

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 5TH DAY OF DECEMBER, NINETEEN HUNDRED EIGHTY-EIGHT, AT 7:02 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District  
 Thomas D. Mahone, Vice-Chairman, Jamestown District  
 Perry M. DePue, Powhatan District  
 Thomas K. Norment, Jr., Roberts District  
 Stewart U. Taylor, Stonehouse District

David B. Norman, County Administrator  
 Frank M. Morton, III, County Attorney

B. MINUTES - November 21, 1988

Mr. Edwards asked if there were corrections or additions to the minutes.

Mr. Mahone made a motion to approve the minutes with a correction to change the word "transit" on page 5 to "transient."

On a roll call, the vote was AYE: Norment, Taylor, Mahone, DePue, Edwards (5). NAY: (0).

C. PUBLIC HEARINGS

1. Case No. SUP-28-88. Wessex Hundred Development, Inc.

Mr. Marvin Sowers, Director of Planning, stated that Mr. Robert Emmett had applied on behalf of Wessex Hundred Development, Incorporated for a special use permit to allow the establishment of a cluster development of 46 residential units on 24 acres in a R-1 district.

The Board discussed the Virginia Department of Transportation's statement of recommendation that the development not be permitted by the County until improvements to Lake Powell Road from Treasure Island Road to Neck-0-Land Road could be scheduled on the Six Year Plan, the total of 120 residential units for the site, and the topography containing slopes of 15% or greater.

Staff and Planning Commission, by an 8-1 vote, recommended approval of the special use permit with conditions listed in the resolution.

Mr. Edwards opened the public hearing.

1. Mr. Robert Emmett, representative for Wessex Hundred Development, Inc., stated the development would be a village concept with open and green space on both ends, the primary access roads are within the public system, and work is proceeding on the road improvements.

Mr. Edwards closed the public hearing.

Mr. Mahone made a motion to approve the special use permit.

Mr. DePue requested a postponement of the case until the next Board meeting to allow time to receive correspondence from the Virginia Department of Transportation rescinding the incorrect statement of recommendation that the Jockey's Neck Subdivision not be permitted by the County until improvements to Lake Powell Road from Treasure Island to Neck-O-Land Road could be scheduled on the Six-Year Plan.

Mr. Emmett agreed to the two-week postponement.

Mr. Mahone withdrew his motion of approval.

By consensus, the Board agreed to the postponement of Case No. SUP-28-88 until December 19, 1988.

2. Case No. SUP-41-88. Wessex Hundred Force Main

Mr. Sowers stated that Mr. Robert Emmett, representing Wessex Hundred Development, Inc., had applied for a special use permit to allow the construction of a six-inch force main along Lake Powell Road to connect to an existing eight-inch sanitary sewer at the intersection of Dogwood Drive and Lake Powell Road, extending south along the east side of Lake Powell Road for a distance of 3,600 feet to the entrance of the Vineyards at Jockey's Neck Subdivision.

Staff and the Planning Commission recommended approval of the special use permit with the conditions listed in the resolution.

Mr. Edwards opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. DePue made a motion to approve the special use permit.

On a roll call, the vote was AYE: Norment, Taylor, Mahone, DePue, Edwards (5). NAY: (0).

R E S O L U T I O N

CASE NO. SUP-41-88. WESSEX HUNDRED FORCE MAIN

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the Planning Commission of James City County, following its public hearing on November 22, 1988, unanimously recommended approval of Case No. SUP-41-88.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP-41-88 as described herein with the following conditions:

1. Construction, operation and maintenance of the force main shall comply with Local, State, and Federal requirements.
2. The project shall comply with all State Erosion and Sediment Control regulations as specified in the 1980 Virginia Erosion and Sediment Control Handbook.
3. All required permits and easements shall be acquired prior to the commencement of construction.
4. Adequate dust and siltation control measures shall be taken to prevent adverse effects on the adjacent property.
5. If construction has not commenced on this project within a period of 24 months from the date of issuance of this permit, it shall become void. Construction shall be defined as the clearing, grading and excavation of trenches necessary for the construction of the force main.

3. Case No. SUP-29-88. William M. Lee

Mr. Sowers stated that Dr. William M. Lee had applied for a special use permit to allow a motel consisting of ten detached cottages on 32.5 acres in A-2, Limited Agricultural, located on Longhill Road.

Mr. Sowers further stated that a commercial entrance would be required by the Virginia Department of Transportation.

The Planning Commission unanimously recommended approval of the special use permit. Staff recommended denial stating that the proposed use is inconsistent with the Comprehensive Plan and would set a precedent for further commercial development in the area. Staff recommended conditions listed in the resolution, if the Board approved the project.

Mr. Edwards opened the public hearing.

1. Dr. William M. Lee, applicant and owner, asked for approval of the special use permit as a unique way of generating income so the property could remain a farm. He stated cottages of approximately 500 square feet would be built between the trees of an orchard on 1.5 acres of the 32.5 acres.

2. Ms. Louise Mabijs, resident of Season's Trace, 116 Winter East, spoke in favor of the special use permit.

3. Mr. John Hopke, 66 Summer East, spoke in favor of the special use permit to retain the quality and characteristics of the property.

Mr. Edwards closed the public hearing.

Mr. DePue made a motion to approve the special use permit.

The Board commended Dr. Lee for his choice of a unique alternative for maintaining the rural characteristics of a farm.

On a roll call, the vote was AYE: Norment, Taylor, Mahone, DePue, Edwards (5). NAY: (0).

R E S O L U T I O N

CASE NO. SUP-29-88. WILLIAM M. LEE

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the Planning Commission of James City County on October 23, 1988, unanimously recommended approval of Case No. SUP-29-88.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-29-88 as described herein with the following conditions:

- 1. This permit shall be limited to the construction of ten guest cottage units of a size and in the location shown generally on the preliminary site plan dated August 23, 1988, and revised September 1, 1988, by Edward L. Blanks, AIA.
- 2. Structures shall be set back a minimum of 35 feet from the westerly property line.
- 3. The entrance on Longhill Road and the width and construction of the entrance road shall be approved by the Site Plan Review Committee and Planning Commission.
- 4. If construction has not commenced on any of the cottages within 24 months of the date of issuance of the permit, the permit shall become void.

4. Case No. SUP-31-88. James City Service Authority Richmond Road Water Main Connection

Mr. Sowers stated that Mr. Sanford Wanner had applied for a special use permit to allow the construction of a 12-inch water transmission main located along the north side of Richmond Road within the Virginia Department

of Transportation right-of-way and within easements to be acquired from private landowners. Mr. Sowers further stated the route commences in front of the Days Inn Motel and extends south and east adjacent to the CSX railroad right-of-way, crosses Lightfoot Road and Mooretown Road before connecting to the existing James City Service Authority waterline on Mooretown Road - a total length of 2,300 feet, of which approximately 510 feet is located in James City County with the remainder located in York County.

In accordance with staff, the Planning Commission unanimously recommended approval of the special use permit with conditions listed in the resolution.

Mr. Edwards opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. Taylor made a motion to approve the special use permit.

Mr. Sanford Wanner, General Manager, James City Service Authority, stated that the case would be brought before the York County Board of Supervisors on December 15, 1988.

The Board discussed future development along the waterline and directed that care should be taken in developing a policy with York County.

On a roll call, the vote was AYE: Norment, Taylor, Mahone, DePue, Edwards (5). NAY: (0).

### R E S O L U T I O N

#### CASE NO. SUP-31-88. RICHMOND ROAD WATER CONNECTING MAIN

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the Planning Commission of James City County, following its public hearing on October 25, 1988, unanimously recommended approval of Case No. SUP-31-88.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP-31-88 as described herein with the following conditions:

1. Construction, operation and maintenance of the water transmission main shall comply with all local, State and Federal requirements.
2. The project shall comply with all State erosion and sediment control regulations as specified in the 1980 Virginia Erosion and Sediment Control Handbook.

3. All required permits and easements shall be acquired prior to the commencement of construction.
4. If construction has not commenced on this project within a period of 24 months from the date of issuance of this permit, it shall become void. Construction shall be defined as the clearing, grading and excavation of trenches necessary for the construction of the water main.
5. Adequate dust and siltation control measures shall be taken to prevent adverse effects on the adjacent property.

D. **CONSENT CALENDAR**

Mr. Edwards asked if any Board member wished to remove any item from the Consent Calendar.

Mr. Mahone made a motion to approve the Consent Calendar.

On a roll call, the vote was AYE: Norment, Taylor, Mahone, DePue, Edwards (5). NAY: (0).

1. Amendment of Appropriation of Funds to Emergency Home Repair Grant Program

R E S O L U T I O N

AMENDMENT OF THE APPROPRIATION OF FUNDS FOR THE

EMERGENCY HOME REPAIR PROGRAM

WHEREAS, Virginia Department of Housing and Community Development has awarded James City County a grant of \$3,905 under the Emergency Home Repair Grant Program; and

WHEREAS, this grant is less than \$15,000 applied for by James City County as authorized by Board of Supervisors' Resolution of August 1, 1988; and

WHEREAS, this grant requires a dollar for dollar match and the Board of Supervisors on August 1, 1988, approved appropriation of funds to match the original grant request.

NOW THEREFORE BE IT RESOLVED THAT the Board of Supervisors of James City County, Virginia authorizes that the appropriated funds for the Office of Community Development be amended as follows:

Revenues

State Emergency Housing Grant	\$3,905
Housing Grant Matching Funds	<u>3,905</u>
	\$7,810

Expenditure

Emergency Housing Grant Program	\$7,810
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2. School Board SalaryR E S O L U T I O NSCHOOL BOARD SALARY

WHEREAS, James City County provides compensation to its representatives in the Williamsburg/James City County School Board for their services; and

WHEREAS, the salary for School Board members is set by the General Assembly of Virginia.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, respectfully requests the General Assembly of Virginia to approve an increase in the authorized salary provided to its School Board members from \$2,000 to \$3,000, per annum.

E. BOARD CONSIDERATIONS1. Single-family Rehabilitation and Energy Conservation Loan Program Application

Mr. Anthony Conyers, Manager, Community Development, stated that the Virginia General Assembly passed legislation establishing the \$47.5 million Virginia Housing Partnership Fund (VHPF) for the 1988-90 biennium. Under this program, approved administrative agencies are authorized to originate 4% low interest loans for up to 15 years with qualified energy improvements being eligible to be financed as zero interest forgivable loans.

Mr. Conyers explained that the Office of Community Development is requesting an allocation of \$250,000 of the \$12 million available for this program, targeting low and moderate neighborhoods, with 20% of the loan funds available to homeowners living outside target neighborhoods and another 20% reserved for applicants with significant housing quality deficiencies.

He indicated that the County expected to provide \$200,000, which equals an 89% match, taken from three sources: Community Development Block Grant, Rehabilitation Revolving Loan Fund, and the County's General Fund revenue appropriated for housing rehabilitation and program administration.

Staff recommended approval of the resolution authorizing submittal of the application for participation in the program.

The Board discussed the 80% median income of \$24,950 in this area for a family of four, the eligibility requirements of continued occupancy of a house, reapplying upon the death of an applicant for a forgivable loan, and the possible use of volunteers for the repair work.

Mr. Edwards made a motion to approve the application.

On a roll call, the vote was AYE: Norment, Taylor, Mahone, DePue, Edwards (5). NAY: (0).

## R E S O L U T I O N

### AUTHORIZATION TO SUBMIT AN APPLICATION FOR A

### RESERVATION OF VHPF

### SINGLE-FAMILY REHABILITATION AND ENERGY CONSERVATION LOANS

WHEREAS, the Commonwealth of Virginia Department of Housing and Community Development has issued a Notice of Funding Availability and Request for Proposals under the Virginia Housing Partnership Fund Single Family Rehabilitation and Energy Conservation Loan Program; and

WHEREAS, there is a demonstrated need for low interest financing to rehabilitate and preserve the County's supply of existing moderate cost housing particularly in low and moderate income neighborhoods; and

WHEREAS, the James City County Office of Community Development has the required background in originating single-family rehabilitation loans.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to apply for and accept a reservation of \$250,000 of VHPF Single Family Rehabilitation and Energy Conservation Loan funds.

BE IT FURTHER RESOLVED THAT the County Administrator shall be authorized to apply for designation of the Office of Community Development as the Local Administrator of this program within James City County.

F. PUBLIC COMMENT - None

G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. David Norman, County Administrator, noted receipt of a letter dated November 28, 1988, adjusting the County population from the United States Department of Commerce, Bureau of the Census.

Mr. John McDonald, Manager, Financial Management Services, reported that the population estimates had been increased from 26,100 to 28,375 (July 1, 1986) and from 27,200 to 30,973 (July 1, 1987). He stated that the new estimate would significantly increase future State funding, primarily in education, and that he would make a report available in the near future.

Mr. Norman requested that the Board consider the resolutions presented as a follow-up to the November 21, 1988, work session on the Classification and Compensation Study, and the ordinance to authorize employee incentive awards.

Mr. Edwards made a motion to approve the resolution adopting the Classification and Compensation Plan and authorizing a \$200,000 transfer from Operating Contingency Account to fund the changes.

On a roll call, the vote was: AYE: Norment, Taylor, DePue, Edwards (4). NAY: Mahone (1).

### R E S O L U T I O N

#### ADOPTION OF CLASSIFICATION AND COMPENSATION STUDY

WHEREAS, the Board of Supervisors of James City County is committed to retaining and attracting qualified employees to provide high quality services to our citizens by providing fair and competitive compensation to employees.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the Classification and Compensation Plan recommended by Public Administration Service in their report entitled "Classification and Compensation Study, James City County, Virginia, November 1988" and the revised Chapters 1 - 5 of the Personnel Policies and Procedures Manual attached hereto.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes a transfer of \$200,000 from Operating Contingency Account No. 001-193-0700 to salary accounts of affected departments to fund the Compensation Plan changes pursuant to the Personnel Policies and Procedures Manual.

Mr. DePue made a motion to approve the ordinance authorizing employee incentive awards.

On a roll call, the vote was AYE: Norment, Taylor, Mahone, DePue, Edwards (5). NAY: (0).

H. BOARD REQUESTS AND DIRECTIVES

Mr. DePue noted an article in the December 5, 1988, issue of the Daily Press referring to an agenda item of application for placement of a manufactured home on Saddletown Road from the November 21, 1988, Board of Supervisors meeting. Mr. DePue indicated statements in the article were incorrect: 1) the County policy of requiring an all-weather road for safety reasons was not new; and, 2) the postponement was to allow time for interested persons to resolve issues. Mr. DePue commended staff for efforts made in helping citizens.

Mr. Taylor commented that the road was passable.

Mr. Mahone concurred with Mr. John McDonald's memorandum in the Reading File recommending postponing a decision with regard to the School Board request for reappropriation of year-end surplus for the purchase of replacement school buses.

Mr. Mahone reported that the Regional Issues Committee had met and had made six recommendations: 1) request funding from the three governing bodies for additional archaeological site studies; 2) seek assistance from Peninsula Planning District Commission about regional impact of future York River and James River crossings; 3) gave no recommendation on James River crossing until Environmental Impact Statement is published; 4) made a statement of support for completion of Route 199; 5) made a statement in support of the Ware Creek Environmental Protection Agency hearing in January; and, 6) combined legislative program for three jurisdictions for more impact at General Assembly.

Mr. Edwards expressed appreciation for the Regional Issues Committee and the fine work being accomplished.

Mr. Mahone made a motion to adjourn.

On a roll call, the vote was AYE: Norment, Taylor, Mahone, DePue, Edwards (5). NAY: (0).

The Board adjourned at 8:52 p.m.



David B. Norman  
Clerk to the Board

CHAPTER 1AUTHORITY AND ADMINISTRATIONSection 1.1 Authority

The Board of Supervisors is empowered under the Code of the State of Virginia to establish departments, to employ personnel and to set salaries. The Board of Supervisors thereby adopts the personnel policies contained in this manual. Policies are subject to be changed at the discretion of the Board of Supervisors. Any policy in conflict with federal, state, or local law shall be superseded by the pertinent law.

Section 1.2 Administration

The County Administrator or a designee shall be responsible for the administration of the County personnel program. Decisions made by the Personnel Manager in administering these policies may be appealed by a department manager to the County Administrator.

This manual is intended to address most personnel situations and actions for which the County Administrator is responsible. However, those situations not specifically covered shall be interpreted and acted upon by the County Administrator or a designee in keeping with the intent of these policies and procedures.

Section 1.3 Coverage of Personnel

The personnel policies and procedures shall apply to all employees in permanent and limited term positions in James City County, the James City Service Authority, the James City County Transit Company, and the James City County Social Services Department. Policies and procedures shall specifically apply to other employees only where expressly stated.

Where local regulations are in conflict with State regulations, James City County Social Services employees shall be governed by those State policies relative to the Compensation Plan and the Merit System Plan for Personnel Administration. (eff. 6-1-75)

Section 1.4 Severability

If any part, section, sub-section, sentence, clause or phrase of this policy is for any reason held to be unconstitutional or invalid, such decision shall not affect the constitutionality or validity of the remainder of this policy.

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Rev. 12-5-88

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 special Federal or State programs, and projected to continue subject to the continuation of the respective program. In the event such Federal or State 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.

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 37-1-2 hours per week, or 1,950 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 8:30 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 Publicity of Employment Opportunities

The Personnel Department shall determine, after review of the County's Affirmative Action Plan, the publicity required to obtain a reasonable number of qualified applicants for each vacancy. Publicity may include advertisements in newspapers and trade journals, radio and television broadcasts, correspondence and other contacts with schools and colleges, contacts with various community groups, and the encouragement of County employees informally to advise others of the job vacancies in County government.

Section 2.6 Employment Applications

Persons seeking to apply for employment with James City County shall be referred to the Personnel 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 Personnel 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 2.8    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, spouses'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 2.10    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 Personnel 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 Personnel 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 Performance Evaluations

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

Section 2.13 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 2.14 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 2.15 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 VSRS and health insurance benefits may be restored as permitted by those programs.

### Section 2.16 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 Personnel Manager.

### Section 2.17 Promotion

A promotion is the selection of an employee, after competition with other internal or external applicants, to a position at a higher salary grade.

### Section 2.18 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 Personnel Manager. The recommendation for advancement shall be based on a review of the employee's qualifications, experience and work performance.

### Section 2.19 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 2.20 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, to meet emergencies occasioned by abnormal workload or organizational changes, to cover absences pending official assignment of personnel or to perform duties pending the development and classification of a new position, or for other purposes necessary to provide quality public service.
- B. Documentation - Temporary assignments shall be justified in writing by the appropriate department manager and coordinated with the Personnel Manager prior to the employee beginning such temporary assignment. Approved temporary assignments and the reasons therefore shall be made a part of the employee's personnel record. Temporary assignment of ten (10) working days or less shall be exempt from the formal documentation and approval requirements.
- C. Duration - No employee shall be temporarily assigned to a position, or set of duties, other than the position to which officially assigned, in excess of a total of ninety (90) work days in any twelve (12) month period, unless the operating needs of the County require an extension of time. Such extension shall be approved by the County Administrator.
- D. Salary - Salary of the employee in a temporary assignment shall not change except as outlined in Chapter 4, Section 4.10B.

Section 2.21 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 Personnel Department, in writing, prior to beginning such work. If the department manager or the Personnel 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 Personnel Manager may be appealed to the County Administrator.

Section 2.22 Reductions in Force

- A. Definition - A reduction in force is the elimination of a permanent County position by the Board of Supervisors.
- B. Policy - When a reduction in force occurs, every effort shall be made to place the incumbent in another position for which he or she qualifies. Seniority and job performance shall be used to determine which employees shall be laid off. (Rev. 11-21-88)
- C. Displacement - Employees in full-time permanent positions shall be allowed to displace other employees with less seniority within any class in which they previously held a position with James City County. Employees in part-time permanent positions shall be allowed to displace other employees in part-time permanent positions who have less seniority in any class in which they previously held a position with James City County.
- D. Recall - A separated employee shall be offered reinstatement to the employee's former position or any position to which the employee has a right under these rules if such position is filled within one (1) year from the date of separation. A new employee shall not be hired for such positions until the separated employee has been offered a recall and given two (2) days to accept or reject the recall. Recalled employees shall not be required to serve another probationary period.

Section 2.23 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 Personnel 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 2.24 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.

1391R

Rev. 12-5-88

CHAPTER 3CLASSIFICATION PLANSection 3.1 Objective

The purpose of the classification plan is to group similar positions together and to define their duties and minimum qualification requirements for purposes of recruitment, training, career planning, assignment to a salary grade and communication of job requirements to employees.

Section 3.2 Definitions

- A. Position - A group of currently assigned duties and responsibilities requiring the full or part-time employment of one person. A position may be occupied or vacant.
- B. Class - A group of positions that: (1) have similar duties and responsibilities, (2) require like qualifications, and (3) can be compensated equitably by the same salary range. A class may be composed of only one position.
- C. Allocation or Classification - The assignment of a position to a class.
- D. Position Description - A written description of the duties, responsibilities, and requirements of a position.
- E. Class Specification - A written description of a class, prepared as a representative sample of the positions allocated to that class. It includes information such as typical duties, distinguishing features of the work, and minimum qualifications, including knowledge, skills and abilities.
- F. Class Title - The official designation or name of the class as stated in the class specification and schematic list of classes. It shall be used on all personnel records and actions.
- G. Position or Working Title - A title assigned by the department manager with the concurrence of the Personnel Manager which describes the primary function, duty, or responsibility of a position. It is usually more specific than the general class title and may be used for the employee's working purposes including internal and external correspondence.
- H. Classification Plan - The official or approved system of grouping positions into appropriate classes, including (1) schematic index to the class specifications; (2) class specifications and (3) rules for administration.

Section 3.3 Allocation of New Positions to the Classification Plan

The department manager shall complete a position description covering the duties and responsibilities of each proposed position. The Personnel Manager shall allocate the position to one of the classes in the Classification Plan. If a suitable class does not exist, a new class shall be established and the position shall be allocated to it. All class allocations are subject to the approval of the County Administrator.

Section 3.4 Allocation Appeals

If an employee, supervisor, department manager or personnel department representative has facts which indicate that a position is improperly allocated, a request may be made to the Personnel Manager to review the allocation of the position. Such request shall be submitted in writing and shall contain a statement of justification.

Section 3.5 Maintenance of Plan

- A. Each time the annual performance evaluation is conducted, the employee and the supervisor shall review the class specification to insure that it accurately reflects the work being performed by the employee. Suggested changes shall be reviewed by the department manager and forwarded to the Personnel Department for review. (Rev. 11-21-88)
- B. Each time a vacancy occurs, the class specification shall be reviewed by the supervisor. Suggested changes shall be submitted to the department manager for concurrence and forwarded to the Personnel Manager for review. This requirement may be waived by the Personnel Manager in cases where changes in the duties and responsibilities of a position have been unlikely.
- C. Each time a department or division is reorganized, position descriptions for all affected employees shall be submitted to the Personnel Manager for review.
- D. The County Administrator may require departments or employees to submit position descriptions on a periodic basis or at any time there is reason to believe that a change has occurred in the duties and responsibilities of one or more positions.

- E. Each time a new class is established, a class specification shall be written and incorporated in the existing Plan. The class title shall be added to the schematic list of titles. Likewise an abolished class shall be deleted from the Position Classification Plan by removing the class specification and eliminating the class title from the schematic list of titles.
- F. The County Administrator shall cause a general review of the Position Classification Plan to be conducted at least once in each three year period.

### Section 3.6 Interpretation of Position Descriptions

Descriptions are intended as a general statement of work and are not intended to impose limitations or restrictions on the duties any employee may be required to perform.

### Section 3.7 Interpretation of Class Specifications

The class specifications are descriptive and not restrictive. Descriptions of duties, qualifications or other factors are representative examples and do not preclude positions with additional duties or qualifications of similar type or level from being included in the class. In a series of classes, such as the police classes, the specifications for all classes shall be reviewed when making interpretations and allocations.

### Section 3.8 Official Copy of the Classification Plan

The Personnel Manager shall maintain the official copy of the Classification Plan. A copy of the official plan shall be available for inspection by the public under reasonable conditions during regular business hours.

1376R

Rev. 12-5-88

CHAPTER 4  
COMPENSATION PLAN

Section 4.1 Objective

The purpose of the Compensation Plan is to:

- (a) Establish and maintain a salary structure which will attract and retain qualified employees;
- (b) Assure internal equity in the assignment of classes to salary grades through a systematic evaluation of each position;
- (c) Maintain the salary structure in proper relation to competitive pay practices in the local labor market in which the County competes;
- (d) Assure each County employee receives a salary review at specified intervals;
- (e) Provide an effective control of salary payments on a uniform basis; and
- (f) Furnish County Administration with a consistent and effective means of recognizing and rewarding improved and outstanding performance.

Section 4.2 Definitions

- A. Salary Grade - A particular range of pay, from minimum to absolute maximum which includes longevity, within which an employee whose class is assigned to that salary grade must be paid.
- B. Job Evaluation Plan - An evaluation tool composed of a series of factors important to the organization and present in all jobs in varying degrees. Application of the factors determines the relative value to be placed on various jobs within the organization. The end result of a job evaluation is used as one factor in assigning classes to a hierarchy of salary grades.
- C. Merit Increases - An adjustment to an individual employee's salary based on performance which moves the employee through the assigned salary range.
- D. Reallocation - The reassignment of a position from one class to another. The new class may be at the same salary grade, higher salary grade or lower salary grade.
- E. Regrade - The reassignment of a class from one salary grade to a higher or lower salary grade.

- F. Compensation Plan - The official or approved assignment of classes to salary grades, including (1) list of classes and assigned grades (2) rules for administration.

Section 4.3 Assignment of Positions and Classes to Salary Grades

Three factors are considered in determining the salary grade to which a position will be assigned:

- (a) Job Evaluation Plan - After an accurate position description including education and experience requirements has been developed, the Personnel Manager shall allocate the position to an appropriate class. The salary grade to which the class has been assigned will be applied. If no existing class is found to be appropriate, a new class will be created. The new class shall then be evaluated using the County's job evaluation plan. The total points assigned to the new class will determine the appropriate skill level in the classification plan.
- (b) Internal Equity - After a new class has been assigned to a skill level pursuant to the job evaluation plan, the Personnel Manager shall compare the class with other classes which are at the same skill level to ensure that classes with the same or similar duties, levels of responsibility, and required qualifications are compensated similarly.
- (c) Labor Market Comparisons - The salary range proposed for the class shall be compared to salary ranges of similar classes in other local governments and businesses with which the County competes for applicants. The County Administrator shall determine which local governments and businesses are appropriate for the labor market comparisons.

After reviewing the three factors outlined above, the Personnel Manager shall recommend the most appropriate salary grade for the position.

Section 4.4 Placement in the Salary Range

- A. Starting Salary - A new employee shall be compensated at the entry level of the salary range for the position. Exceptions to this placement may be granted for a new employee exceeding the minimum qualifications for the class if other suitable candidates who would accept the minimum rate cannot be found; however, such exceptions shall be approved by the Personnel Manager.
- B. Reinstatement - A reinstated employee shall be paid at a level within the approved salary range for the position to which reinstated. The level shall be determined by the Personnel Manager. Refer to Section 2.15.

- C. Reemployment - When a former County employee is rehired, the starting salary shall be determined in accordance with A above. Refer to Section 2.14.

Section 4.5 Part-Time Salaries

A part-time employee shall be paid on an hourly basis. The hourly salary shall be determined by dividing the annual salary by the number of hours per year that a full-time employee in that position or class would be required to work. (Rev. 7-1-86)

Section 4.6 Temporary Salaries

An employee in a temporary position shall be paid on an hourly basis. The salary grade shall be determined in the manner described in Section 4.3. The hourly salary shall be determined in the manner described in Section 4.5.

Section 4.7 On-Call Salaries

An employee in an on-call position shall be paid on an hourly basis or a flat rate for a designated work period. The hourly salary or flat rate shall be determined in the same manner as for employees in temporary positions. This section does not apply to any employees in permanent or limited term positions.

Section 4.8 Progression Through the Salary Range (Merit Increases)

- A. Merit Review - Each employee's work performance shall be reviewed annually by the supervisor. The review of the employee's performance for the past year shall include, but not be limited to, six-month performance evaluations, attendance records, disciplinary actions, letters of commendation and other information contained in the personnel records. A recommendation as to whether the employee shall receive a merit increase and the amount of such increase shall be based upon the review.
- B. Amount of Increase - If a merit increase is granted, it shall be within the following parameters:
- (a) Employees within the salary range shall be eligible for a merit increase of up to a designated percent of their salary as set forth in the approved budget; provided, however, if a merit increase brings the employee within 1 percent of the maximum salary, the employee shall be compensated at the maximum salary. This merit increase may be awarded in 1-2 percent increments. No such merit increase shall cause the salary to exceed the maximum salary for the salary grade.

- (b) Employees at the maximum salary of the salary range for one year shall be eligible for a Level 1 longevity merit increase of an amount equal to 2-1-2% of the maximum salary. Five Level 1 merit increases may be awarded. (Rev. 7-1-86)
  - (c) Employees who have received five Level 1 longevity merit increases shall be eligible for a Level 2 longevity merit increase equal to 1-1-4% of the maximum salary. Five Level 2 longevity merit increases may be awarded. (Rev. 7-1-86)
- C. Merit Increase Date - The date of the first day of the pay period in which an employee was initially employed in a permanent or limited term position shall be the effective date for the employee's annual merit increases.
- 1. The merit increase date shall not be changed as a result of reclassification, promotion, career ladder advancement, transfer, or voluntary demotion.
  - 2. The merit increase date shall be deferred one calendar month for each period of 30 consecutive calendar days during which the employee is absent from the service of the County without pay.
  - 3. The merit increase date may be administratively changed by the County Administrator for reasons including, but not limited to, the following:
    - (a) Disciplinary demotion
    - (b) Condition of employment
    - (c) Reinstatement
    - (d) Reemployment

Section 4.9    Changes in Salary Grade

- A. Promotion - When an employee is promoted, the employee's salary shall be increased in the following manner:
- (1) to the greater of the minimum salary of the higher class or 5% above the present salary if the new grade is one or two grades higher than the employee's current grade, or
  - (2) to the greater of the minimum salary of the higher class or 10% above the present salary if:
    - (a) the new grade is three or more grades higher than the employee's current grade, or
    - (b) the employee is promoted from a non-exempt to an exempt or from a non-supervisory to a supervisory position.

Exceptions may be granted by the County Administrator.

- B. Career Ladder Advancement - When an employee receives a career ladder advancement, the employee's salary shall be increased to the minimum salary of the higher class, or to 5% above the present salary, whichever is greater.
- C. Transfer - There shall be no change in salary as the result of a lateral transfer.
- D. Demotion - When an employee is demoted, the employee's salary shall be determined by the Personnel Manager and shall fall within the salary range to which the lower class is assigned.

Disciplinary demotions shall always be accompanied by a reduction in salary as provided in Chapter 7 Standards of Conduct, Section 7.5C (5).

E. Reallocations

- (1) Reallocation Upward - When a position is reclassified upward, the employee's salary shall change in the same manner as in a promotion, as outlined in A above. The provisions shall not apply to allocation changes resulting from special systemwide studies. In such instances, the Board of Supervisors, upon recommendation from the County Administrator, shall determine the manner of salary adjustments. Exceptions may be granted by the County Administrator.
- (2) Reallocation Downward - When a position is reclassified downward, the employee's salary shall not be reduced. If the current salary is within the salary range for the new grade, the employee shall be eligible for merit increases as described in Section 5 above. If the employee's salary is above the salary range for the new grade, the employee shall continue at that salary while remaining in the position, but shall not be eligible for salary increases, including general market adjustment increases, until such time as the salary falls within the new range.

F. Regrade

- (1) Regrade Upward or Upgrade - When a class is upgraded, the salary of those employees in the class shall be increased to the minimum salary for the higher class, or to 5% above the present salary, whichever is greater. Exceptions may be granted by the County Administrator.

- (2) Regrade Downward or Downgrade - When a class is downgraded, the salary of the employees in the class shall be treated the same as a downward reallocation, as outlined in E (2) above.

Section 4.10 Other Salary Changes

- A. Market Adjustment - After a review of the Compensation Plan, the County Administrator may recommend a general market adjustment to keep salary ranges competitive with those of the labor market. Such adjustment shall be applied directly to the salary ranges so that each salary range in the salary structure is adjusted to reflect the increase. Such increases shall not change any employee's grade or salary's relative position in the salary structure. The County Administrator may exempt certain classes or positions from a general market adjustment and make other exceptions if deemed appropriate to maintain a fair salary structure.
- B. Temporary Assignment or Acting Capacity - If an employee is temporarily assigned to a position at a higher salary grade than his or her permanent position for 20 consecutive working days or more, the employee shall receive a temporary salary adjustment during that assignment. The adjustment shall be computed on the same basis as a promotional increase and shall not affect the merit increase date. The employee's benefits and salary increases shall be based on the permanent position and salary. Refer to Section 2.20.
- C. Incentive Awards - An incentive award is a vehicle for recognizing outstanding performance by an individual or group of individuals in a specific assignment, special project or for a beneficial suggestion or innovative idea which results in one of the following:
- a. A cost savings or avoidance.
  - b. An innovation which increases productivity or enhances service by causing more work to be accomplished during the standard workday or work shift.
  - c. Identification of a tool or piece of equipment which increases the productivity of the department, specific task or job.
  - d. An improved process or procedure for accomplishing the work which increases productivity or improves services and is measurable.

- e. A work product which exceeds required work standards for a job based upon consensus of peers in that department or the same field or trade.

The amount of the award shall be determined by the County Administrator, but will normally not exceed 5 percent of the employee's base salary. The incentive award shall be a single lump sum cash payment. It shall not be used as a routine salary supplement. The incentive award shall be documented on the Incentive Award Nomination Form. A copy of the form shall be placed in the employee's personnel file. The receipt of such an award shall not affect the employee's base salary.

#### Section 4.11 Overtime

- A. Responsibility - The authorization and control of all overtime work is the responsibility of the department manager. Overtime assignments shall be permitted only when required by operational necessity. Department managers shall assure that adequate funds are available for payment for overtime work.
- B. Eligibility - All employees except those in bona fide professional, administrative or executive positions, as defined by the Fair Labor Standards Act, elected officials, and certain seasonal employees, are eligible to earn overtime. The Personnel Department shall review each position to determine whether it is exempt or non-exempt from overtime payments. The status of classes shall be indicated in the schematic list of class titles, and the status of individual positions shall be indicated in the personnel files.
- C. Computation of Overtime Pay - Monetary overtime compensation shall be one and one-half times the employee's hourly rate of pay for each hour of overtime worked. The hourly rate of pay shall be determined by dividing the employees's annual salary by the number of hours per year that a full-time employee in that position or class would be required to work.
- D. Minimum Increment of Overtime - Overtime shall be earned in increments no smaller than thirty minutes.
- E. Computation of Overtime Hours -
1. Overtime shall be paid when, due to operational necessity, a non-exempt employee is required to work in excess of the maximum number of allowable hours in the work period.

2. The work periods and maximum allowable hours for County employees are as follows:

<u>Category of Personnel</u>	<u>Work Period (Consecutive Days)</u>	<u>Allowable Hours</u>
Firefighting and EMS	27	204
Law Enforcement	25	150
All Other	7	40

3. Paid or unpaid time off during which the employee is absent from the service of the County shall not be counted as hours worked in determining if the maximum allowable number of hours has been exceeded. Such absences include, but are not limited to, sick, annual, compensatory, civil, personal and military leave, holidays, leaves of absence, lunch periods and inclement weather days.

F. Compensatory Leave or Compensatory Time

1. Non-exempt employees who are authorized to work in excess of their regularly-scheduled work hours, but who do not exceed the maximum allowable number of hours as defined in E above, may be granted compensatory leave in the amount of one hour of leave for each hour worked or may be paid their regular hourly rate in lieu of compensatory leave for hours worked.
2. Non-exempt employees who are authorized to work in excess of their regularly scheduled work hours, and the hours exceed the maximum allowable number of hours as defined in E above, may in lieu of overtime pay be granted compensatory leave in the amount of one and one-half hours of leave for each hour worked during the work period in excess of the maximum allowable hours.
3. The department manager shall determine the most appropriate form of compensation based on available funds and workload. Compensatory leave shall be specifically approved by the department manager in advance of its being earned.
4. Under special circumstances, the department manager may grant compensatory leave for employees other than as specified in (1) above.

5. Employees in sworn public safety positions may accrue up to 480 hours of compensatory leave. All other employees may accrue up to 240 hours of compensatory leave. Employees shall be paid for all hours in excess of the maximum allowed.
6. Compensatory leave shall be used within six months of the time in which it is earned or the employee shall be paid for it.

#### Section 4.12 Holiday Pay

Any employee in a permanent or limited term position who is eligible to earn overtime and is required by the supervisor to work on a holiday which is observed by the County, shall be compensated for that holiday at a rate of twice the regular daily or hourly rate, or at the discretion of the department manager, authorized compensatory leave as outlined in Section 4.11(F) above. See also Chapter 5, Section 5.1(E), Holidays on Non-Scheduled Work Days.

#### Section 4.13 Standby Pay

- A. Eligibility - An employee in a permanent, limited term or on call position who is required to be available by telephone or beeper after regular work hours to respond to emergency calls, and who must respond within a reasonable period of time when called, is eligible for standby pay.
- B. Computation of Pay - Employees who are required to be on standby shall receive fifty cents per hour for each hour on standby. This payment shall be made regardless of whether the employee is actually called out, and shall be in addition to any payment earned for actual hours worked as outlined in Section 4.11, above.
- C. Restrictions - Employees who, for any reason, cannot fulfill their standby duties for part or all of the required period, shall obtain approval from their department manager or a designee for another employee to substitute for them.

#### Section 4.14 Maintenance of Plan

- A. Prior to the annual submission of the budget to the Board, the County Administrator shall complete a general review of the Compensation Plan and shall recommend appropriate adjustments.
- B. Proposed adjustments to the Compensation Plan shall be approved by the Board as a part of the annual budget.

- C. The Personnel Department shall make a periodic review of the Compensation Plan. As part of that review, the Personnel Manager shall recommend appropriate changes in salary grade for the classes reviewed.

Section 4.15 Interpretation of Plan

The Personnel Manager shall interpret the application of the Compensation Plan to resolve pay determinations which are not specifically covered by this Chapter, using the principles expressed herein as a policy guide.

Section 4.16 Official Copy of the Compensation Plan

The Personnel Manager shall maintain the official copy of the Compensation Plan. A copy of the official plan shall be available for inspection by the public under reasonable conditions during regular business hours.

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Rev. 12-5-88

CHAPTER 5  
EMPLOYEE BENEFITS

Section 5.1 Holidays

- A. Designated Holidays - The County shall observe the following 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	4th Friday in November
Christmas Eve	December 24
Christmas Day	December 25

- B. Additional Holidays - Any other day so declared by the Board of Supervisors shall be an additional observed holiday.
- C. Closing of Offices - Offices shall be closed on County observed holidays.
- D. Weekend Holidays - If a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday; if the holiday falls on a Sunday, the following Monday shall be observed as the holiday.
- E. Holidays On Nonscheduled Work Days - If an observed holiday falls on a day an employee is not otherwise scheduled to work, the employee shall earn compensatory leave for the observed holiday. The compensatory leave shall equal the monthly sick leave accrual rate, but in no case shall exceed 12 hours. In cases where this would present a hardship because of workload, and where the budget permits, the department manager may authorize payment for the day in lieu of the compensatory leave.
- F. Holiday Pay - If an employee is required to work on an observed holiday, he or she shall receive holiday pay as outlined in Chapter 4, Section 4.12.

- G. Employees in Part-time Permanent and Limited Term Positions - An employee in a part-time permanent or limited term position shall receive compensatory leave for the holidays observed by the County for the number of hours equal to their monthly leave accrual. When an employee in a part-time permanent or limited term position is scheduled to work on any day on which a holiday falls, he or she shall receive compensatory leave for the holiday for the number of hours actually worked on the holiday. Such payment or compensatory leave shall be earned in increments no smaller than 30 minutes. In cases where this would present a hardship because of workload, and where the budget permits, the department manager may authorize payment in lieu of compensatory leave.
- H. Annual, Sick, and Compensatory Leave - An employee who is on approved annual, sick or compensatory leave during a period in which a holiday falls shall not be charged leave for the observed holiday.
- I. Military Leave - 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.
- J. Forfeiture of Holiday Pay - Unless an employee actually works the last scheduled work day before the holiday and the first scheduled work day after the holiday, or is on authorized sick, annual, compensatory or personal leave, the employee shall forfeit eligibility to be compensated for the holiday observed by the County.

Section 5.2 Annual Leave

- A. Accrual of Leave - The amount of annual leave which an employee accrues per month is determined by dividing the number of hours per year which the position is authorized in the budget by 260, which is the number of days per year excluding weekends. The amount of leave accrued per month increases by 50% when an employee completes the fifth year of service with the County, and by an additional 33-1-3% when an employee completes the fifteenth year of service with the County. Annual leave is accrued semimonthly upon completion of each full pay period of employment. However, leave shall be accrued during a pay period in which the employee is on leave without pay or a leave of absence only as outlined in Section 5.9(C) and Section 5.10(H), below.

Examples of leave accrual rates are outlined below:

Monthly Annual Leave Accrual Rate in Hours

<u>Category of Employee</u>	<u>Annual Authorized Hours</u>	<u>Years of Service</u>		
		<u>0-5</u>	<u>5-15</u>	<u>Over 15</u>
Professional, Technical, Office	1950	7.5	11.25	15
Maintenance, Trades, Dispatch	2080	8.0	12.0	16
Law Enforcement	2117	8.0	12.0	16
Fire, EMS	2977	12.0	18.0	24

Exceptions to the annual authorized hours for individual positions may be made by the County Administrator.

- B. Maximum Accrual Limited - An employee may accrue up to the amount of leave that can be earned in a two-year period. The employee's leave balance must be within the allowed maximum on July 1st of each year or the excess shall be forfeited.
- C. Purpose of Leave - Annual leave may be used by an employee to provide paid absences for vacation and other personal purposes including sickness, or for absences in excess of hours available from other types of leave.
- D. Minimum Increment of Leave - Annual leave shall be accrued in increments no smaller than 15 minutes, and taken in increments no smaller than 30 minutes.
- E. Availability of Leave - An employee shall accrue annual leave before it is used.
- F. Leave Requests - Employees shall request annual leave in advance on the appropriate forms. While the employee's leave requests shall be given every consideration, all such requests are subject to approval by the department manager. It is the department manager's responsibility to manage the leave schedules within the department.
- G. Absences By Exempt Employees Who Have No Accumulated Leave - To the extent required by the Fair Labor Standards Act and the regulations promulgated pursuant to that Act, salaried employees who are exempt from the overtime provisions of that Act and have no accumulated leave applicable to such an absence, shall not receive deductions from their compensation for periods of less than one day, unless the absence is the result of a disciplinary action. This provision is effective as of April 15, 1986.

Section 5.3 Sick Leave

- A. Accrual of Leave - The amount of sick leave which an employee accrues per month is determined by dividing the number of hours per year which the position is authorized in the budget by 260, which is the number of days in a year excluding weekends. Sick leave is accrued semimonthly upon completion of each full pay period of employment. However, leave shall be earned for pay periods during which an employee is on leave without pay or a leave of absence only as outlined in Section 5.9(C) and Section 5.10(H), below.
- B. Maximum Accrual Unlimited - There is no maximum limit to the amount of sick leave which may be accrued.
- C. Purpose of Leave - Sick leave may be used by an employee to provide paid absences for the following reasons:
1. A personal illness, injury 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 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 treatment related to health of an immediate family member (spouse, parent, spouse's parent, son, daughter, brother, sister, grandparents, grandchildren, step-children, step-parents, guardian, and any persons residing in the same household of the employee) requiring the attendance of the employee as approved by the department manager, not to exceed three (3) working days per calendar year. Additional leave requested in excess of the permitted allowance, unless recommended by the department manager and approved by the Personnel Manager, shall be deducted from annual leave. If the employee has exhausted annual leave, it shall be regarded as leave without pay. (Rev. 12-21-87)
- D. Extended Leave - When it becomes evident an employee shall be unable to be at work for a period of time exceeding five (5) consecutive working days, or when requested by the department manager, the employee shall furnish the department manager with a written statement from a physician. This statement shall include:
1. the nature of the employee's condition;
  2. the expected date on which the employee will be able to return and perform normal work duties (in cases where applicable); and
  3. the approximate anticipated date of medical release by the physician.

- E. Minimum Increment of Leave - Sick leave shall be accrued in increments no smaller than 15 minutes, and taken in increments no smaller than 30 minutes.
- F. Availability of Leave - An employee shall accrue sick leave before it may be used.
- G. Submittal of Leave Form - Upon his or her return to work after a sick leave absence, an employee shall complete the appropriate leave form and submit it to the department manager for processing.
- H. Sick Leave Bank - Employees may voluntarily elect to pool accrued 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.

#### Section 5.4 Terminal Leave Payments

- A. Annual Leave - Upon separation from County service, employees shall receive the monetary equivalent of their accrued annual leave up to the annual maximum accrual. If two week's notice of resignation is not given by an employee, the equivalent of one day shall be deducted from the leave payments for each day that the employee failed to give notice of termination up to a two-week maximum.
- B. Sick Leave - Upon separation from County service, unless discharged for disciplinary reasons, employees with more than two years of service shall be compensated for their accrued sick leave at the rate of one day's pay for every four days of accrued sick leave, or \$1,000, whichever is less. If two week's notice of resignation is not given by an employee all terminal sick leave payments shall be forfeited.
- C. Death of Employee - In the event of the death of an employee, the designated beneficiary shall receive terminal leave payments.

#### Section 5.5 Workers' Compensation

- A. Coverage - The County furnishes Workers' Compensation insurance for all employees as required by the Virginia Workers' Compensation Act. The insurance provides benefits to employees who have an accident or illness that arises out of and in the course of County employment. Some of the benefits include compensation for (1) temporary total disability, (2) temporary partial disability, (3) permanent partial disability, (4) permanent total disability, (5) medical expenses, (6) rehabilitation, and (7) death

benefits. The Act is administered by the Industrial Commission of Virginia, located at 1000 DMV Drive, Richmond, Virginia.

- B. Injury Report - An employee who has an accident or illness that arises out of and in the course of County employment shall immediately report the accident or illness to his or her immediate supervisor. Failure to report the accident or illness promptly may result in loss of compensation and payment of medical bills. The injury report shall be forwarded to the Personnel Department within one work day.
- C. Medical Treatment - If the accident results in bodily injury, the employee shall seek treatment from an authorized Workers' Compensation panel physician or an emergency room. A list of authorized panel doctors may be found in the Employee Handbook. Failure to seek treatment from an authorized physician may result in loss of payment of medical bills. All authorized medical bills deemed to be related to a compensable accident or illness shall be paid by the County unless otherwise provided by law.
- D. Incapacity from Work - If an employee is incapacitated from work due to the injury or illness, the County shall maintain the employee on the regular payroll for up to seven calendar days on a reimbursable basis. If the accident or illness is deemed compensable, workers' compensation shall begin with the eighth calendar day of disability. If the incapacity continues for a period of more than three weeks, workers' compensation shall be allowed from the first day of such incapacity. The salary paid for the first seven days of disability shall be reimbursed either by the use of sick leave or on a dollar for dollar basis.
- E. Amount of Compensation - Workers' compensation payments shall be the lesser of two-thirds of the employee's average weekly salary or the current maximum established by the Industrial Commission. An employee may elect to supplement compensation up to the amount of the regular net pay by using the necessary amounts of annual or sick leave. However, in no case shall the total compensation be greater than what the employee's net pay would be if he or she were not incapacitated.
- F. Use of Leave Pending Determination of Compensability - If a determination as to whether an incapacity is compensable is pending, an employee may use accrued annual or sick leave. If the incapacity is ultimately deemed compensable, the employee shall repurchase the portion of accrued leave for which compensation was received.

- G. Light Duty Work - An employee incapacitated from regular duties shall accept alternate work duties offered by the County, if made available, provided that the treating physician does not restrict the employee from performing such alternate duties. If an injured employee refuses any suitable employment he or she shall not be entitled to any compensation at any time during the continuance of such refusal, unless in the opinion of the Industrial Commission, the refusal was justified.
- H. Health and Life Insurance - The County shall continue to pay its share of health and life insurance premiums so long as the employee remains in a full-time permanent or limited term position. If an employee is temporarily performing light duty work in a part-time position he or she may continue to be considered as holding a full-time permanent or limited term position even though paid on a part-time basis.
- I. Questions - Questions regarding workers' compensation and its application to County employees shall be directed to the Personnel Department.

Section 5.6 Personal Leave

- A. Eligibility - Employees in full-time and part-time permanent and limited term positions shall be entitled to personal leave upon the death of members of the employee's immediate family.

The immediate family is defined as: spouse, parent, spouse's parent, son, daughter, brother, sister, grandparents, grandchildren, step-children, step-parents, guardian, and any persons residing in the same household as the employee.

Personal leave, if requested by the employee, shall be granted by the department manager for a period not to exceed three (3) working days.

- B. Special Circumstances - Where special circumstances warrant, personal leave may be used, with the approval of the department head, for major illness in the employee's immediate family requiring the attendance of the employee.
- C. Additional Leave - Absence in excess of the permitted allowance, unless authorized by the Personnel Manager, shall be deducted from annual leave. If the employee has exhausted annual leave, it shall be regarded as leave without pay.

Section 5.7 Civil Leave

- A. Eligibility - Leave shall be granted an employee for any absence necessary for serving on a jury, or attending court as a witness under subpoena.
- B. Amount of Compensation - An employee compensated for civil duties, as by jury or witness fees, shall be paid only the difference between such compensation and the regular salary for the period of absence unless the absence is charged to annual leave.
- C. Expert Witnesses - In those circumstances where a County employee is acting as an expert witness in a court proceeding which is not directly related to his duties for the County, that employee shall be charged annual leave or leave without pay.

Section 5.8 Military Leave

- A. Eligibility - Employees who are members of the organized reserve forces of any of the armed services of the United States, National Guard, or naval militia shall be entitled to leaves of absence from their County duties, without loss of seniority, accrued leave, or efficiency rating, on all days during which they are engaged in annual active duty or training, or when called forth by the Governor during a disaster.
- B. Approval - Employees shall be required to present appropriate orders to their department manager as a condition of leave approval. Military leave shall not be appropriate for weekly or monthly drills.
- C. Loss of Pay - There shall be no loss of pay during military leaves of absence not exceeding fifteen days per federal fiscal year. Absence exceeding fifteen days shall be treated as leave without pay or, if approved, charged to annual leave.
- D. Return from Active Duty - Employees ordered to active duty, when relieved from such duty, shall be restored to positions held by them when ordered to duty.

Section 5.9 Leave Without Pay

- A. Applicability - An employee shall be on leave without pay under the following circumstances:
  - 1. Unapproved absence from the job during a scheduled work period,

2. Approved absence for which the employee has insufficient accrued leave, and
  3. Absences authorized as a condition of employment.
- B. Approval - The department manager shall notify the Personnel Department and the Payroll Office immediately of any employees on leave without pay in the department. All requests for leave without pay of ten working days or less shall be submitted in writing to the department manager. The department manager may approve such leave without pay. Leave in excess of ten days is addressed in Section 5.10.
- C. Accrued Leave - Sick and annual leave shall not be earned for any pay period during which an employee takes leave without pay which is not approved prior to use or exceeds one full work day.

#### Section 5.10 Leave of Absence

- A. Defined - A leave of absence is more than ten days of approved leave without pay. A Leave of Absence may be utilized for any mutually agreeable reasons. An employee must exhaust accrued leave before being granted a leave of absence.
- B. Request for Leave - All requests for leaves of absence shall be submitted to the department manager and shall state the reasons for the leave and the length of the leave. A request for a leave of absence for medical purposes shall be accompanied by a note from the employee's physician stating the expected length of the disability and the date the employee is expected to be able to return to work.
- C. Approval Required - If the department manager recommends the leave, the request shall be forwarded to the Personnel Manager for approval.
- D. Leave of Absence Agreement - If a leave of absence is approved, a formal agreement which states the purpose and length of the leave shall be signed by the employee, the department manager, and the Personnel Manager.
- E. Violation of Agreement - Should an employee fail to return to work by the date specified in the Leave of Absence Agreement, the County Administrator may declare the employee to have terminated voluntarily as of the expected return to work date. An employee who accepts employment elsewhere while on a Leave of Absence, unless approved, shall be considered to have terminated employment with the County without notice as of the original date the leave was begun.

- F. Merit Increase Date - An employee's merit increase date shall be deferred one calendar month for each period of thirty (30) consecutive calendar days the employee is on a leave of absence.
- G. Health and Life Insurance - The County shall pay its share of County health and life insurance premiums during an approved Leave of Absence, unless otherwise provided in the Leave of Absence Agreement.
- H. Accrued Leave - Sick and annual leave shall not be earned for any pay period during which an employee takes a leave of absence which includes more than one full work day of that pay period.

#### Section 5.11 Retirement

- A. VSRS - The County participates in the Virginia Supplemental Retirement System (VSRS).
- B. Eligibility for Membership - Employees in full-time permanent and limited term positions are eligible for membership in VSRS.
- C. Cost - The County pays the full cost of the VSRS contribution for the employee.
- D. Eligibility for Retirement with Benefits from VSRS
  - 1. Service Retirement - An employee is eligible for service retirement if he or she is:
    - a) A VSRS member, at least 55 years of age, and has at least five years of contributions in VSRS, or
    - b) Age 60 or older.
  - 2. Disability Retirement - A member may apply for disability retirement
    - a) from the first day of employment provided the disability did not exist at the time of employment;
    - b) whether the cause of the disability is not work-related, or is compensable under Worker's Compensation;
    - c) when the employee becomes mentally or physically unable to perform present duties;
    - d) when the employee is under age 65; or is under age 60 and covered under special benefits for law enforcement officers and firefighters; and

e) when the disability is total and likely to be permanent.

E. Retirement Benefits - Amount of retirement benefits vary based on such factors as years of covered service, age upon retirement, and salary. Employees may contact the Personnel Department for information regarding their estimated retirement benefits. Employees planning retirement should contact the Personnel Department four (4) months prior to retirement to facilitate the application for all retirement benefits.

#### Section 5.12 Group Life Insurance

A. Eligibility for Coverage - Group life insurance is provided through the VSRS. All employees in full-time permanent and limited term positions are covered by the insurance unless they are age 70 when first employed or reemployed. A medical examination is not required.

B. Cost - The County pays the full cost of coverage for the group life insurance.

C. Benefits - Benefits include:

1. Natural death benefits in the amount of the employee's annual salary rounded to the next highest thousand and then doubled,
2. Double indemnity for accidental death, and
3. Dismemberment payments for accidental loss of one or more limbs, or of eyesight.

Employees may contact the Personnel Department for additional information regarding group life insurance benefits.

D. Conversion - Employees terminating from County service other than for retirement may convert their group life insurance to an individual policy if application is made within 31 days after termination of employment. Required forms are available in the Personnel Department.

E. Retirement - Covered employees who are retiring from County service and who have at least five years of service credits in VSRS continue to be covered by group life insurance, unless the retirement is for a job-related disability which is compensable under the Virginia Workers' Compensation Act. Service retirees' life insurance reduces 2 percent each month after the date they retire. The reduction stops when the coverage reaches 25 percent of the original value. Accidental death coverage ceases at retirement.

Section 5.13 Health Insurance (Rev. 11-7-88)

- A. Group Health Insurance Plan - The County shall provide at least one group health insurance option.
- B. Eligibility - All employees in full-time permanent and limited term positions and their spouses and dependent children are eligible for group health insurance coverage.
- C. Cost - The County pays the full cost of the coverage for the employee for at least one of the group health insurance options, and a portion of the cost for the employee's dependents.
- D. Details of Plan(s) - The plan(s) is (are) detailed in materials which may be obtained from the Personnel Department.

Section 5.14 Deferred Compensation

- A. Authority - The County sponsors a deferred compensation plan to allow County employees to defer a portion of their salary for retirement purposes. The plan is voluntary and is in accordance with appropriate federal and state laws.
- B. Eligibility - All employees in full-time and part-time permanent and limited term positions are eligible to participate in the deferred compensation plan.

Section 5.15 Flexible Benefits

- A. Premium Conversion - The County has adopted a program under Section 125 of the Internal Revenue Code which permits insurance premiums to be paid with pretax dollars. All employees who pay a portion of their County-sponsored insurance benefits are eligible to participate.
- B. Spending Accounts - The County has adopted a program under Section 125 of the Internal Revenue Code which permits employees to pay for certain health care and dependent care expenses with pretax dollars on a reimbursable basis. All employees in part-time and full-time permanent and limited term positions are eligible to participate.
- C. Details of Plans - The plans are detailed in materials which may be obtained from the Personnel Department.

Section 5.16 Credit Union

- A. Langley Federal Credit Union - The employees of James City County do not have their own credit union. However, the Langley Federal Credit Union welcomes County employees as members.

- B. Eligibility - All employees in full-time and part-time permanent and limited term positions are eligible to join the Langley Federal Credit Union.
- C. Information - Further information about the Credit Union may be obtained directly from one of their branches. The Personnel Department has a list of branch locations and phone numbers.

#### Section 5.17 Physical Exams

- A. Preemployment Physicals - Physical examinations shall be required for all applicants for designated Public Safety and Operations positions before offers of employment with the County are made.
- B. Biennial Physicals - All designated Public Safety and Operations positions shall be required to have physical exams every two years.
- C. Cost - The County shall pay the cost of required preemployment and biennial physical exams.
- D. Operations Positions - For purposes of this Section, Operations Positions shall be defined as Facilities Management, Landfill, Service Authority, and Transit positions.

#### Section 5.18 Uniforms

- A. Public Safety Departments - Each employee in the Fire, Police, and Sheriff's Departments who is required to wear a uniform shall be furnished such uniform with accessories. Protective gear for fire suppression shall be provided to uniformed employees in the Fire Department. All clothing and equipment issued by the County shall remain the property of the County. Non-serviceable clothing and other County issued equipment may be replaced on a turn in one for one basis. All lost or negligently damaged clothing shall be replaced at the employee's expense.
- B. Maintenance and Operations Departments - Each employee in the maintenance and operations departments who is required to wear a uniform shall be furnished such uniform which shall be maintained by the County at County expense. All lost or negligently damaged clothing shall be replaced at the employee's expense.

Section 5.19 Clothing Maintenance

- A. Employee Responsibility - Each uniformed employee in the public safety departments shall be responsible for the cleaning and maintenance of his County issued uniforms. Only an initial uniform alteration shall be the responsibility of the County.
- B. Annual Allowance - An annual allowance shall be paid to each uniformed employee in the public safety departments for the cleaning and maintenance of County issued uniforms. Such an annual allowance shall also be paid to each Investigator and the Captain of Investigations in the Police Department for the cleaning and maintenance of their on-duty clothing. The annual allowance shall be set forth in the adopted budget. Payments shall be made for only the period of actual employment.

Section 5.20 Bonding

Each County employee is covered under a general employee "blanket" bond at no cost to the employee. In those positions where a higher bond is required, because of the nature of the position, the County pays for any further costs.

Section 5.21 Notary Fees

Several County employees maintain "Notary Public" permits. The fees for such permits shall be paid by the County, when such services by an employee are felt to assist the County's service to the public or to further the County's own business operations. There shall be no charge for notary services for the County.

Section 5.22 Travel

- A. Authorization - Employees may be required to travel out of the County when such travel is beneficial or necessary to the official business and conduct of the affairs of County government. All travel shall be approved in advance by the department manager.
- B. Administrative Regulations - The Administrative Regulations shall be consulted for specific details on travel policy, including reimbursement procedures.

Section 5.23 Tuition Reimbursement or Educational Assistance

See Chapter 6, Training, for educational assistance programs.

Section 5.24 Employee Assistance Program

- A. Confidential Counseling and Psychotherapy - The County has created a program to provide all employees in full-time permanent and limited term positions, and their eligible dependents, ten hours of confidential counseling and psychotherapy per year.
- B. Cost - The cost for the services is billed to the employee's health insurance or to the County.
- C. Service Provider - The professional service provider for the counseling and psychotherapy shall be selected by the County.
- D. Information - Information as to the service provider and the eligibility of dependents is available in the Personnel Department. Any questions regarding the Program should be directed to that department.

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Rev. 12-5-88

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BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

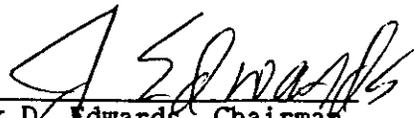
AN ORDINANCE TO AUTHORIZE INCENTIVE AWARDS TO EMPLOYEES COVERED BY THE JAMES CITY COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL FOR PERFORMANCE AS SET FORTH IN SECTION 4.10(C) OF THAT DOCUMENT.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that the Board hereby authorizes the payment of incentive awards pursuant to Section 4.10(C) of the James City County Personnel Policies and Procedures Manual as set forth below:

Section 4.10. Other Salary Changes.

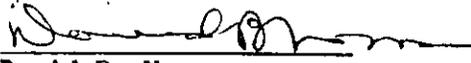
- C. Incentive Awards - An incentive award is a vehicle for recognizing outstanding performance by an individual or group of individuals in a specific assignment, special project, or for a beneficial suggestion or innovative idea which results in one of the following:
  - a. A cost savings or avoidance.
  - b. An innovation which increases productivity or enhances service by causing more work to be accomplished during the standard workday or work shift.
  - c. Identification of a tool or piece of equipment which increases the productivity of the department, specific task or job.
  - d. An improved process or procedure for accomplishing the work which increases productivity or improves services and is measurable.
  - e. A work product which exceeds required work standards for a job based upon consensus of peers in that department or the same field or trade.

The amount of the award shall be determined by the County Administrator, but will normally not exceed 5 percent of the employee's base salary. The incentive award shall be a single lump sum cash payment. It shall not be used as a routine salary supplement. The incentive award shall be documented on the Incentive Award Nomination Form. A copy of the form shall be placed in the employee's personnel file. The receipt of such an award shall not affect the employee's base salary.

  
\_\_\_\_\_  
Jack D. Edwards, Chairman  
Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
NORMENT	AYE
TAYLOR	AYE
MAHONE	AYE
DEPUE	AYE
EDWARDS	AYE

ATTEST:

  
\_\_\_\_\_  
David B. Norman  
Clerk to the Board

Adopted by the Board of Supervisors of James City County,  
Virginia, this 5th day of December, 1988.

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