

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

READING FILE

June 23, 2009

FOR YOUR INFORMATION

1. Chapter 5, Employee Benefits, of the *Personnel Policies and Procedures Manual*
2. JCSA – Irrigation System Backflow Prevention Program

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CHAPTER 5

EMPLOYEE BENEFITS

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Chapter 5
Employee Benefits

Section 5.1 Policy - General

It is the policy of James City County to provide employee benefits that complement the County's values and strategic direction, that help meet certain needs of County employees and their families, and that help the County to attract and retain quality employees. The County strives to offer high quality benefits, at a reasonable cost to both employees and the County, which prove valuable and useful to employees. The County will communicate the availability of these benefits to eligible individuals and will provide assistance in understanding and using them.

Section 5.2 Eligibility - General

The benefits contained in this chapter are available to all employees in full-time regular and limited-term positions. Benefits are also available to employees in part-time regular and limited-term positions, to former employees and retirees, and to employees in temporary positions where specifically indicated in the policy. Eligibility of employees in other positions varies by department and is recorded in the Human Resource Department.

Section 5.3 Holidays

The County observes the following eleven designated holidays:

New Year's Day	January 1
Lee/Jackson/King Day	3rd Monday in January
George Washington's Birthday	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veterans' Day	November 11
Thanksgiving Day	4th Thursday in November
Day After Thanksgiving	Friday following Thanksgiving
Christmas Eve	December 24
Christmas Day	December 25

The Board of Supervisors may declare any other day an additional holiday.

- A. Eligibility. Employees in part-time regular and limited-term positions are eligible for paid holidays or compensatory leave in the amount of their monthly sick leave accrual rate.

B. Observance of Holidays

1. If a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday; if a holiday falls on a Sunday, the following Monday shall be observed as the holiday. County operations which are open on holidays shall observe the actual holiday for purposes of holiday pay.
2. If an observed holiday falls on a day an employee is not otherwise scheduled to work, the employee shall earn compensatory leave in the amount of his monthly sick leave accrual rate for the observed holiday. In cases where this would present a hardship because of work load, the department manager may authorize payment in lieu of the compensatory leave if the budget permits.
3. An employee who is on approved leave with pay during a period in which a holiday falls, shall not be charged leave for the observed holiday.
4. An employee who is on military leave with pay during a period in which a holiday falls shall not receive any additional pay or compensatory leave for the holiday.
5. An employee forfeits eligibility to be compensated for the holidays observed by the County unless the employee works the last scheduled work day before the holiday and the first scheduled work day after the holiday. The forgoing does not apply to employees who are on authorized leave with pay.

C. Working on Holidays

1. If an employee is required to work on an observed holiday, he shall receive holiday pay as outlined in Chapter 4, Section 4.12.
2. Certain employees who are called to work on a County-observed holiday on which they are not scheduled to work may be eligible for premium pay as outlined in Chapter 4, Section 4.14.

Section 5.4 Leave

- A. Policy Statement - James City County recognizes the importance of balancing the productivity needs of the County with the needs of County employees and their families by providing employees with time away from work. It is the policy of the County to provide employees with continued income and benefits during certain approved absences of specified durations.
- B. Eligibility - Employees in part-time regular and limited-term positions are eligible for leave on a pro-rated basis.

C. Definitions

1. Day – A day is defined as the number of sick leave hours accrued monthly by the employee.
2. Immediate Family - The immediate family is defined as: spouse, parent, son, daughter, brother, sister, grandparents, grandchildren, step-children, step-parents, guardian, spouse's parent, and any persons residing in the same household as the employee.
3. Week - A week is defined as the annual authorized hours of the employee's position divided by 52.

~~D. Family and Medical Leave Act (FMLA) of 1993 is a Federal law which guarantees employees who have been employed by the County for 12 months and worked at least 1,250 hours in the previous 12 months, up to 12 weeks as defined in 5.4.C.3 away from work during a fiscal year for the purposes outlined below. An employee must use the appropriate type of leave during the absence. An employee who is absent under the FMLA will retain his employee benefits. Upon returning to work, the employee will return to the same job or a job with equivalent status, pay, and benefits.~~

- ~~1. Purpose – FMLA protects employees' jobs and benefits for specified periods of time, if they are absent from work because of:
 - a. the birth of a child and the care of that child;
 - b. the adoption or foster care placement of a child with the employee;
 - c. the need to care for a spouse, child, or parent with a serious health condition; or
 - d. the serious health condition of the employee that makes the employee unable to perform the essential functions of his position.~~
- ~~2. Employee Requirements – An eligible employee requesting time off for one of the purposes listed in 1. above must comply with certain requirements. An employee must:
 - a. inform his supervisor that he is requesting leave under the FMLA and of the purpose of the leave;
 - b. work with his supervisor to identify the type of County leave(s) which will be taken during the FMLA absence;
 - c. provide medical certification of the situation necessitating the absence and a date on which the employee can be expected to return to work;
 - d. keep the supervisor informed of the status of the absence, including any change in the circumstances for which the leave is being taken, and the employee's intent to return to work; and~~

e. ~~provide a fitness for duty certification from a physician before returning to work if the leave was taken for the employee's own serious health condition.~~

3. ~~Supervisor Responsibility - If an employee requests leave for one of the purposes listed in 5.4.D.1 above, or when the supervisor recognizes an employee's leave qualifies under FMLA, the supervisor shall inform Human Resources and the employee that it qualifies under FMLA and ask the employee to follow the requirements covered in 5.4.D.2 above. Human Resources shall inform the employee in writing, of his rights and responsibilities under FMLA.~~

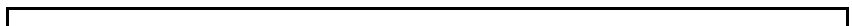
D. Types of Leave - The County offers the following types of leave. A brief summary of purposes for which leave may be used is listed below. For more details, see individual subsections.

Annual Leave	Any purpose.
Sick Leave	Personal doctor appointment, illness, or short-term disability. Immediate family member doctor appointment or illness.
Funeral Leave	Death of immediate family member.
Civil Leave	Serving on a jury. Attending court as a witness under subpoena.
Military Leave	Paid absences for employees covered by USERRA for training or deployment.
School Leave	Meet with teachers, attend school functions, or do volunteer work in any public or private school grades K-12 or a licensed preschool or daycare center.
Leave Without Pay	Unpaid absences from work.

1. Annual Leave - may be used by an employee to provide paid absences for any purpose.

a. Accrual -

- 1) New employees will have available up to the equivalent of five (5) months of annual leave accrual upon employment. The leave will be available immediately and leave not used will be credited to the employee's annual leave balance at the beginning of the sixth (6th) month.
- 2) Beginning in the sixth (6th) month of employment, annual leave shall be accrued in accordance with the chart below:



Monthly Accrual Rate In Hours			
Annual Authorized Hours	< 5 years of service	5<15 years of service	≥ 15 years of service
< 261	1	1.5	2
261-520	2	3.0	4
521-780	3	4.5	6
781-1,040	4	6.0	8
1,041-1,300	5	7.5	10
1,301-1,560	6	9.0	12
1,561-1,820	7	10.5	14
1,821-2,080	8	12.0	16
2,081-2,340	9	13.5	18
2,341-2,600	10	15.0	20
2,601-2,860	11	16.5	22
>2,860	12	18.0	24

- 2) The maximum amount of leave that an employee may accumulate is the amount of leave he can earn in a two-year period.
- 3) The employee's leave balance must be within the maximum accumulation amount on July 1 of each year or the excess shall be forfeited.

b. Payment for Accumulated Leave Upon Separation from Employment

- 1) No payment shall be made for any unused portion of annual leave if an employee leaves employment within the first five months.
- 2) Employees shall receive the monetary equivalent of their annual leave balance up to the annual maximum accumulation except as noted in item one (1) above. If two weeks' notice is not given by an employee, the equivalent of one day shall be deducted from the leave payments for each day that the employee failed to give notice of termination up to a two-week maximum. Exceptions may be made by the department manger.

2. Sick Leave - may be used by an employee to provide paid absences for health-related reasons as outlined below. Accumulated sick leave provides continued income for employees during periods of disability.

a. Purpose - Sick leave provides paid absences for the following reasons:

- 1) A personal illness, injury, and/or disability not incurred in the line of duty, which incapacitates the employee from being able to perform assigned duties;
- 2) Appointments for examination and/or treatment related to health when approved in advance by the department manager and when such appointments cannot reasonably be scheduled during nonwork hours.
- 3) An illness or appointment for examination and/or treatment related to the health of an immediate family member requiring the attendance of the employee and approved by the department manager, not to exceed twelve (12) days as defined in 5.4.C.1 per fiscal year. Use of additional sick leave requested in excess of the permitted allowance may be approved if recommended by the department and approved by the Human Resource Manager.

b. Accrual

- 1) Sick leave shall be accrued in accordance with the chart below:

Annual Authorized Hours	Monthly Accrual Rate In Hours
< 261	1
261-520	2
521-780	3
781-1,040	4
1,041-1,300	5
1,301-1,560	6
1,561-1,820	7
1,821-2,080	8
2,081-2,340	9
2,341-2,600	10
2,601-2,860	11
>2,860	12

- 2) There is no limit to the amount of sick leave an employee may accrue.

c. Payment for Accumulated Leave Upon Separation from Employment - Employees with two (2) years or more of continuous

service with the County shall be compensated for their sick leave balance at the rate of one hour's pay for every four hours of accrued sick leave or the maximum amount listed below, whichever is less. If two weeks' notice is not given by the employee, or if the employee is discharged for disciplinary reasons, sick leave payments shall be forfeited. Exceptions may be made by the department manager.

Years of Service	Maximum Payment
2 – 14	\$1,000
15 – 24	\$2,500
25 or more	\$5,000

- d. Sick Leave Bank - Employees may elect to pool accumulated sick leave into a sick leave bank for the purpose of providing participating employees additional leave for extended illness or injury. Such a bank shall be administered by employees, supported by employees, and shall cease to exist should there be insufficient employee interest.
3. Funeral Leave - may be used by an employee to provide paid absences upon the death of a member of an employee's immediate family.
- a. Amount of Leave - Funeral leave, if requested by the employee, shall be granted by the supervisor for up to three (3) days as defined in 5.4.C.1 per death of an employee's immediate family member. Exceptions may be granted by the department manager.
4. Civil Leave - may be used by an employee to provide paid absences while serving on a jury, or attending court as a witness under subpoena.
- a. Compensation - An employee compensated for civil duties, as by jury or witness fees, shall either take annual or compensatory leave, or turn over compensation received to the County.
 - b. Return to Work - Any employee serving four or more hours (including travel time) is not required to start any shift that begins between 5 p.m. and 3 a.m. following the court appearance. The time will be charged to Civil Leave.
 - c. Exclusion - In those circumstances where a County employee is not subpoenaed and is acting as an expert witness in a court proceeding which is not directly related to his duties for the County, the employee shall be charged annual or compensatory leave or leave without pay.

5. Military Leave - may be used by an employee who is a member of one of the covered military, security, or recovery organizations listed below to provide paid absences for the reasons and duration outlined below:

a. Legal Basis - James City County is committed to ensuring that our Personnel Policies are in compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) Title 38 and as amended by Title 42.

Certain activated employees in organizations other than the uniformed service are intermittent federal employees and are considered members of the uniformed service for purposes of USERRA.

b. Covered Organizations and Qualifying Reasons

Covered Organizations	Qualifying Reason
The organized reserve forces of any of the armed services of: The United States National Guard Naval Militia	Annual active duty for training. Called to active duty. Called forth by the Governor during a disaster. Other reasons covered by USERRA.
Members of the Department of Homeland Security/Federal Emergency Management Agency's (FEMA) Disaster Medical System, to include: Disaster Medical Assistance Team (DMAT) Disaster Mortuary Operational Response Team (DMORT) Other groups as required by law	Federal deployment and /or training during regularly scheduled work hours.

c. Amount of Leave – Up to 15 days during each federal fiscal year, which is October 1 through September 30, for qualifying reasons.

d. Duration of Leave and Associated Pay and Benefits

Length of Absence	Salary and Benefits
Up to 15 days per federal fiscal year	Full pay and all benefits and benefit accruals continue.
More than 15 days in a federal fiscal year	Employee coordinates with department manager to use other applicable leave or leave without pay.

e. Special Circumstances – Employees who are members of the force listed above and are involuntarily called to federally funded military active duty shall receive the following:

- 1) A Military Pay Differential in the amount of the difference between the employee's military base pay plus basic allowances for housing and subsistence, and the employee's regular County base pay. If the employee's military pay plus allowance exceeds the County pay, no differential shall be paid.
- 2) Up to one year's accrual of sick and annual leave credited to the employee 30 days after return to employment. Exceptions may be granted by the County Administrator.

f. Employee Responsibility

- 1) The employee must submit a copy of the valid written orders when requesting military leave and a copy of the release from active duty upon return.
- 2) The employee cannot accept other employment while on military leave without the prior approval of the Department Manager.

g. Return to Work –

- 1) The employee may use up to five years of cumulative service and still retain reemployment rights as provided by USERRA.
- 2) The position that the employee is eligible to return to after active duty service depends on the length of that service as provided by USERRA.
- 3) The employee's terms of employment continue to be controlled by the Personnel Policies and Procedures Manual.
- 4) If the employee does not return to work after deactivation as prescribed by law, the County Administrator may declare the employee to have terminated voluntarily as of the expected return to work date.

h. Urban Search and Rescue – Members of the Department of Homeland Security/FEMA's Urban Search and Rescue Team (US&R) are not considered intermittent federal employees or members of the uniformed services under USERRA. These employees when activated will be paid according to the Mutual Aid Agreement Memorandum of Understanding concerning US&R team membership and FEMA reimbursement policies in effect at the time of activation.

6. School Leave - may be used by an employee to provide paid absences to perform volunteer work in a school, to meet with a teacher or administrator concerning the employee's children, step-children, or children over whom the employee has custody, or to attend a school function in which such a child is participating. School leave may be used

for these purposes in a public or private elementary, middle, or high school, or a licensed preschool or daycare center.

a. Amount of Leave

- 1) Employees in full-time regular and limited-term positions may take up to eight (8) hours of School Leave per fiscal year.
- 2) Employees in part-time regular and limited-term positions may take up to the number of hours of their monthly sick leave accrual rate per fiscal year.

7. Leave Without Pay - may be used by an employee to provide unpaid absences for a variety of reasons outlined below including any mutually agreeable reason.

a. Purpose - An employee shall be on leave without pay under the following circumstances:

- 1) Approved absence for which the employee has insufficient accrued leave, or for which the employee elects, with the concurrence of the department manager, not to use accrued leave.
- 2) Absences authorized as a condition of employment; or
- 3) Unapproved absence from the job during a scheduled work period;

b. Other Benefits and Conditions of Employment

- 1) Sick and annual leave shall not be earned for any pay period during which an employee takes leave without pay that is not approved prior to use or which exceeds one full work day.
- 2) An employee's first performance increase after returning to work shall be pro-rated for each period of thirty (30) consecutive calendar days the employee is on leave without pay.
- 3) The County shall pay its share of County health and life insurance premiums, ~~and for up to three (3) months of long-term disability premiums~~ during approved leave without pay unless otherwise provided in writing to the employee.
- 4) Should an employee fail to return to work by the date the employee agreed to in writing, the County Administrator may declare the employee to have terminated voluntarily as of the expected return to work date, except where the employee requires additional leave under the Family and Medical Leave Act, Chapter 5, Section ~~5.4.D~~ 5.5 of this Manual. An employee who accepts employment elsewhere while on leave

without pay, unless approved, shall be considered to have terminated employment with the County without notice as of the original date the leave was begun.

Section 5.5 Family and Medical Leave Act (FMLA)

A. Policy Statement – James City County policy complies with the Family and Medical Leave Act (FMLA) of 1993 (as revised January 16, 2009). The function of this policy is to provide employees with a general description of their FMLA rights. This policy summarizes the key provisions of the Act; employees should refer to the Act itself or contact Human Resources if more specific detail is needed. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law. Under this policy, James City County will grant up to 12 weeks of time away from work (or up to a total of 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness incurred in the line of duty while on active duty) during a 12-month period to eligible employees. The leave taken under FMLA may be paid, unpaid or a combination of paid and unpaid leaves, depending on the circumstances of the leave and in accordance with Sections 5.4 and 5.5 of this manual. A request for determination of eligible leave under FMLA may be initiated by the employee, the supervisor, or the Human Resource Department in accordance with their respective responsibilities outlined in Sections 5.5.F, 5.5.G, and 5.5.H of this manual.

B. Eligibility - To qualify for FMLA under this policy, the employee must meet all of the following conditions:

- 1) The employee must have worked for the County for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive.
- 2) The employee must have worked at least 1,250 hours during the 12-month period immediately before the date the leave is requested to begin. Hours actually worked will be counted in determining the 1,250 hours; paid or unpaid time off will not be counted.

C. Definitions

- 1) Day –The number of sick leave hours accrued monthly by the employee.
- 2) Fiscal Year – July 1 through June 30.
- 3) In loco parentis – Acting as a temporary guardian of a child.
- 4) Next of Kin - The closest blood relative of the injured or recovering service member.
- 5) Parent –The biological, adoptive, step, or foster parent or other person who stands “in loco parentis” to the employee.
- 6) Qualifying Exigency - One of the following:
 - a. short-notice deployment,

- b. *military events and activities,*
- c. *child care and school activities,*
- d. *financial and legal arrangements,*
- e. *counseling,*
- f. *rest and recuperation,*
- g. *post-deployment activities and*
- h. *additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.*

7) *Serious Health Condition – An illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. The “continuing treatment” test for a serious health condition under the regulations may be met through:*

- a. *a period of incapacity of more than three consecutive, full calendar days plus treatment by a health care provider twice, or once with a continuing regimen of treatment,*
- b. *any period of incapacity related to pregnancy or prenatal care,*
- c. *any period of incapacity or treatment for a chronic serious health condition,*
- d. *a period of incapacity for permanent or long-term conditions for which treatment may not be effective, or*
- e. *any period of incapacity to receive multiple treatments (including recovery from those treatments) for restorative surgery, or for a condition which would likely result in an incapacity of more than three consecutive, full calendar days absent medical treatment.*

8) *Son or Daughter – A biological or adopted child or foster child, a step-child, a legal ward, or a child of a person standing “in loco parentis” who is under 18 years of age. FMLA leave may apply to a son or daughter defined in this section who is over 18 if either of the following two situations apply:*

- a. *The child is incapable of self-care because of mental or physical disability.*
- b. *Leave is requested and approved for a qualifying exigency.*

9) *Spouse – A husband or wife.*

10) *12-month period -*

- a. *For military caregiver leave, the 12-month period begins on the first day that leave is taken and ends 12 months later.*
- b. *For determining the 1,250-hour eligibility provision, the 12-month period begins 12 months prior to the start of the FMLA leave.*

11) *Week - The annual authorized hours of the employee’s position divided by 52.*

D. Reasons for FMLA Leave - To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- 1) To care for a spouse, child or parent with a serious health condition
- 2) The serious health condition of the employee.
- 3) The birth of a child and in order to care for that child.
- 4) The placement of a child for adoption or foster care and to care for the newly placed child.
- 5) Qualifying exigency leave for an employee whose spouse, son, daughter or parent is a member of the National Guard or Reserves when the covered military member either has been notified of an impending call or order to active military duty or who is already on active duty in support of a contingency operation. The leave may begin as soon as the individual receives the call-up notice.
- 6) Military caregiver leave (also known as covered service member leave) to care for a spouse, son, daughter, parent or next of kin who is a covered service member with a serious illness or injury incurred in the line of duty while on active duty.

E. Amount of Allowable FMLA Leave

- 1) An eligible employee may take up to a total of 12 weeks for the FMLA reasons specified in Sections 5.5.D.1, 5.5.D.2 and 5.5.D.5 of this policy during a fiscal year. Each time an employee takes leave that qualifies under FMLA, the County will compute the amount of leave the employee has taken under this policy during the fiscal year and subtract it from the 12 weeks of available leave. The balance remaining is the amount of FMLA leave the employee takes until the end of that fiscal year.
- 2) An eligible employee may take up to 12 weeks for the FMLA reasons specified in Sections 5.5.D.3 and 5.5.D.4 of this policy. An eligible employee under Sections 5.5.D.3 and 5.5.D.4 has 12 months from the date of the birth/adoption to take the allowable leave, subject to the fiscal year limitation.
- 3) An eligible employee may take up to 26 weeks for the FMLA reason specified in Section 5.5.D.6 of this policy during a single 12-month period which begins on the first day the eligible employee takes military caregiver leave and ends 12 months after that date. During this single 12-month period, the employee may also take leave for a different eligible FMLA-related event, but the employee is entitled to a combined total of 26 workweeks of military caregiver leave and leave for any other FMLA-qualifying reason in this single 12-month period.
- 4) If a husband and wife both work for the County and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, the husband and wife may take a combined total of 12 weeks of leave during the fiscal year. If a husband and wife both

work for the County and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may take a combined total of 26 weeks of leave during a 12-month period.

- 5) *An employee who uses accrued paid leave to cover some or all of the FMLA leave must take it in accordance with County policy as defined in Section 5.4.F of this policy.*
- 6) *If paid leave is used, such time will also be counted concurrently toward the 12 weeks granted under FMLA. Disability leave for the birth of a child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA.*

F. Employee Responsibilities- *An eligible employee requesting time off for one of the reasons listed in section 5.5.D of this policy must:*

- 1) *Inform the supervisor that the employee is requesting leave and the purpose of the leave 30 days in advance if leave is foreseeable. When advance notice is not possible, the employee must provide notice as soon as practicable and must comply with the Department's absence notification procedures;*
- 2) *Work with the supervisor to identify the type of County leave(s) which will be taken during the absence;*
- 3) *Provide medical certification within 15 calendar days of the request for leave if the situation necessitating the absence and anticipated duration of leave if foreseeable. Medical certification will be provided using the appropriate Department of Labor form obtainable from Human Resources or the DOL web site;*
- 4) *Advise the supervisor or the Human Resource Department if leave is to be taken intermittently, or on a reduced work schedule basis;*
- 5) *Comply with arrangements to make benefit payments if necessary;*
- 6) *Keep the supervisor informed of the status of the absence, including any change in the circumstances for which the leave is being taken, and the employee's anticipated return to work;*
- 7) *Upon returning to work, provide a fitness for duty certification from a physician if the leave was taken for the employee's own serious health condition.*

G. Supervisor Responsibility - *If an employee requests leave for one of the purposes listed in Section 5.5.D of this policy, or when an employee has been absent for more than 3 consecutive workdays for reasons which may make the employee eligible under FMLA, the supervisor shall inform Human Resources of the absence so that Human Resources may inform the employee in writing, of their rights and responsibilities under FMLA.*

H. Human Resource Responsibilities:

- a. *Post and provide general notice to all employees of their FMLA rights and responsibilities;*
- b. *Upon learning of the employee's absence, notify the employee within five (5) workdays that the leave may qualify for and be designated as leave under FMLA;*
- c. *Review the employee-submitted documentation to determine if the employee's absence qualifies under FMLA;*
- d. *If the absence does not qualify for FMLA, confirm that in writing to the employee including the reason(s) the employee is not eligible;*
- e. *If the absence does qualify for FMLA:*
 - 1) *Confirm the employee's eligibility for FMLA in writing including ending date of leave;*
 - 2) *Maintain group health benefits as if the employee continued to work instead of taking leave;*
 - 3) *Notify the employee concerning the status of benefits while on leave; and*
 - 4) *Designate and track the absence under FMLA.*
- f. *Upon completion of an employee's absence under FMLA:*
 - 1) *Ensure the employee is returned to the same or equivalent position based upon the FMLA provisions; and*
 - 2) *Track the employee's remaining available time and the remaining eligible time period.*

I. *Recertification/Second Opinion* – James City County may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the employee or the County receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the County may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with the FMLA absence. The County may provide the employee's health care provider with the employee's attendance records and ask if the need for leave is consistent with the employee's serious health condition. If the County has reason to doubt the validity of the medical certification, the County, at its own expense, may require the employee to obtain a second opinion and, if the employee's health care provider's certification and the second opinion certification conflict, a third opinion certification.

J. *Additional Information* – Employees seeking more detailed information may contact the Human Resource department or consult the Family and Medical Leave Act itself and/or the appropriate areas of the Department of Labor web site.

Section 5.5 6 Health Related Benefits

- A. Policy Statement - James City County recognizes the importance of the physical and mental health of employees and their dependents to the employees' quality of life and productivity at work. It is the policy of James City County to provide employees with assistance to care for their physical and mental health.

- B. Health Insurance
 - 1. Group Health Insurance Plan - The County shall provide at least one group health insurance option.

 - 2. Eligibility and Cost
 - a. Employees in full-time regular and limited-term positions, their spouses, and dependent children are eligible for group health insurance coverage. The County shall pay at least a portion of the cost of the group health insurance coverage for active employees.

 - b. Retirees, at least 50 years of age, who have worked for the County for at least 15 years or who have worked for the County fewer than 15 years but have retired because of a line of duty injury, are eligible to continue group health insurance for themselves and their dependents until they are eligible for Medicare, if they elect to participate prior to leaving County employment. The County bears none of the cost for this coverage; however, the retiree may be eligible for a VRS Retiree Health Insurance Credit. See Sections 5.6.B.2.b and 5.6.C.1.b.

 - c. Employees who are terminating employment or reducing their hours to part-time may elect to continue the group insurance coverage for themselves and their dependents at that time. This option is available only for as long as the employee or eligible family member is not covered by another group plan and only for designated periods of time. The County bears none of the cost of this coverage and an administrative charge is added to the premium.

 - 3. Medicare - Both the County and the employee contribute to the Medicare account of employees in full-time and part-time regular, limited-term, temporary, and on-call positions as required by law. All questions regarding Medicare coverage should be directed to the Social Security Administration.

- C. Employee Assistance Program - The County shall offer a program to provide confidential counseling and referral services.

1. Eligibility - Employees in full-time and part-time regular and limited-term positions, their spouses, and dependent children are eligible for counseling and referral services.
 2. Cost - The County shall bear the cost of short-term counseling and referral services. The Employee Assistance service provider shall refer the employee and dependents to an affordable community resource, including coordination with the employee's health insurance plan, for longer-term counseling.
- D. Fitness Program - The County shall assist employees in accessing at least one fitness center and in obtaining educational materials on wellness.

Section 5.6 7 Retirement, ~~Long-Term~~ Disability and Life Insurance

- A. Policy Statement - James City County recognizes the importance of income after retirement and in the event of disability, and the financial needs of surviving family members in the event of death. It is the policy of the County to assist employees in meeting these needs through financial contributions to retirement and insurance plans or by providing group plans in which employees may choose to participate at their own expense.
- B. Retirement - James City County believes that an employee is best served by having retirement income from more than one source. It is the policy of the County to contribute towards Social Security (FICA) and the Virginia Retirement System (VRS), on behalf of the employee. The County also provides an IRS Section 457 Deferred Compensation Plan to which the employee may choose to contribute. The County may match a portion of those contributions as outlined in Section 5.6.B.3.b.
1. Social Security (FICA) - Both the County and the employee contribute to the social security account of employees in full-time and part-time regular, limited-term, temporary, and on-call positions as required by law. All questions, including those regarding estimated retirement income, account balances, and the like, should be directed to the local Social Security Administration Office.
 2. VRS Service Retirement
 - a. The VRS provides an employee with retirement benefits if the employee is at least 65 years old and has at least five (5) years of contributions in the VRS. The amount of retirement benefits varies based on factors such as years of covered service, age upon retirement, and salary. The County pays the full cost of the VRS contribution for the employee.

- b. Generally, a credit of up to a maximum of \$45 per month is available to employees who retire with at least 15 years of VRS service to help defray the cost of health insurance premiums. The amount of the credit varies based on factors such as the number of years of VRS service. This reimbursement for health insurance premiums is included in the VRS retirement payment and is non-taxable. (Effective 7-1-2006)

3. Deferred Compensation

- a. The County sponsors a deferred compensation plan to allow County employees to save a portion of their pretax salary for retirement purposes. The plan is voluntary and is administered in accordance with appropriate Federal and State laws. Employees in full-time and part-time regular and limited-term positions are eligible to participate.
- b. The County may match 50 percent of the employee contribution up to a maximum County contribution established by the Board of Supervisors in the budget. The maximum match for part-time employees will be half that of full-time employees. Employees who have at least two years of County service will be vested for purposes of the match funds. (Effective 7-1-2006)
- c. Employees age 45 or older with 15 years or more of service on July 1, 2006, may be eligible for an additional match upon retirement if they have contributed continuously to deferred compensation from July 1, 2006, and if they contribute at least some of their final leave payments to their deferred compensation account. (Effective 7-1-2006)

~~C. Long Term Disability The County recognizes the employee's need for income during a long-term disability of a temporary or permanent nature.~~

1.C. VRS Disability Retirement

- a. *The VRS P* provides an employee with disability retirement if the employee becomes mentally or physically unable to perform the employee's present duties, the disability is likely to be permanent, and the employee is under age 65. Employees are eligible from the first day of employment, provided the disability did not exist at the time of employment, and regardless of whether the cause of the disability is work-related or is compensable under Workers' Compensation. The County pays the full cost of the VRS contribution for the employees.
- b. Generally, a credit of \$45 per month is available to employees who retire on disability regardless of the years of VRS service to help defray the cost of health insurance premiums. This reimbursement for health insurance premiums is included in the VRS retirement payment and is non-taxable. (Effective 7-1-2006)

~~2. Long Term Disability Insurance Provides an employee with payments after the employee is out of work for a specified period of time, and is unable to perform the employee's present duties. The disability need not be permanent, and rehabilitation services are provided. Payments are coordinated with other employee income. The County pays at least a portion of the cost of coverage for the group long term disability coverage.~~

D. Life Insurance

1. VRS Standard Life Insurance - Provides payment to an employee's designated beneficiary in the event of the employee's death or to the employee in the event of his dismemberment. A medical examination is not required in order to be covered by this insurance. The County pays the full cost of the coverage. The insurance continues at a reduced amount for employees who retire and receive VRS payments and may be converted to an individual policy by employees who are terminating employment.
2. VRS Optional Life Insurance - Employees may, at their own expense, purchase additional life insurance for themselves as well as coverage for their spouses and dependent children through a VRS-sponsored program. A medical examination is not required for some levels of coverage.

Section 5.7 8 Workers' Compensation

A. Policy Statement

When an employee experiences an employment-related injury or illness as defined in the Workers' Compensation Act of the Virginia Code, the County provides medical reimbursement lost wage payments, and fixed awards as outlined in the Code. The County also provides a salary supplement to help offset the difference between the lost wage payment and the employee's normal net pay, after taxes. Where the injury or illness is outside the scope of the Code, employees are encouraged to contact the Human Resource Department to determine what other benefits may apply.

B. Eligibility

Employees in full-time and part-time regular, limited-term, temporary, and on-call positions are eligible for workers' compensation benefits.

Section 5.8 9 Tax-Related Benefits

- A. Policy Statement - James City County recognizes the value of paying certain expenses outlined in IRS Code Section 125 with pretax dollars. It is the policy of the County to offer such opportunities where there are a sufficient number of interested employees.
- B. Pretax Health Insurance Premiums - Also called Premium Conversion, allows employees who pay a portion of their County-sponsored group health insurance plan premiums to pay them before taxes. Employees are automatically enrolled unless they waive participation.
- C. Reimbursement Accounts - Also called Flexible Spending Accounts, allow employees in full-time and part-time regular and limited-term positions who enroll in the program to pay for eligible health care or dependent care expenses with pretax dollars on a reimbursable basis.

Section 5.9 10 Credit Union

Employees in full-time and part-time regular, limited-term, temporary, and on-call positions and members of their families are eligible to join any credit union with which James City County is affiliated and receive the membership benefits available.

Section 5.40 II Employer Assisted Home Ownership Program

- A. Policy Statement - James City County recognizes the value of having employees live in the community they serve when possible economically and considering family circumstances. It is the policy of the County to assist employees who meet eligibility requirements to purchase a home in the community.

- B. Legal Basis - County Code Section 2-15.2 authorizes the County program in accordance with State Code Section 15.2-958.2.

- C. Benefits - eligible employees may receive matching funds up to the maximum allowed by the Program if they purchase a primary residence in James City County or the City of Williamsburg and they meet all program terms and conditions.

- D. Repayment of Matching Funds – In accordance with the terms of the Program, employees are required to repay some or all of the funds received if they do not remain in County employment and live in the residence for an amount of time specified in the program terms and conditions.

Revised: 06/17/09
Chap5_061709

MEMORANDUM

DATE: June 23, 2009
TO: The Board of Directors
FROM: Larry M. Foster, General Manager, James City Service Authority
SUBJECT: JCSA – Irrigation System Backflow Prevention Program

Introduction

This report is prepared at the request of the Board of Directors in response to suggested modifications to the James City Service Authority (JCSA) Residential Backflow Prevention Program by a citizen. The report can be used by the Board to offer guidance on the administration of the program.

Background

Backflow devices are used to prevent the back-siphoning of hazardous chemicals into the public water system. The program is required as part of the JCSA's Permit to Operate a Waterworks issued by the Virginia Department of Health (VDH). A Residential Backflow Prevention Program focuses on backflow devices that are installed in conjunction with irrigation systems, while the program is required implementation is at the discretion of the water utility. In the spring of 2008, the JCSA administration chose to pursue a more proactive approach to its Residential Backflow Prevention Program in an effort to better protect its customers.

This decision was driven by the sheer numbers of irrigation systems – 5,000/6,000 – supported by the JCSA water supply. One out of every four JCSA customers has an irrigation system. Another interesting statistic is that one-third of the irrigation systems in Hampton Roads are supported by the JCSA water system. Compounding the risk is that some irrigation systems have automatic feed systems for lawn fertilizers and chemicals. In this type of situation a backflow event would undoubtedly be disastrous.

History

The JCSA has implemented a Backflow Prevention Program for the commercial/industrial sector for many years. This program includes a joint effort between Code Compliance and the JCSA to review building plans and plumbing permits to insure that backflow devices are installed at the appropriate locations. Each of these devices is entered in a database to monitor annual inspections.

In the spring of 2008, the JCSA administration resolved, in the interest of customer protection, to begin annual inspections for residential backflow devices. The database for irrigation system sub-meters was used to determine the location and ownership of the devices.

A partnership with local plumbers and irrigation system firms was established to encourage/insure adequate firms/individuals with State certification were available to perform the annual test on the devices. These firms/individuals were eventually included in a list provided to the backflow prevention assembly's owner as part of the JCSA implementation of the program.

In the fall of 2008, the first mass mailing to approximately 1,000 device owners was forwarded. The mailing included an overview of the need for the program and guidance on the owner's responsibilities. After the first

mailing an advisory group representing the plumbing/irrigation community and device owners was formed to obtain input on program changes. The advisory group's insight evolved into minor but important changes to the JCSA's plan. In March 2009 the remaining device owners were mailed the informational packet advising them that their device needed to be tested and the results returned to the JCSA by August 30, 2009. To date approximately 2,880 test results have been recorded.

Why Require An Annual Test?

VDH dictates that testing of the backflow prevention devices shall be performed annually. There is no latitude! This is reinforced by the American Water Works Association, Virginia Uniform Statewide Building Code, and International Plumbing Code. The U.S. Environmental Protection Agency (EPA) calls for testing semi-annually but the VDH has established in their requirements an annual test. Each of these organizations is dedicated to providing protection to citizens through extensive research and experience.

Why Use Private Plumber/Irrigation Industry to Perform the Test?

JCSA Administration chose to use private firms to perform the test because we felt that private industry was better suited to provide the service than the JCSA. In addition, in recent years James City County and JCSA have tended to outsource services; i.e. grounds and grinder pump maintenance. In today's economic climate private business has welcomed the opportunity. Had the JCSA chosen to perform the test at least two additional staff members would have been required. JCSA administration did not feel that requesting the additional staff members was prudent at this time.

Is the Tester Placed in a Position of Conflict?

It is possible that a testing firm could take advantage of the situation by finding the device faulty and then replacing it. It is unclear why a good business person would take advantage of the situation. Since this is an annual test, one would think that the annual income and establishing a long-term customer relationship would be paramount to the testing firm. Ultimately, the device will fail requiring repairs or replacement. It would seem that a deliberate test failure would allow short-term gain at the risk of a long-term relationship.

In addition, it is not uncommon in today's environment to ask professionals/businesses to test, diagnose, and address repairs for numerous types of equipment failures and services. Once diagnosed, the owner has the option of getting someone else to perform the repair. This option exists in this situation.

Almost all irrigation system/device owners have a relationship with an irrigation maintenance firm for start-up and shut-down of the system. It is anticipated that as the program matures, the owner will choose this firm to perform the test as part of the annual service contract. This is the most efficient way of accomplishing the goal and would reduce the number of trips to the home. It will also promote the long-term relationship described above.

Can the JCSA Perform the Test?

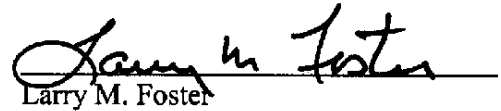
Absolutely, if that is the Board's desire! The costs can be added to the submeter fee already charged to the customer. From experience when the sub-meter fee was implemented it was not well received by many customers.

Fees from private businesses to perform the test range from \$25-\$100. Should the Board want the JCSA to perform the test, an annual fee of \$25-\$30 would be necessary. This would cover the cost to administer the program, two additional staff members, associated benefits, and transportation. The program would require the purchase of two vehicles that are not included in the above costs. (It should be noted that tests cannot be performed when irrigation systems are out of service for the winter from mid-November through early April.)

Recommendation

There are numerous methods with no right or wrong way to accomplish this task. Any method will have strengths and weaknesses that will be identified. The questions and suggestions offered are appreciated and have resulted in a reassessment of the method chosen. This reassessment has resulted in the JCSA administration recommending to the Board that we maintain our current course.

That said, the JCSA administration will gladly make any modification requested by the Board of Directors.


Larry M. Foster

LMF/nb

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