

**RESOLUTION**

**REVISIONS TO CHAPTER 5 OF THE JAMES CITY COUNTY**

**PERSONNEL POLICIES AND PROCEDURES MANUAL**

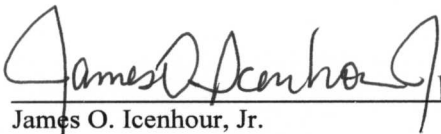
WHEREAS, the James City County Personnel Policies and Procedures Manual is an important document that guides decisions; and

WHEREAS, it is the practice of the County to revise and update policies to reflect changes and improvements; and

WHEREAS, benefits are an important tool in attracting and retaining staff; and

WHEREAS, staff recommends revisions to Chapter 5 of the Personnel Policies and Procedures Manual to update the current benefit threshold of 780 annual work hours to 1,040 annual hours, in addition to updating the Family Medical Leave Act policy to reflect County practice.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that revisions to the Personnel Policies and Procedures Manual listed above and set forth in the staff memorandum are adopted, effective December 1, 2019.



James O. Icenhour, Jr.  
Chairman, Board of Supervisors

ATTEST:



Teresa J. Fellows  
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2019.

CHAPTER 5

EMPLOYEE BENEFITS

Section 5.1 Policy - General

Section 5.2 Eligibility - General

Section 5.3 Holidays

Section 5.4 Leave

Section 5.5 Family and Medical Leave Act (FMLA)

Section 5.6 Health Related Benefits

Section 5.7 Retirement, Disability, and Life Insurance

Section 5.8 Workers' Compensation (Policy) (Procedures)

Section 5.9 Tax-Related Benefits

Section 5.10 Credit Union

Section 5.10+ Employer Assisted Home Ownership Program

Section 5.11/2 Optional, Employee-Paid Benefits

Chapter 5  
Employee Benefits

Section 5.1    Policy - General

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

Given the range of benefits and eligibility requirements, the County will communicate the availability of these benefits to eligible individuals and will provide assistance in understanding and using them.

Section 5.2    Eligibility - General

<b>Position Type</b>	<b>Benefit Eligibility</b>
Full-time regular and limited-term positions	All benefits available; VRS Plan 1, 2, or Hybrid eligibility depending on VRS service criteria; leave plan eligibility depending on VRS Plan 1, 2 or Hybrid;
Part-time regular and limited-term positions	Benefits available where specifically indicated in the policy; eligibility is dependent on date of hire into the part-time position and authorized annual hours
Temporary positions, on call positions, former employees, and retirees	Benefits available where specifically indicated in the policy
Other positions	Benefits eligibility varies by organization; contact the Human Resource Department.
Affordable Care Act Benefits Eligible	Eligible for group health insurance coverage in compliance with the shared responsibility provision of section 4980H of the Internal Revenue Code, enacted by the Patient Protection and Affordable Care Act

Section 5.3    Holidays

The County observes the following eleven designated holidays:

New Year's Day	January 1
Martin Luther King Day	3rd Monday in January
Presidents' Day	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  
 Christmas Eve  
 Christmas Day

Friday following Thanksgiving  
 December 24  
 December 25

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

- A. Eligibility for and Calculation of Holidays. Employees in full-time and part-time regular and limited-term positions are eligible for paid holidays or compensatory leave as listed in the eligibility charts below.

IF an employee is in a Full-Time Position (2,080 or more Annual Authorized Hours)		
AND the employee participates in VRS Plan 1 or 2	THEN paid holidays or compensatory leave is based on the employee's monthly sick leave accrual rate (see Section 5.4.B.9.)	
AND the employee participates in the VRS Hybrid Plan	THEN paid holidays or compensatory leave is 8 hrs.	

IF an employee is in a Part-Time Regular or Limited-Term Position (fewer than 2,080 Annual Authorized Hours)		
AND the employee was hired into a part-time regular or limited-term position before 1/1/2014	AND authorized to work fewer than 2,080 hrs.	THEN the employee's paid holidays or compensatory leave is based on the employee's monthly sick leave accrual rate (see Section 5.4.B.9.)
AND the employee was hired into a part-time regular or limited-term position on or after 1/1/2014	AND authorized to work 1,040-2,079 hrs.	THEN the employee's paid holidays and compensatory leave is 6 hrs.
AND the employee was hired into a part-time regular or limited-term position on or after 1/1/2014 <i>but before 12/1/2019</i>	AND authorized to work 780-1,039 hrs.	THEN the employee's paid holidays and compensatory leave is 3 hrs.

AND the employee was hired into a part-time regular or limited-term position on or after 1/1/2014	AND authorized to work fewer than 780 hrs.	THEN the employee is not eligible for paid holidays or compensatory leave
<i>AND the employee was hired into a part-time regular or limited-term position on or after 12/1/2019</i>	<i>AND authorized to work fewer than 1,040 hrs.</i>	<i>THEN the employee is not eligible for paid holidays or compensatory leave</i>

B. Observance of Holidays

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

C. Working on Holidays

1. If an employee is required to work on an observed holiday, he shall receive holiday pay as outlined in Chapter 4, Section 4.15.

2. Certain employees who are called to work on a County-observed holiday on which they are not scheduled to work may be eligible for premium pay as outlined in Chapter 4, Section 4.17.

Section 5.4 Leave

A. General

1. Policy Statement - James City County recognizes the importance of balancing the productivity needs of the County with the needs of County employees and their families by providing employees with time away from work. It is the policy of the County to provide employees with continued income and benefits during certain approved absences of specified durations.
2. Eligibility - Employees in part-time regular and limited-term positions are eligible for leave on a pro-rated basis with the exception of those hired on or after January 1, 2014, into positions with fewer than 780 annual authorized hours *and those hired on or after December 1, 2019, into positions with fewer than 1,040 annual authorized hours.*

3. Definitions

a. Day

Full or Part Time	Characteristics	Annual Authorized Hours	Day
Full-Time	VRS Plan 1 or 2 Member	2,080 or more	Monthly sick leave accrual rate
Full-Time	VRS Hybrid Plan Member	2,080	8 hours
Part-Time	Hired before 1/1/2014	Fewer than 2,080	Monthly sick leave accrual rate
Part-Time	Hired on or after 1/1/2014	1,040-2,079	6 hours
Part-Time	Hired on or after 1/1/2014 <i>but before 12/1/2019</i>	780-1,039	3 hours
Part-Time	Hired on or after 1/1/2014 <i>but before 12/1/2019</i>	Fewer than 780	None; ineligible
<i>Part-Time</i>	<i>Hired on or after 12/1/2019</i>	<i>Fewer than 1,040</i>	<i>None; ineligible</i>

- b. Immediate Family - The immediate family is defined as: spouse, parent, son, daughter, brother, sister, grandparents, grandchildren, step-children, step-parents, guardian, spouse's parent *and grandparents*, and any persons residing in the same household as the employee.
- c. Week - A week is defined as the annual authorized hours of the employee's position divided by 52.

B. Types of Leave

The County offers the following types of leave. An overview of eligibility, purpose and guidelines is listed below.

1.

Type	Annual Leave																																																								
Eligibility	Employees in full-time regular and limited-term positions who are members of VRS Plan 1 or 2, and employees in part-time regular and limited-term positions who were hired into those positions before January 1, 2014																																																								
Purpose	Any purpose																																																								
Guidelines	<p><u>Accrual</u> Annual leave shall be accrued in accordance with the chart below:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th colspan="4">Monthly Accrual Rate In Hours</th> </tr> <tr> <th>Annual Authorized Hours</th> <th>&lt;5 years of service</th> <th>5&lt;15 years of service</th> <th>&gt;15 years of service</th> </tr> </thead> <tbody> <tr><td>&lt; 261</td><td>1</td><td>1.5</td><td>2</td></tr> <tr><td>261-520</td><td>2</td><td>3.0</td><td>4</td></tr> <tr><td>521-780</td><td>3</td><td>4.5</td><td>6</td></tr> <tr><td>781-1,040</td><td>4</td><td>6.0</td><td>8</td></tr> <tr><td>1,041-1,300</td><td>5</td><td>7.5</td><td>10</td></tr> <tr><td>1,301-1,560</td><td>6</td><td>9.0</td><td>12</td></tr> <tr><td>1,561-1,820</td><td>7</td><td>10.5</td><td>14</td></tr> <tr><td>1,821-2,080</td><td>8</td><td>12.0</td><td>16</td></tr> <tr><td>2,081-2,340</td><td>9</td><td>13.5</td><td>18</td></tr> <tr><td>2,341-2,600</td><td>10</td><td>15.0</td><td>20</td></tr> <tr><td>2,601-2,860</td><td>11</td><td>16.5</td><td>22</td></tr> <tr><td>&gt;2,860</td><td>12</td><td>18.0</td><td>24</td></tr> </tbody> </table> <p>The maximum amount of leave that an employee may accumulate is the amount of leave the employee can earn in</p>	Monthly Accrual Rate In Hours				Annual Authorized Hours	<5 years of service	5<15 years of service	>15 years of service	< 261	1	1.5	2	261-520	2	3.0	4	521-780	3	4.5	6	781-1,040	4	6.0	8	1,041-1,300	5	7.5	10	1,301-1,560	6	9.0	12	1,561-1,820	7	10.5	14	1,821-2,080	8	12.0	16	2,081-2,340	9	13.5	18	2,341-2,600	10	15.0	20	2,601-2,860	11	16.5	22	>2,860	12	18.0	24
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	<p>a two-year period.</p> <p>The employee's leave balance must be within the maximum accumulation amount on July 1 of each year or the excess shall be forfeited.</p> <p><u>Payment for Accumulated Leave Upon Separation from Employment:</u></p> <p>Employees shall receive the monetary equivalent of their annual leave balance up to the annual maximum accumulation. If two weeks' notice is not given by an employee, the equivalent of one day shall be deducted from the leave payments for each day that the employee failed to give notice of termination up to a two-week maximum. Exceptions may be made by the department director.</p>
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2.

<b>Type</b>	<b>Paid Time Off (PTO)</b>
<b>Eligibility</b>	Employees in full-time regular and limited-term positions who are members of the VRS Hybrid Plan, and employees in part-time regular and limited-term position of <del>780</del> <b>1,040</b> or more annual authorized hours who were hired into the part-time position on or after January 1, 2014.
<b>Purpose</b>	May be used by an employee to provide paid absences for any purpose including illness and supplementing short-term disability payments.



Guidelines	<u>Accrual</u>				
	PTO shall be accrued in accordance with the chart below:				
	PTO Monthly Accrual Rate in Hours				
	<b>Annual Authorized Hours</b>	<b>&lt;5 Years of Service</b>	<b>5-10 Years of Service</b>	<b>10-15 Years of Service</b>	<b>15+ Years of Service</b>
	<780	Ineligible; no PTO accrued	Ineligible; no PTO accrued	Ineligible; no PTO accrued	Ineligible; no PTO accrued
	780-1,039 <i>If hired before 12/1/2019</i>	3.0	3.5	4.0	4.5
	1,040-2,079	6.0	7.0	8.0	9.0
	2,080	12.0	14.0	16.0	18.0
<i>&lt;1,040 If hired after 12/1/2019</i>	<i>Ineligible; no PTO accrued</i>	<i>Ineligible; no PTO accrued</i>	<i>Ineligible; no PTO accrued</i>	<i>Ineligible; no PTO accrued</i>	
<p>Employees do not accrue leave while on short-term or long-term disability.</p> <p>The maximum amount of PTO that an employee may accumulate is the amount of leave the employee can earn in a one-year period.</p> <p>The employee's PTO leave balance must be within the maximum accumulation amount on July 1 of each year or the excess shall be forfeited.</p> <p><u>Use</u></p> <p>a. <u>Scheduled Absences</u> - PTO should be scheduled in advance for time off for vacations, personal leave appointments or other reasons. It is subject to supervisor approval, department staffing needs and established department procedures.</p> <p>b. <u>Unscheduled Absences</u> - While sometimes unavoidable, unscheduled absences can adversely affect the operations of the department. The supervisor</p>					

	<p>may request the employee provide documentation in accordance with department policy or County procedures or regulations.</p> <p>c. <u>Supplement to Short-Term Disability Payments</u> - Accrued PTO may be used by full-time employees wishing to increase STD payments up to 100% or full pay.</p> <p><u>Payment for Accumulated Leave Upon Separation from Employment</u>          Employees shall receive the monetary equivalent of their PTO balance up to the annual maximum accumulation. If two weeks' notice is not given by an employee, the equivalent of one day shall be deducted from the leave payments for each day that the employee failed to give notice of termination up to a two-week maximum. Exceptions may be made by the department director.</p>
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3.

<u>Type</u>	Sick Leave
<u>Eligibility</u>	Employees in full-time regular and limited-term positions who are members of VRS Plan 1 or 2, and employees in part-time regular and limited-term positions who were hired in to those positions before January 1, 2014.
<u>Purpose</u>	May be used by an employee to provide paid absences for health-related reasons as outlined below. Accumulated sick leave provides continued income for employees during periods of disability.

Guidelines	<p>Sick leave provides paid absences for the following reasons:</p> <ol style="list-style-type: none"> <li>a. A personal illness, injury, and/or disability not incurred in the line of duty, which incapacitates the employee from being able to perform assigned duties;</li> <li>b. Appointments for examination and/or treatment related to health when approved in advance by the department director and when such appointments cannot reasonably be scheduled during nonwork hours.</li> <li>c. An illness or appointment for examination and/or treatment related to the health of an immediate family member requiring the attendance of the employee and approved by the department director, not to exceed twelve (12) days per fiscal year. A day is defined in Section 5.4.A.3.a. Use of additional sick leave in excess of the permitted allowance may be approved if recommended by the department director and approved by the Human Resource Director.</li> </ol> <p><u>Accrual</u></p> <ol style="list-style-type: none"> <li>a. Sick leave shall be accrued in accordance with the chart below:</li> </ol> <table border="1" data-bbox="743 1115 1166 1745"> <thead> <tr> <th data-bbox="743 1115 980 1268">Annual Authorized Hours</th> <th data-bbox="980 1115 1166 1268">Monthly Accrual Rate In Hours</th> </tr> </thead> <tbody> <tr><td data-bbox="743 1268 980 1304">&lt;261</td><td data-bbox="980 1268 1166 1304">1</td></tr> <tr><td data-bbox="743 1304 980 1339">261-520</td><td data-bbox="980 1304 1166 1339">2</td></tr> <tr><td data-bbox="743 1339 980 1375">521-780</td><td data-bbox="980 1339 1166 1375">3</td></tr> <tr><td data-bbox="743 1375 980 1411">781-1,040*</td><td data-bbox="980 1375 1166 1411">4</td></tr> <tr><td data-bbox="743 1411 980 1446">1,041-1,300</td><td data-bbox="980 1411 1166 1446">5</td></tr> <tr><td data-bbox="743 1446 980 1482">1,301-1,560</td><td data-bbox="980 1446 1166 1482">6</td></tr> <tr><td data-bbox="743 1482 980 1518">1,561-1,820</td><td data-bbox="980 1482 1166 1518">7</td></tr> <tr><td data-bbox="743 1518 980 1554">1,821-2,080</td><td data-bbox="980 1518 1166 1554">8</td></tr> <tr><td data-bbox="743 1554 980 1589">2,081-2,340</td><td data-bbox="980 1554 1166 1589">9</td></tr> <tr><td data-bbox="743 1589 980 1625">2,341-2,600</td><td data-bbox="980 1589 1166 1625">10</td></tr> <tr><td data-bbox="743 1625 980 1661">2,601-2,860</td><td data-bbox="980 1625 1166 1661">11</td></tr> <tr><td data-bbox="743 1661 980 1745">&gt;2,860</td><td data-bbox="980 1661 1166 1745">12</td></tr> </tbody> </table> <ol style="list-style-type: none"> <li>b. There is no limit to the amount of sick leave an employee may accrue.</li> </ol>	Annual Authorized Hours	Monthly Accrual Rate In Hours	<261	1	261-520	2	521-780	3	781-1,040*	4	1,041-1,300	5	1,301-1,560	6	1,561-1,820	7	1,821-2,080	8	2,081-2,340	9	2,341-2,600	10	2,601-2,860	11	>2,860	12
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Payment for Accumulated Leave Upon Separation from Employment

Employees with two (2) years or more of continuous service with the County shall be compensated for their sick leave balance at the rate of one hour's pay for every four hours of accrued sick leave or the maximum amount listed below, whichever is less. If two weeks' notice is not given by the employee, or if the employee is discharged for disciplinary reasons, sick leave payments shall be forfeited. Exceptions may be made by the department director.

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

Sick Leave Bank

Employees may elect to pool accumulated sick leave into a sick leave bank for the purpose of providing participating employees additional leave for extended illness or injury. Such a bank shall be supported by employees and shall cease to exist should there be insufficient employee interest.

4.

Type	Funeral Leave
Eligibility	All employees in full-time and part-time regular and limited-term positions except those hired on or after 1/1/2014 into part-time and limited-term positions which have annual authorized hours fewer than 780 <i>and those hired on or after December 1, 2019 which have annual authorized hours fewer than 1,040.</i>
Purpose	May be used by an employee to provide paid absences upon the death of a member of an employee's immediate family.
Guidelines	<u>Amount of Leave</u> Funeral leave, if requested by the employee, shall be granted by the supervisor for up to three (3) days as defined in Section 5.4.A.3.a. per death of an employee's immediate family member. Exceptions may be granted by the department director.

5.

Type	Leave Without Pay
Eligibility	All employees in full-time and part-time regular and limited-term positions who are eligible to accrue leave. See Section 5.4.A.2.
Purpose	May be used by an employee to provide unpaid absences for a variety of reasons outlined below including any mutually agreeable reason.
Guidelines	<p>An employee shall be on leave without pay under the following circumstances:</p> <ul style="list-style-type: none"> <li>a. Approved absence for which the employee has insufficient accrued leave, or for which the employee elects, with the concurrence of the department director, not to use accrued leave;</li> <li>b. Absences authorized as a condition of employment;</li> <li>c. Unapproved absence from the job during a scheduled work period;</li> <li>d. Suspension without pay as defined in Section 7.5.C; or</li> <li>e. Furlough, or required unpaid time off for a defined group of employees, directed by the County Administrator due to fiscal constraints.</li> </ul> <p><u>Impact on Other Benefits and Conditions of Employment</u></p> <ul style="list-style-type: none"> <li>a. PTO or sick and annual leave shall not be earned for any pay period during which an employee takes leave without pay that is not approved prior to use or which exceeds one full work day.</li> <li>b. An employee's first performance increase after returning to work shall be pro-rated for each period of thirty (30) consecutive calendar days the employee is on leave without pay. <i>Exceptions to proration are made for qualified FMLA absences.</i></li> <li>c. The County shall pay its share of County health and life insurance premiums during approved leave without pay unless otherwise provided in writing to the employee.</li> <li>d. Should an employee fail to return to work by the date the employee agreed to in writing, the County Administrator may declare the employee to have terminated voluntarily as of the expected return to work date, except where the employee requires additional time off under the Family and Medical Leave Act, Section 5.5, or is on short-term disability. An employee who accepts employment elsewhere while on leave without pay, unless approved, shall be</li> </ul>

	considered to have terminated employment with the County without notice as of the original date the leave was begun.
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6.

Type	Military Leave						
Eligibility	All employees in full-time and part-time regular and limited-term positions who are eligible to accrue leave. See Section 5.4.A.2.						
Purpose	May be used by an employee who is a member of one of the covered military, security, or recovery organizations listed below to provide paid absences for the reasons and duration outlined below:						
Guidelines	<p><u>Legal Basis</u> James City County is committed to ensuring that our Personnel Policies are in compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) Title 38 and as amended by Title 42.</p> <p>Certain activated employees in organizations other than the uniformed service are intermittent federal employees and are considered members of the uniformed service for purposes of USERRA.</p> <p><u>Covered Organizations and Qualifying Reasons</u></p> <table border="1"> <thead> <tr> <th>Covered Organizations</th> <th>Qualifying Reason</th> </tr> </thead> <tbody> <tr> <td>The organized reserve forces of any of the armed services of: The United States National Guard Naval Militia</td> <td>Annual active duty for training. Called to active duty. Called forth by the Governor during a disaster. Other reasons covered by USERRA.</td> </tr> <tr> <td>Members of the Department of Homeland Security/Federal Emergency Management Agency's (FEMA) Disaster Medical System, to include: Disaster Medical Assistance Team (DMAT) Disaster Mortuary Operational Response Team (DMORT) Other groups as required by law</td> <td>Federal deployment and/or training during regularly scheduled work hours.</td> </tr> </tbody> </table>	Covered Organizations	Qualifying Reason	The organized reserve forces of any of the armed services of: The United States National Guard Naval Militia	Annual active duty for training. Called to active duty. Called forth by the Governor during a disaster. Other reasons covered by USERRA.	Members of the Department of Homeland Security/Federal Emergency Management Agency's (FEMA) Disaster Medical System, to include: Disaster Medical Assistance Team (DMAT) Disaster Mortuary Operational Response Team (DMORT) Other groups as required by law	Federal deployment and/or training during regularly scheduled work hours.
Covered Organizations	Qualifying Reason						
The organized reserve forces of any of the armed services of: The United States National Guard Naval Militia	Annual active duty for training. Called to active duty. Called forth by the Governor during a disaster. Other reasons covered by USERRA.						
Members of the Department of Homeland Security/Federal Emergency Management Agency's (FEMA) Disaster Medical System, to include: Disaster Medical Assistance Team (DMAT) Disaster Mortuary Operational Response Team (DMORT) Other groups as required by law	Federal deployment and/or training during regularly scheduled work hours.						

Amount of Leave

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

*Weekend drills are not a qualifying reason.*

Duration of Leave and Associated Pay and Benefits

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

Special Circumstances

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

- a. A Military Pay Differential in the amount of the difference between the employee's military base pay plus basic allowances for housing and subsistence, and the employee's regular County base pay. If the employee's military pay plus allowance exceeds the County pay, no differential shall be paid.

Employee Responsibility

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

Return to Work

- a. The employee may use up to five years of cumulative service and still retain reemployment rights as provided by USERRA.
- b. The position that the employee is eligible to return to after active duty service depends on the length of that service as provided by USERRA.

	<p>c. The employee's terms of employment are controlled by the Personnel Policies and Procedures Manual and applicable USERRA provisions.</p> <p>d. If the employee does not return to work after deactivation as prescribed by law, the County Administrator may declare the employee to have terminated voluntarily as of the expected return to work date.</p> <p><u>Urban Search and Rescue</u>  Members of the Department of Homeland Security/FEMA's Urban Search and Rescue Team (US&amp;R) are not considered intermittent federal employees or members of the uniformed services under USERRA. These employees when activated will be paid according to the Mutual Aid Agreement Memorandum of Understanding concerning US&amp;R team membership and FEMA reimbursement policies in effect at the time of activation.</p>
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7.

<b>Type</b>	Volunteer and School Leave
<b>Eligibility</b>	Employees in full-time and part-time regular and limited-term positions except those hired on or after 1/1/2014 into part-time regular and limited-term positions which have fewer than 780 annual authorized hours. <i>Part-time regular employees hired after December 1, 2019 who work a minimum of 1,040 annual hours.</i>
<b>Purpose</b>	<p>School Leave may be used by an employee to provide paid absences to perform volunteer work in a school, to meet with a teacher or administrator concerning the employee's children, step-children, or children over whom the employee has custody, or to attend a school function in which such a child is participating. School leave may be used for these purposes in a public or private elementary, middle, or high school, or a licensed preschool or daycare center.</p> <p>Volunteer Leave may be used by an employee to provide paid absences to perform volunteer work as part of an organized service project through a recognized nonprofit or governmental organization.</p>
<b>Guidelines</b>	Employees in full-time regular and limited-term positions may take up to eight (8) hours of School Leave per fiscal year and up to eight (8) hours of Volunteer Leave per fiscal year.



	Employees in part-time regular and limited-term positions may take up to one day as defined in Section 5.4.A.3.a.
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8.

Type	Short-Term Disability (STD)
Eligibility	Employees in full-time regular and limited-term positions who are VRS Hybrid Plan members.
Purpose	May be used by an employee to provide paid absences for illnesses or injuries including Workers' Compensation meeting the criteria set forth in the Code of Virginia.
Guidelines	Details of coverage are available from the Human Resource Department.

Section 5.5     Family and Medical Leave Act (FMLA)

- A.     Policy Statement - James City County policy complies with the Family and Medical Leave Act (FMLA) of 1993 (as revised January 16, 2009). The function of this policy is to provide employees with a general description of their FMLA rights. This policy summarizes the key provisions of the Act; employees should refer to the Act itself or contact Human Resources if more specific detail is needed. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law. Under this policy, James City County will grant up to 12 weeks of time away from work (or up to a total of 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness incurred in the line of duty while on active duty) during a 12-month period to eligible employees. The leave taken under FMLA may be paid, unpaid or a combination of paid and unpaid leaves, depending on the circumstances of the leave and in accordance with Sections 5.4 and 5.5. A request for determination of eligible leave under FMLA may be initiated by the employee, the supervisor, or the Human Resource Department in accordance with their respective responsibilities outlined in Sections 5.5.F, 5.5.G, and 5.5.H.
  
- B.     Eligibility - To qualify for FMLA under this policy, the employee must meet all of the following conditions:
  - 1.     The employee must have worked for the County for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive.
  - 2.     The employee must have worked at least 1,250 hours during the 12-month period immediately before the date the leave is requested to begin. Hours actually worked will be counted in determining the 1,250 hours; paid or unpaid time off will not be counted.
  
- C.     Definitions
  - 1.     Day - See Section 5.4.A.3.a.

2. Fiscal Year - July 1 through June 30.
3. In loco parentis - Acting as a temporary guardian of a child.
4. Next of Kin - The closest blood relative of the injured or recovering service member.
5. Parent - The biological, adoptive, step, or foster parent or other person who stands “in loco parentis” to the employee.
6. Qualifying Exigency - One of the following:
  - a. short-notice deployment,
  - b. military events and activities,
  - c. child care and school activities,
  - d. financial and legal arrangements,
  - e. counseling,
  - f. rest and recuperation,
  - g. post-deployment activities and
  - h. additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.
7. Serious Health Condition - An illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. The “continuing treatment” test for a serious health condition under the regulations may be met through:
  - a. a period of incapacity of more than three consecutive, full calendar days plus treatment by a health care provider twice, or once with a continuing regimen of treatment,
  - b. any period of incapacity related to pregnancy or prenatal care,
  - c. any period of incapacity or treatment for a chronic serious health condition,
  - d. a period of incapacity for permanent or long-term conditions for which treatment may not be effective, or
  - e. any period of incapacity to receive multiple treatments (including recovery from those treatments) for restorative surgery, or for a condition which would likely result in an incapacity of more than three consecutive, full calendar days absent medical treatment.
8. Son or Daughter - A biological or adopted child or foster child, a step-child, a legal ward, or a child of a person standing “in loco parentis” who is under 18 years of age. FMLA leave may apply to a son or daughter defined in this section who is over 18 if either of the following two situations apply:
  - a. The child is incapable of self-care because of mental or physical disability.
  - b. Leave is requested and approved for a qualifying exigency.
9. Spouse - A husband or wife.

10. 12-month period -
  - a. For military caregiver leave, the 12-month period begins on the first day that leave is taken and ends 12 months later.
  - b. For determining the 1,250-hour eligibility provision, the 12-month period begins 12 months prior to the start of the FMLA leave.
11. Week - The annual authorized hours of the employee's position divided by 52.

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

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

E. Amount of Allowable FMLA Leave

1. *Allows ~~a~~An eligible employees ~~may take up to~~ take leave from work for up to a total of 12 work weeks of paid, unpaid or a combination of paid and unpaid leaves ~~of for the FMLA leave reasons specified in Sections 5.5.D.1, 5.5.D.2 and 5.5.D.5~~ during a fiscal year. Each time an employee takes leave that qualifies under FMLA, the County will compute the amount of leave the employee has taken under this policy during the fiscal year and subtract it from the 12 weeks of available leave. The balance remaining is the amount of FMLA leave the employee *may* take until the end of that fiscal year.*
2. *An eligible employee may take up to 12 weeks ~~paid, unpaid, or a combination of paid and unpaid leave~~ for the birth of a child or the placement of a child for adoption or foster care, to care for a spouse, child or parent with a serious health condition, or where the employee suffers from a serious health condition. FMLA leave to bond with a child must be taken within one year of the child's birth or placement and must be taken as a continuous block of leave.*

3. An eligible employee may take up to 26 weeks for the FMLA reason of military caregiver specified in Section 5.5.D.6 of this policy during leave during a single 12-month period which begins beginning on the first day the eligible employee takes military caregiver leave, and ends 12 months after that date. During this single 12-month period, the employee may also take leave for a different eligible FMLA-related event, but the employee is entitled to a combined total of 26 workweeks of military caregiver leave and leave for any other FMLA-qualifying reason in this single 12-month period. Under this policy, up to a total of 26 weeks of military caregiver leave is available to care for a covered service member with a serious injury or illness incurred in the line of duty while on active duty during a 12-month period the calendar fiscal year to eligible employees.
4. If a husband and wife both work for the County and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, the husband and wife may take a combined total of 12 weeks of FMLA leave during the fiscal year. If a husband and wife both work for the County and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may take a combined total of 26 weeks of FMLA leave during a 12-month period.
5. An employee who uses accrued paid leave to cover some or all of the FMLA leave must take it in accordance with County policy as defined in Section 5.4.F of this policy.
6. If paid leave is used, such time will also be counted concurrently toward the 12 weeks granted under FMLA. Disability leave for the birth of a child and for an employee's own serious health condition, will be designated as FMLA.
- 6-7. Worker's Compensation injuries or illnesses will be designated as FMLA and will run concurrently with FMLA after 6 months of date of injury.
- 7-8. Employees in VRS Plan 1 or Plan 2 will be given an additional 14 weeks upon the completion of the original FMLA designation. This will provide employees the same benefit as those covered under the VRS Hybrid plan for short-term disability.

F. Employee Responsibilities - An eligible employee requesting time off for one of the reasons listed in section 5.5.D eligible FMLA reasons must comply with their department's usual and customary notice and procedural requirements for requesting leave. When an employee does not comply with James City County's usual notice and procedural requirements, and no unusual circumstances justify the failure to comply, FMLA-protected leave may be delayed, denied, or rescheduled.

1. *An employee requests FMLA paperwork from Human Resources and informs supervisor the purpose for leave. Notice should be provided 30 days in advance if leave is foreseeable. When advance notice is not possible, the employee must provide notice within 5 working days of event or as soon as practicable and must comply with the Department's absence notification procedures;*
2. *An employee must work with the supervisor to identify the type of County leave(s) which will be taken during the absence; and*
3. *Provide medical certification within 15 calendar days of the request for leave if the situation necessitating the absence and anticipated duration of leave if foreseeable. Medical certification will be provided using the appropriate Department of Labor form obtainable from Human Resources or the DOL web site;*
4. *An employee must advise their supervisor and the Human Resource Department if leave is to be taken intermittently, or on a reduced work schedule basis;*
5. *An employee should contact Human Resources to make benefit payments if necessary;*
6. *Employees should keep their supervisor and the Human Resources informed of the status of the absence, including any change in the circumstances for which the leave is being taken, and the employee's anticipated return to work;*
7. *Prior to returning to work, an employee must provide to the Human Resource Department a fitness for duty certification from their physician if the leave was taken for the employee's own serious health condition. Human Resources will notify supervisor of the return to work date and if the employee has any restrictions.*

G. Supervisor Responsibility - If an employee requests leave for *and eligible FMLA event* ~~one of the purposes listed in Section 5.5.D of this policy,~~ or when an employee has been absent for more than *five (5)* consecutive workdays for reasons which may make the employee eligible ~~under~~ for FMLA, the supervisor *must* inform Human Resources of the absence so that Human Resources may inform the employee in writing, of their rights and responsibilities under FMLA.

1. *The Supervisor must inform Human Resources of any contact with the employee regarding the extension of FMLA leave or if the employee has been released to return to work sooner than expected.*
2. *The Supervisor must not allow the employee to return to work until Return to Work Form has been provided to Human Resources.*

H. Human Resource Responsibilities:

1. Post and provide general notice to all employees of their FMLA rights and responsibilities;

2. Upon learning of the employee's absence, notify the employee within five (5) workdays that the leave may qualify for and be designated as leave under FMLA;
  3. Review the employee-submitted documentation to determine if the employee's absence qualifies under FMLA;
  4. If the absence does not qualify for FMLA, confirm that in writing to the employee including the reason(s) the employee is not eligible;
  5. If the absence does qualify for FMLA:
    - a. Confirm the employee's eligibility for FMLA in writing including ending date of leave;
    - b. Maintain group health benefits as if the employee continued to work instead of taking leave;
    - c. Notify the employee concerning the status of benefits while on leave; and
    - d. ~~Designate and track the absence under FMLA.~~ Notify the employee's supervisor of the qualified FMLA absence so tracking of leave may begin.
    - e. Upon completion of an employee's absence under FMLA:
  6. *Notify supervisor of return to work date any restriction upon receipt.*
    - a. Ensure the employee is returned to the same or equivalent position based upon the FMLA provisions; and
    - b. Track the employee's remaining available time and the remaining eligible time period.
- I. Recertification/Second Opinion - James City County may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the employee or the County receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the County may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with the FMLA absence. The County may provide the employee's health care provider with the employee's attendance records and ask if the need for leave is consistent with the employee's serious health condition. If the County has reason to doubt the validity of the medical certification, the County, at its own expense, may require the employee to obtain a second opinion and, if the employee's health care provider's certification and the second opinion certification conflict, a third opinion certification.
- J. Additional Information - Employees seeking more detailed information may contact the Human Resource department or consult the Family and Medical Leave Act itself and/or the appropriate areas of the Department of Labor web site.

Section 5.6 Health Related Benefits

- A. Policy Statement - James City County recognizes the importance of the physical and mental health of employees and their dependents to the employees' quality of life and productivity at work. It is the policy of James City County to provide employees with assistance to care for their physical and mental health.
- B. Health Insurance
1. Group Health Insurance Plan - The County shall provide at least one group health insurance option.
  2. Eligibility and Cost
    - a. Employees in full-time regular and limited-term positions and employees identified as eligible under the Affordable Care Act, their spouses, and dependent children are eligible for group health insurance coverage. The County shall pay at least a portion of the cost of the group health insurance coverage for active employees.
    - b. Retirees, at least 50 years of age, who have worked for the County for at least 15 years or who have worked for the County fewer than 15 years but have retired because of a Line of Duty Act injury, are eligible to continue group health insurance for themselves and their dependents until they are eligible for Medicare, if they elect to participate prior to leaving County employment. The County bears none of the cost for this coverage; however, the retiree may be eligible for a VRS Retiree Health Insurance Credit. See Sections 5.7.B.2.b and 5.7.C.3.
    - c. Employees who are terminating employment or reducing their hours to part-time may elect to continue the group insurance coverage for themselves and their dependents at that time. This option is available only for as long as the employee or eligible family member is not covered by another group plan and only for designated periods of time. The County bears none of the cost of this coverage and an administrative charge is added to the premium.
  3. Medicare - Both the County and the employee contribute to the Medicare account of employees in full-time and part-time regular, limited-term, temporary, and on-call positions as required by law. All questions regarding Medicare coverage should be directed to the Social Security Administration.

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

Section 5.7 Retirement, Disability and Life Insurance

- A. Policy Statement - James City County recognizes the importance of income after retirement and in the event of disability, and the financial needs of surviving family members in the event of death. It is the policy of the County to assist employees in meeting these needs through financial contributions to retirement and insurance plans or by providing group plans in which employees may choose to participate at their own expense.
- B. Retirement - James City County believes that an employee is best served by having retirement income from more than one source. It is the policy of the County to contribute towards Social Security (FICA) and the Virginia Retirement System (VRS), on behalf of the employee. The County also provides an IRS Section 457 Deferred Compensation Plan to which the employee may choose to contribute. The County may match a portion of those contributions as outlined in Section 5.7.B.3.b.
  - 1. Social Security (FICA) - Both the County and the employee contribute to the social security account of employees in full-time and part-time regular, limited-term, temporary, and on-call positions as required by law. All questions, including those regarding estimated retirement income, account balances, and the like, should be directed to the local Social Security Administration Office.
  - 2. VRS Service Retirement
    - a. The County's retirement plan is administered by the Virginia Retirement System (VRS). VRS Plans 1 and 2 are defined benefit plans qualified under the Internal Revenue Service Code. The VRS Hybrid Plan has both a defined benefit and defined contribution



component. The VRS is governed by the Code of Virginia, and changes to the law can be made by an act of the General Assembly. Some items are optional to local governments.

The VRS outlines the factors used to determine the defined benefit retirement benefit such as whether the employee is in Plan 1, 2, or the Hybrid Plan, age, average final compensation, and years of VRS service.

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

### 3. Deferred Compensation

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

C. Disability

1. VRS Plan 1 and 2 Members - The VRS provides an employee with disability retirement if the employee becomes mentally or physically unable to perform the employee's present duties, the disability is likely to be permanent, and the employee is under age 65. Employees are eligible from the first day of employment, provided the disability did not exist at the time of employment, and regardless of whether the cause of the disability is work-related or is compensable under Workers' Compensation.
2. VRS Hybrid Plan Members - are eligible for Long-Term Disability (LTD) coverage in accordance with the provisions implemented under the Code of Virginia. If benefits are approved by the LTD insurance carrier, benefits may continue until service retirement age.
3. Health Insurance Credit - Generally, a credit of \$45 per month is available to employees who retire on disability regardless of the years of VRS service to help defray the cost of health insurance premiums. This reimbursement for health insurance premiums is included in the VRS retirement payment and is non-taxable. (Effective 7-1-2006)

D. Life Insurance

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

Section 5.8 Workers' Compensation

A. Policy Statement

When an employee experiences an employment-related injury or illness as defined in the Workers' Compensation Act of the Code of Virginia, the County provides medical reimbursement, lost wage payments, and fixed awards as outlined in the Code of Virginia. The County also provides a salary supplement

to help offset the difference between the lost wage payment and the employee's normal net pay, after taxes. Employees do not accrue leave while on Workers' Compensation. Where the injury or illness is outside the scope of the Code, employees are encouraged to contact the Human Resource Department to determine what other benefits may apply.

B. Eligibility

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

Section 5.9 Tax-Related Benefits

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

~~Section 5.10 Credit Union~~

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

Section 5.10<sup>4</sup> Employer Assisted Home Ownership Program

- A. Policy Statement - James City County recognizes the value of having employees live in the community they serve when possible economically and considering family circumstances. It is the policy of the County to assist employees who meet eligibility requirements to purchase a home in the community.
- B. Legal Basis - County Code Section 2-15.2 authorizes the County program in accordance with Code of Virginia Section 15.2-958.2.

- C. Benefits - eligible employees may receive matching funds up to the maximum allowed by the Program if they purchase a primary residence in James City County or the City of Williamsburg and they meet all program terms and conditions.
- D. Repayment of Matching Funds - In accordance with the terms of the Program, employees are required to repay some or all of the funds received if they do not remain in County employment and live in the residence for an amount of time specified in the program terms and conditions.

Section 5.1/2 Optional, Employee Paid Benefits

From time to time the County may offer optional benefits that it deems of value to employees, and which are 100 percent employee paid.