of the costs associated with the activity or action not in compliance.
- e. Subject to appropriation, reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if, due to action or inaction solely by the LOCALITY, federally funded Project expenditures incurred are not reimbursed by the Federal Highway Administration (FHWA), or reimbursements are required to be returned to the FHWA, or in the event the reimbursement provisions of Section 33.1-44 or Section 33.1-70.01 of the Code of Virginia, 1950, as amended, or other applicable provisions of federal, state, or local law or regulations require such reimbursement.
- f. On Projects that the LOCALITY is providing the required match to state or federal funds pay the DEPARTMENT the LOCALITY's match for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 2.a.
- g. Administer the Project in accordance with all applicable federal, state, or local laws and regulations.
- h. Provide certification by a LOCALITY official that all LOCALITY administered Project activities have been performed in accordance with all federal, state, or local laws and regulations. If the locality expends over \$500,000 annually in federal funding, such certification shall include a copy of the LOCALITY's single program audit in accordance with Office of Management and Budget Circular A-133.
- i. The LOCALITY will use its staff counsel for all legal proceedings. If legal services other than that provided by staff counsel are required, the LOCALITY will consult the DEPARTMENT to obtain an attorney from the list of outside counsel approved by the Office of the Attorney General.

6. Nothing in this agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
7. This agreement may be terminated by either party upon 30 days advance written notice. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs 1.e, 1.f, and 2.b, subject to the limitations established in this Agreement and Appendix A. Upon termination, the DEPARTMENT shall retain ownership of plans, specifications, and right of way, unless all state and federal funds provided for the Project have been reimbursed to the DEPARTMENT by the LOCALITY, in which case the LOCALITY will have ownership of the plans, specifications, and right of way, unless otherwise mutually agreed upon in writing.

THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors, and assigns.

THIS AGREEMENT may be modified in writing by mutual agreement of both parties.

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written.

COUNTY OF JAMES CITY, VIRGINIA:

Typed or printed name of signatory

Date

Title

Signature of Witness

Date

NOTE: The official signing for the LOCALITY must attach a certified copy of his or her authority to execute this agreement.

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION:

Commonwealth Transportation Commissioner
Commonwealth of Virginia
Department of Transportation

Date

Signature of Witness

Date

Attachments

Appendix A - UPC **85554**

Project Number: UPC 85554

Locality: James City County

Project Narrative	
Scope:	Oversight of Jamestown 2007 Anniversary Weekend Transportation System
From:	
To:	
VDOT - processing oversight of all invoices related to this project.	
Locality Project Manager Contact Info: Richard Drumwright - 757-220-5493 Department Project Coordinator Contact Info: Jim Brewer - 757-253-5140	

Project Costs and Reimbursement				
Phase	Estimated Project Costs	Estimated Eligible Project Costs	Estimated Eligible VDOT Project Expenses	Estimated Reimbursement to Locality
Preliminary Engineering	\$1,388,000	\$694,000	0	\$694,000
Right-of-Way & Utilities	0	0	0	0
Construction	0	0	0	0
Total Estimated Cost	\$1,388,000	\$694,000	0	\$694,000

Total Maximum Reimbursement by Locality to VDOT	
Total Maximum Reimbursement by VDOT to Locality	\$694,000

Project Financing				
A	B	C	D	E
CMAQ	RSTP	Locality Match Jamestown 2007	Locality Funds Jamestown 2007	Aggregate Allocations (A+B+C+D)
\$423,500	\$270,500	\$173,500	\$520,500	\$1,388,000

Program and Project Specific Funding Requirements
This project shall be administered in accordance with the <u>Guide for Local Administration of VDOT Projects</u> , latest edition; VDOT (Williamsburg Residency) will receive invoices from WAT – WAT will review and certify that all work has been performed in accordance with state and federal requirements - and process them for payment as appropriate; Previous funding = RSTP \$270,500, CMAQ \$423,500 (100% Allocation & Obligation) Jamestown 2007, Inc. , will provide Federal matching funds of \$173,500 Jamestown 2007, Inc. , will provide additional locality funds of \$520,500

This attachment is certified and made an official attachment to this document by the parties of this agreement

 Authorized Locality Official and date

 Residency Administrator's/Urban Program Manager's
 Recommendation and date

 Typed or printed name of person signing

 Typed or printed name of person signing