

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 8TH DAY OF JUNE, 1999, AT 7:00 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 (Absent)
David L. Sisk, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District
Ronald A. Nervitt, Powhatan District
M. Anderson Bradshaw, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. PLEDGE OF ALLEGIANCE

Mr. Sisk invited the audience and staff to recite the Pledge of Allegiance in honor of Flag Day, June 14, 1999.

Mr. Edwards arrived at 7:01 p.m.

C. PUBLIC COMMENT

1. Mr. Jay Everson, 103 Branscome, expressed dissatisfaction that no one would be found responsible for the repairs needed at Toano Middle School, and taxpayers would ultimately pay the costs.
2. Mr. Jack Ryan, 3505 Hunter's Ridge, expressed displeasure with the County/City of Williamsburg share of costs for the Courthouse and the public schools in light of City of Williamsburg lower real estate tax rate.
3. Mr. Ed Oyer, 139 Indian Circle, spoke about the seriousness of water shortage, and asked that a response be provided to his question why was 2,600-foot cul-de-sac allowed in The Retreat subdivision on Barnes Road.

D. PRESENTATIONS

1. Outstanding Employee Service Awards

Mr. Edwards presented awards to five individuals and three groups of employees: Randall Watkins, Paul Tubach, Gwendolyn Gay, Alyce Donelson, Iris Street and Mary Hubbard; Group represented by Amanda Dresser, Gwendolyn Gay and Vivian Van Holten - Marlene Blakely, David Butler, Ned Cheely, Anthony Conyers, Jr., Bob Donnelly, Amanda Dresser, Joe Edmunds, Gwendolyn Gay, Troy Howard, Diana Hutchens, Diane Jackson, Amanda Jacobs, Mary Ann Lee, Scott Marshall, Howard Mason, Doug Powell, Adriene Ruttlely, Julia Sargeant, Maurice Smith, Iris Street, Tony Sutton Brian Taber, Vivian Van Holten; Group represented by Robert Key and

Tal Luton - George Adams, Joe Basilone, Bill Bauernschmidt, Wilton Bobo, Peter Brown, Ned Cheely, Diane Clarq, Chris Courson, Dave Daigneault, Joe Davis, Larry Foster, Jeff Hall, Willie Howlett, Diana Hutchens, Bob Key, Mary Ann Lee, Jane Leonard, Tal Luton, Pat Martin, Carole Martin, Ken Middlebrook, Richard Miller, Linda Odell, Bill Porter, Doug Powell, Jody Puckett, Bob Ryalls, Patty Sharp, Wayne Thompson, Sandy Wanner, Bernadette Williams and Justin Witt; Group represented by a person from each department - Steve Ackert, John Alpers, Allen Atkinson, Joe Basilone, Bill Bauernschmidt, Grace Boone, Don Breland, Kurt Burcham, Kim Byers, Mary Clark, Tom Coghill, Garland Dalton, Ron Dear, Scott Denny, Walter Elliott, Mark Eversole, Mike Finkelstein, Larry Foster, Mike Gentry, Katie Green, Sharon Hamlin, Patsy Hansel, Susanne Hendricks, Lisa Hile, Rick Hinson, Mitzi Holley, John Horne, Reed Johnson, Mac Julian, Rose King, Keith Leonard, Gerald Leonard, Jane Leonard, Keith Letchworth, Joe Mabe, Susan Malechek, David Meador, Lisa Means, Pat Menichino, Doug Murrow, Craig Nordeman, Phil Paquette, John Patton, Scott Pearson, Jim Pendo, Jeff Porter, Jennifer Privette, John Richardson, John Robins, Tim Rogers, Leo Rogers, Mark Rogers, Jr., Wes Saunders, Gerald Sprouse, Steve Stephenson, Buddy Stewart, James Stone, Jane Townsend, Bernadette Williams, Ellis Woodruff, Mitch Worden, and Pen Eckert, Volunteer.

E. CONSENT CALENDAR

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

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

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

1. Minutes of May 25, 1999, Regular Meeting, and May 26, 1999, Work Session
2. Dedication of Street - Little Creek Reservoir Park

RESOLUTION

DEDICATION OF STREET IN LITTLE CREEK RESERVOIR PARK

WHEREAS, the street described on the attached Additions Form SR-5(A), fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the street described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED that this Board guarantees the Virginia Department of Transportation access to the Park's parking lot for the purpose of turning vehicles around.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

3. Revised Benefits Chapter and Related Changes to the Personnel Policies and Procedures Manual

RESOLUTION

REVISIONS TO CHAPTER 5, BENEFITS, AND TO SECTIONS 1.2, 1.3, 4.1, AND 4.12, OF

THE PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, policies on employee benefits should clearly reflect the County's values as stated in the Strategic Management Plan; and

WHEREAS, policies should be organized and expressed in a manner that is easy to understand and to use; and

WHEREAS, policies should be kept current; and

WHEREAS, refinements are needed to ensure that Chapter 5 and above-referenced sections of the Personnel Policies and Procedures Manual meet the foregoing objectives.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the attached changes to the Personnel Policies and Procedures Manual effective July 1, 1999.

F. PUBLIC HEARINGS

1. Case No. SUP-10-99. James City Service Authority Warhill Gravity Sewer Extension

Mr. Christopher M. Johnson, Planner, stated that Mr. Larry M. Foster, on behalf of the James City Service Authority, had applied for a special use permit to allow construction of approximately 3,800 feet of 12-inch gravity sewer main, zoned R-2, General Residential, and R-8, Rural Residential, located from the rear of Longhill Station subdivision off Centerville Road to the rear of Mallard Hill subdivision off Longhill Road, further identified as Parcel Nos. (1-17), (1-12), (1-80), and (1-29) on James City County Real Estate Tax Map Nos. (31-2), (32-1), (31-1), and (31-3).

Mr. Johnson stated that Pump Station 7-3 behind Forest Glen subdivision would be eliminated once the new gravity main became available. He further stated that staff determined the proposed sewer main was compatible with surrounding zoning and development and was consistent with the Comprehensive Plan.

Mr. Edwards opened the public hearing.

1. Mr. Larry M. Foster, General Manager, James City Service Authority, stated that agreement had been reached for the easement, but due to the death of the property owner, the documentation had been delayed. Mr. Foster requested deferral until the July 13, 1999, Board of Supervisors' meeting.

Mr. Edwards continued the public hearing until July 13, 1999, Board of Supervisors meeting.

2. Case No. SUP-9-99. Victorian Acres Bed and Breakfast

Mr. Matthew W. Maxwell, Senior Planner, stated that Ms. Victoria Caramanica had applied for a special use permit to allow two guestrooms for rental, with a third guestroom for rental added at a future date contingent upon Health Department approval, in an existing structure, and a gift shop in a small accessory structure located to the rear of the house, on 3.3± acres, zoned A-1, General Agricultural, located at 8841 Richmond Road, further identified as Parcel No. (1-29) on James City County Real Estate Tax Map No. (11-1).

Staff determined surrounding zoning and development consisted of single-family homes and undeveloped property, and the proposal was generally consistent with the Comprehensive Plan as the residential dwelling would not be altered and little additional traffic generated.

In concurrence 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 hearings.

Mr. Sisk stated that he would abstain from the vote because the applicant was a business client.

Mr. Bradshaw made a motion to approve the resolution.

On a roll call, the vote was: AYE: Nervitt, McGlennon, Bradshaw, Edwards (4). NAY: (0). ABSTAIN: Sisk (1).

RESOLUTION

CASE NO. SUP-9-99. VICTORIAN ACRES BED AND BREAKFAST

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 May 3, 1999, recommended approval of Case No. SUP-9-99 by a vote of 7 to 0 to permit the operation of a bed and breakfast and accessory gift shop on Parcel No. (1-29) on James City County Real Estate Tax Map No. (11-1).

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-9-99 as described herein with the following conditions:

1. The total area dedicated to the gift shop shall not exceed 250 square feet in floor area.
2. The owner/operator of the bed and breakfast shall reside on premises.
3. In addition to the owner occupied bedroom, there shall be no more than two bedrooms available for rental to visitors. In the event that the Health Department approves an upgrade to the existing sewage disposal system that would accommodate the use of a fourth bedroom, the owner may rent up to three bedrooms to visitors. "Visitor" shall be defined as a person who secures lodging and a meal for less than 21 consecutive days.

4. Freestanding signage shall be limited to one ten-square-foot sign to be approved by the Planning Director. The sign, if illuminated, shall be externally illuminated. The lighting design shall be approved by the Planning Director prior to installation.
5. The location, design, and size of any new parking areas shall be approved by the Planning Director prior to final site plan approval. Parking shall be prohibited in front of the structure.
6. A standard Virginia Department of Transportation (VDOT) private entrance shall be installed in accordance with VDOT standards within 12 months from the date of issuance of this Special Use Permit.
7. The owner shall obtain a James City County business license for the bed and breakfast and gift shop prior to the rental of rooms to visitors or opening of the gift shop. If a valid James City County business license for these uses is not obtained within 24 months from the date of issuance of this permit, this permit shall become void.
8. This Special Use Permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.
9. The existing pool shall comply with the current barrier requirements for residential pools as found in Section D105 of the 1995 edition of the C.A.B.O. 1 and 2 family dwelling code, as referenced by the Uniform Statewide Building Code. A building permit, inspection, and County approval shall be secured prior to the renting of rooms to guests.

3. Case Nos. Z-2-99 and SUP-11-99. Epstein Rest Home

Ms. Jill Schmidle, stated that Mr. Vernon Geddy, III, on behalf of Leonard Epstein, had applied to rezone 6.62 acres from R-5, Multifamily Residential, with proffers, to R-5, Multifamily Residential, with amended proffers, and for a special use permit to construct a 48-unit rest home/congregate housing facility for the elderly, located at 8679 Pocahontas Trail, further identified as Parcel No. (1-89) on James City County Real Estate Tax Map No. (52-3). Staff stated that existing proffers to be amended were approved with Case No. Z-15-90 on January 7, 1991, along with Case No. SUP-53-90, which expired on January 7, 1994, because the project was not constructed.

Ms. Schmidle stated the proffers would be amended to change the phrase "congregate care facility" to "congregate housing facility" and the reference to Farmers Home Administration be replaced by United States Department of Housing and Urban Development with "congregate housing amended to housing for Older Persons."

Staff determined the proposal was consistent with surrounding zoning and developing and met several of the goals and objectives of the housing element and Community Character Corridor designation of the Comprehensive Plan.

In concurrence with staff, the Planning Commission, by a vote of 6-1, recommended approval of the zoning with proffers, and the special use permit with conditions listed in the resolution.

Board and staff discussed the definition of congregate housing, depth of buffer, landscaping, and concerns of adjacent residents.

Mr. Edwards opened the public hearing.

1. Mr. Vernon Geddy, III, representing Leonard Epstein, owner, stated the project was identical to the previous one. He responded that the difference in the term, "care" and "congregate" was from the Federal programs, FmHA and HUD, not a difference in the facility; a 150-foot buffer would make construction impossible and the site would be enhanced by landscaping.

2. Mr. John Ryan, 3505 Hunter's Ridge, asked that Mr. Geddy give his address as other speakers do and what were moderate housing costs and for whom.

Mr. Geddy gave his address of 516 South Henry Street, Williamsburg, and declined to answer about moderate housing costs.

3. Mr. Ed Oyer, 139 Indian Circle, stated that at the time of the original application, he questioned whether the housing would be comparable to Chambrel At Williamsburg with some measure of care included, and was informed that the answer was basically yes.

Mr. Edwards closed the public hearing.

Mr. Sisk made a motion to approve the two resolutions.

Mr. Nervitt stated that he would like the cases to be deferred to have the meaning of congregate care facility and congregate housing facility clarified, and have staff respond to why the buffer was reduced from 150 to 50 feet with potential widening of Route 60.

Mr. Sisk withdrew the motion.

Mr. Edwards retroactively continued the public hearing until the July 13, 1999, Board of Supervisors meeting.

4. Case Nos. Z-1-99 and MP-1-99. Stonehouse - Fernandez Tract Rezoning and 1999 Master Plan Amendment

Mr. Paul D. Holt, III, Senior Planner, stated that Mr. Vernon Geddy, III, on behalf of Jerry Moore of Stonehouse, L.L.C., and Joel Mostrom of Stonehouse, Inc., had applied to rezone approximately 75 acres, zoned A-1, General Agricultural, to PUD-R, Planned Unit Development Residential, with proffers, located east of Fire Tower Road, north of existing development within Phase I of Stonehouse and south of the New Kent County line, further identified as Parcel No. (1-2) on James City County Real Estate Tax Map No. (5-1).

Mr. Holt described the Master Plan amendments, changes in proffers and stated the proposal was consistent with surrounding development and zoning was consistent with the Comprehensive Plan. Mr. Holt further stated that the application passed the adequate public schools facilities test. He further described additional proffers.

Staff recommended denial of the cases for the proffered per unit contribution was substantially less than County costs per student; proposed zoning would accelerate some public costs and could worsen the probable long-term imbalance between public costs and public benefits; and, approval might set a precedent of negative, cumulative effect on the pattern of build-out and construction of 4,411 dwelling units.

The Planning Commission, by a vote of 6-1, recommended approval of the cases.

Board and staff discussed proffers rescinding the school site and reservoir property; number of potential school children would be approximately 1,100 rather than 2,981; Interstate 64 interchange not warranted by current studies; acreage for school was for elementary school site not needed since the 7th elementary school would be located nearby; and a 1995 rezoning removed land set aside for reservoir from proffers.

Mr. Edwards opened the public hearing.

1. Mr. Vernon Geddy, III, representative for Stonehouse, stated the development was a high quality, attractive mixed-use community consistent with the 1991 Comprehensive Plan and surrounding development and zoning, within Primary Service Area, passed the public school adequacy test and Planning Commission recommended approval. He stated the request would shift 32 units from Phase II to Phase I and amended proffers were a \$1,000 per unit contribution to be used for schools, and the proposed school site could be used for other public buildings.

Board and applicant discussed \$1,000 contribution for school use; current relation of residential to retail commercial nonresidential; and staff determined that the Interstate interchange was needed for retail market.

Mr. Nervitt asked for guarantee that County could control the progression of Stonehouse residential construction commensurate with commercial/retail.

Staff responded that no further control of residential development would be available once 2,400 dwellings and 600,000 square feet of nonresidential occurred.

2. Mr. Ed Oyer, 139 Indian Circle, stated that rezoning of any kind should be denied until water concerns are addressed.

3. Mr. John Ryan, 3505 Hunter's Ridge, asked if the John Deere Company was given tax relief for a number of years.

Mr. Edwards responded that the John Deere Company would begin paying taxes immediately.

4. Mr. Keith Nowadly, 4702 Wood Violet Lane, stated water was of great concern and rezoning was not needed.

Mr. Edwards closed the public hearing.

Mr. Sisk made a motion to approve the resolution.

Board discussion followed regarding whether the County could be reassured that public benefits balanced; unfair to applicant to change 1991 contract in middle of project; and continue development in the direction to achieve balance of residential commercial and industrial.

Mr. Edwards made a motion to defer the item until the July 13, 1999, Board of Supervisors meeting to allow response to issues.

On a roll call, the vote was: AYE: Nervitt, McGlennon, Bradshaw, Edwards (4). NAY: Sisk (1).

Mr. Nervitt asked for staff to provide information of why County did not continue to pursue Ware Creek reservoir; how it could be revisited; and explain agreeing to return school sites and reservoir land to Stonehouse.

Mr. Edwards declared a break at 9:40 p.m.

Mr. Edwards reconvened the Board into open session at 9:55 p.m.

G. PUBLIC COMMENT

1. Ms. Ingrid Jahn, 118 Dover Road, asked that a water conservation message be put in each hotel/motel room in the area.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner asked Mr. Larry M. Foster, General Manager, James City Service Authority, to give an update on water situation.

Mr. Foster explained measures taken to reduce water demands and consumption. He noted that the Army Corps of Engineers had stated an intent to deny the King William Reservoir project. Staff determined acceleration of a desalination project was important.

Mr. Foster explained water withdrawal permitted, additional water withdrawal from desalination, if permitted, and effect of acquisition of Sydnor firm.

Mr. Wanner stated that the County continued to work with the Schools Division regarding resolution of Toano Middle School repairs; announced an approved resolution of renaming of roads to Mooretown Road was received from York County and a letter from Virginia Department of Transportation informing that Route 199 opening ceremony would be August 6, 1999, at 9:30 a.m.; recommended an executive session pursuant to Section 2.1-344(A)(1) of the Code of Virginia, appointment of individuals to County boards and/or commissions, and recommended adjournment until June 22, 1999, Board of Supervisors meeting.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Sisk stated that the Board of Supervisors last had a salary increase in 1984. He recommended an annual increase in the Board of Supervisors' salaries from \$4,000 to \$8,000 and increase the Chairman's stipend from \$1,000 to \$2,000 to be implemented effective January 1, 2000. He also recommended the Planning Commission salaries be increased from \$960 to \$2,000 with an additional \$500 for the Chairman. He gave the reasons as additional Board activities and as an encouragement to individuals who might wish to be elected to serve.

Mr. Frank M. Morton, III, County Attorney, cited the State Code Sections 15.2-1414.2 and 15.2-1414.3 and stated that the Board could take action based on a motion prior to July 1, 1999.

Board discussion followed with Mr. Nervitt giving endorsement and Mr. Edwards, Mr. McGlennon, and Mr. Bradshaw unable to support.

The Board thanked Mr. Sisk for bringing forward the suggestion.

Mr. Sisk requested staff to prepare a resolution for the Jamestown High School girls soccer team, who are State champions.

Mr. Edwards made a motion to convene into executive session as recommended by the County Administrator, at 10:40 p.m.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

Mr. Edwards reconvened the Board into open session and made a motion to approve the executive session resolution, at 10:50 p.m.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

RESOLUTION

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies; and, ii) only such public business matters were heard, discussed or considered by the Board as were identified in the motion, Section 2.1-344(A)(1), appointment of individuals to County boards and/or commissions.


Mr. Bradshaw made a motion to appoint Carl Meadows to the Agricultural and Forestal Advisory Commission to serve at the pleasure of the Board; reappoint Ronald Curtis to the Building Adjustments and Appeals Board for a five-year term, term expiring February 23, 2004; reappoint William Rodgers, III, to the New Town Community Development Authority for a one-year term, term expiring June 23, 2000; appoint John Deaver to the Parks and Recreation Commission for an unexpired term, term expiring April 12, 2000; reappoint Richard Drumwright to the Peninsula Disability Services Board for a three-year term, term expiring June 30, 2002; appoint Irma Hawkins to the Peninsula Disability Services Board for a one-year term, term expiring June 30, 2000; reappoint Loretta Hannum to the Thomas Nelson Community College Local Board for a four-year term, term expiring July 1, 2003; and appoint Bettejane Crossen and Bertram Aaron to the Williamsburg Arts Commission for three-year terms, terms expiring June 30, 2002, respectively.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

Mr. Edwards made a motion to adjourn.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

The Board adjourned at 10:50 p.m.


Sanford B. Wanner
Clerk to the Board

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CHAPTER 1

AUTHORITY AND ADMINISTRATION

Section 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 Human Resource 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.

Section 1.3 Coverage of Personnel

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

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.

Rev. 6-8-99

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CHAPTER 4

COMPENSATION PLAN

Section 4.1 Introduction

A. Overview - This chapter describes the County's compensation program - a program designed to pay employees competitively and reward employees for their efforts on behalf of the County.

The compensation program is administered by the Human Resource Department which is responsible for interpreting, administering, and updating the program to keep it current and equitable in operation. Department Managers and the Human Resource Department work together to ensure that the salaries which individual employees receive are market competitive and commensurate with experience, skills, efficiency, and performance.

The compensation program provides employees opportunities for career growth both within and outside their own work area through:

*Growth Within a Job's Salary Range

*Job Reclassification

*Promotion

*Transfer

B. Objectives - The objectives of the Compensation Plan are to:

1. Keep County salaries competitive in the labor market;
2. Provide flexibility;
3. Be easy to use and to understand;
4. Support the County in selecting, training, motivating, and keeping highly qualified men and women as County employees; and
5. Reward quality performance.

C. Market Position Strategy - The County strives to pay its staff members competitively with local public and private sector organizations performing comparable work. The County obtains and participates in a number of salary surveys. From these surveys, the Human Resource staff assesses industry trends in salaries and endeavors to keep County salary ranges competitive with the actual average compensation of local public and private organizations with whom the County competes for talent. Higher salary ranges are targeted at a lesser percent of market average.

Section 4.2 Definitions

A. Benchmark - A job class with standard ch7"> Purpose - Premium Pay is intended to provide additional compensation to eligible employees reporting to work in response to emergency situations arising on County-observed holidays on which the employee is not scheduled to work.

B. Eligibility - Nonexempt employees in permanent or limited-term positions who are not on standby and are not scheduled to work on a County observed holiday, but are called in to work on the holiday with less than 72 hours prior notice.

C. Computation of Pay - Eligible employees shall be compensated for all hours worked on the nonscheduled holiday at a premium rate of one-half times the regular hourly rate, in addition to any other compensation for which the employee is eligible, in accordance with Section 4.11, Overtime, and Section 4.12, Holiday Pay.

D. Conditions - Supervisors are responsible for determining when additional staffing is required on a holiday. Employees notified more than 72 hours in advance that they must work on a holiday shall not be eligible for premium pay. Employees on standby who are called in to work on a holiday shall not be eligible for premium pay.

Section 4.15 Travel

Policy - Employees may be required to travel when it is necessary or beneficial to the performance of their duties, their professional development, or the general operations of the County. Such travel shall be approved in advance by the department manager and may be eligible for reimbursement.

Section 4.16 Miscellaneous

A. Bonding - Each County employee is covered under a general employee "blanket" bond at no cost to the employee. The County shall pay the additional cost for those positions requiring a higher bond.

B. Notary Fees - The fees for "Notary Public" permits held by County employees shall be paid by the County when such services are felt to assist the County in serving the public or to further the County's own business operations. There shall be no charge for notary services for the County.

C. Uniform Allowance

1. Policy - Employees who are required to wear uniforms shall be furnished such uniforms, with accessories as required. Uniforms shall be maintained by the County at the County's expense or by the employee with an annual allowance from the County set forth in the budget. Such allowance shall also be paid to each member of the Investigations Division in the Police Department for the cleaning and maintenance of their on-duty clothing.

Responsibilities.

- a. All clothing and equipment issued by the County shall remain the property of the County.
- b. Only an initial uniform alteration shall be the responsibility of the County.
- c. Employees are required to return non-serviceable clothing to the County in order to receive replacements.
- d. Clothing that is lost or damaged by negligence of the employee shall be replaced at the employee's expense.
- e. Uniform and on-duty clothing maintenance allowances shall be paid only for the period of actual employment.

D. Tool Allowance - Employees who are responsible for the purchase and maintenance of tools required to perform their duties shall receive an annual allowance. The tools shall remain the employees' property, but are insured by the County against fire and theft.

Section 4.17 Interpretation of Plan

The Human Resource 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.

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Revised 5-28-99

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CHAPTER 5

EMPLOYEE BENEFITS

Section 5.1 Policy - General

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

Section 5.2 Eligibility - General

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

Section 5.3 Holidays

The County observes the following eleven designated holidays:

New Year's Day January 1

Lee/Jackson/King Day 3rd Monday in January

George Washington's Birthday 3rd Monday in February

Memorial Day Last Monday in May

Independence Day July 4

Labor Day 1st Monday in September

Veterans' Day November 11

Thanksgiving Day 4th Thursday in November

Day After Thanksgiving Friday following Thanksgiving

Christmas Eve December 24

Christmas Day December 25

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

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

B. Observance of Holidays

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

B. Working on Holidays

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

Section 5.4 Leave

A. Policy Statement - James City County recognizes the importance of balancing the productivity needs of the County with the needs of County employees and their families by providing employees with time away from work. It is the policy of the County to provide employees with continued income and benefits during certain approved absences of specified durations.

B. Eligibility - Employees in part-time permanent and limited-term positions are eligible for leave on a pro-rated basis.

C. Definition of 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.

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

1. Purpose - FMLA protects employees' jobs and benefits for specified periods of time, if they are absent from work because of:

- a. the birth of a child and the care of that child;
- b. the adoption or foster care placement of a child with the employee;
- c. the need to care for a spouse, child, or parent with a serious health condition; or
- d. the serious health condition of the employee that makes the employee unable to perform the essential functions of his position.

2. Definition - For purposes of this policy, a week is defined as the annual authorized hours of the employee's position divided by 52.

3. Employee Requirements - An eligible employee wishing to take time off for one of the purposes listed in 1. above must comply with certain requirements. An employee must:

- a. inform his supervisor that he is requesting leave under the FMLA and of the purpose of the leave;
- b. work with his supervisor to identify the type of County leave(s) which will be taken during the FMLA absence;
- c. provide medical certification of the situation necessitating the absence and a date on which the employee can be expected to return to work on a form provided by the County;
- d. keep the supervisor informed of the status of the absence, including any change in the circumstances for which the leave is being taken, and the employee's intent to return to work; and
- e. provide a fitness for duty certification from a physician before returning to work if the leave was taken for the employee's own serious health condition.

4. Supervisor Responsibility - If an employee requests leave for one of the purposes listed in 5.4.D.1 above, the supervisor may inform the employee that it qualifies under FMLA and ask the employee to follow the requirements covered in 5.4.D.3 above. The supervisor shall inform the employee who has requested or taken leave under FMLA, in writing, of his rights and responsibilities.

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

Annual Leave Any purpose.

Sick Leave Personal doctor appointment, illness, or short-term disability.

Immediate family member doctor appointment or illness (three days per fiscal year).

Personal Leave Death or life threatening illness of immediate family member (three days per incident).

Civil Leave Serving on a jury.

Attending court as a witness under subpoena.

Military Leave National Guard or reserve member to engage in annual active duty for training or called forth by Governor during a disaster (15 days per Federal fiscal year).

School Leave Meet with teachers, attend school functions, or do volunteer work in any public or private school grades K-12 (eight hours per fiscal year).

Leave Without Pay Unpaid absences from work.

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

a. Accrual -

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

Monthly Accrual Rate			
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	17.5	22
>2,860	12	20.0	24

2) The maximum amount of leave that an employee may accumulate is the amount of leave he can earn in a two-year period.

3) The employee's leave balance must be within the maximum accumulation amount on July 1 of each year or the excess shall be forfeited.

b. Payment for Accumulated Leave Upon Separation from Employment - 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 manger.

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

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

1) A personal illness, injury, and/or disability not incurred in the line of duty, which incapacitates the employee from being able to perform assigned duties;

2) Appointments for examination and/or treatment related to health when approved in advance by the department manager and when such appointments cannot reasonably be scheduled during nonwork hours.

3) An illness or appointment for examination and/or treatment related to the health of an immediate family member requiring the attendance of the employee and approved by the department manager, not to exceed three (3) days per fiscal year. Use of additional sick leave requested in excess of the permitted allowance may be approved if recommended by the department and approved by the Human Resource Manager.

b. Accrual

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

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

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

c. Payment for Accumulated Leave Upon Separation from Employment - Employees with two (2) years or more of continuous service with the County shall be compensated for their sick leave balance at the rate of one hour's pay for every four hours of accrued sick leave or \$1,000, whichever is less. If two weeks' notice is not given by the employee, or if the employee is discharged for disciplinary reasons, sick leave payments shall be forfeited. Exceptions may be

made by the department manager.

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

3. Personal Leave - may be used by an employee to provide paid absences upon the death of a member of an employee's immediate family or upon the life-threatening illness of a member of an employee's immediate family which requires the employee's attendance.

a. Amount of Leave - Personal leave, if requested by the employee, shall be granted by the supervisor for up to three (3) days per death or life-threatening illness which requires the attendance of the employee. Exceptions may be granted by the department manager.

4. Civil Leave - may be used by an employee to provide paid absences while serving on a jury, or attending court as a witness under subpoena.

a. Compensation - An employee compensated for civil duties, as by jury or witness fees, shall either take annual or compensatory leave, or turn over compensation received to the County.

b. Exclusion - 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, the employee shall be charged annual or compensatory leave or leave without pay.

5. Military Leave - may be used by an employee who is a member of the organized reserve forces of any of the armed services of the United States, National Guard, or naval militia to provide paid absences of up to fifteen days per Federal fiscal year during which he is engaged in annual active duty for training, or when called forth by the Governor during a disaster.

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

a. Amount of Leave

1) Employees in full-time permanent and limited-term positions may take up to eight (8) hours of School Leave per fiscal year.

2) Employees in part-time permanent and limited-term positions may take up to the number of hours of their monthly sick leave accrual rate per fiscal year.

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

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

1) Approved absence for which the employee has insufficient accrued leave, or for

which the employee elects, with the concurrence of the department manager, not to use accrued leave.

2) Absences authorized as a condition of employment; or

3) Unapproved absence from the job during a scheduled work period;

b. Other Benefits and Conditions of Employment

1) Sick and annual leave shall not be earned for any pay period during which an employee takes leave without pay that is not approved prior to use or which exceeds one full work day.

2) An employee's performance increase date shall be deferred one calendar month for each period of thirty (30) consecutive calendar days the employee is on leave without pay. If the performance increase date is not changed, the first performance increase after the employee returns to work shall be prorated.

3) The County shall pay its share of County health and life insurance premiums, and for up to three (3) months of long-term disability premiums during approved leave without pay unless otherwise provided in writing to the employee.

4) Should an employee fail to return to work by the date the employee agreed to in writing, the County Administrator may declare the employee to have terminated voluntarily as of the expected return to work date, except where the employee requires additional leave under the Family and Medical Leave Act, Chapter 5, Section 5.4.D of this Manual. An employee who accepts employment elsewhere while on leave without pay, unless approved, shall be considered to have terminated employment with the County without notice as of the original date the leave was begun.

Section 5.5 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 permanent and limited term positions, their spouses, and dependent children are eligible for group health insurance coverage. The County shall pay at least a portion of the cost of the group health insurance coverage for active employees.

b. Retirees, at least 50 years of age, who have worked for the County for at least 15 years or who have worked for the County fewer than 15 years but have retired because of a line of duty

injury, are eligible to continue group health insurance for themselves and their dependents until they are eligible for Medicare, if they elect to participate prior to leaving County employment. The County bears none of the cost for this coverage.

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 permanent, 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 permanent and limited-term positions, their spouses, and dependent children are eligible for counseling and referral services.

2. Cost - The County shall bear the cost of short-term counseling and referral services. The Employee Assistance service provider shall refer the employee and dependents to an affordable community resource, including coordination with the employee's health insurance plan, for longer-term counseling.

D. Fitness Program - The County shall assist employees in accessing at least one fitness center and in obtaining educational materials on wellness.

Section 5.6 Retirement, Long-Term Disability and Life Insurance

A. Policy Statement - James City County recognizes the importance of income after retirement and in the event of disability, and the financial needs of surviving family members in the event of death. It is the policy of the County to assist employees in meeting these needs through financial contributions to retirement and insurance plans or by providing group plans in which employees may choose to participate at their own expense.

B. Retirement - James City County believes that an employee is best served by having retirement income from more than one source. It is the policy of the County to contribute towards Social Security (FICA) and the Virginia Retirement System (VRS), on behalf of the employee. The County also provides an IRS Section 457 Deferred Compensation Plan to which the employee may choose to contribute.

1. Social Security (FICA) - Both the County and the employee contribute to the social security account of employees in full-time and part-time permanent, 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 - The VRS provides an employee with retirement benefits if the

employee is at least 50 years old and has at least five (5) years of contributions in the VRS. The amount of retirement benefits varies based on factors such as years of covered service, age upon retirement, and salary. The County pays the full cost of the VRS contribution for the employee.

3. Deferred Compensation - The County sponsors a deferred compensation plan to allow County employees to save a portion of their pretax salary for retirement purposes. The plan is voluntary and is administered in accordance with appropriate Federal and State laws. Employees in full-time and part-time permanent and limited-term positions are eligible to participate.

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

1. VRS Disability Retirement - Provides an employee with disability retirement if the employee becomes mentally or physically unable to perform the employee's present duties, the disability is likely to be permanent, and the employee is under age 65. Employees are eligible from the first day of employment, provided the disability did not exist at the time of employment, and regardless of whether the cause of the disability is work-related or is compensable under Workers' Compensation. The County pays the full cost of the VRS contribution for the employees.

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

D. Life Insurance

1. VRS Standard Life Insurance - Provides payment to an employee's designated beneficiary in the event of the employee's death or to the employee in the event of his dismemberment. A medical examination is not required in order to be covered by this insurance. The County pays the full cost of the coverage. The insurance continues at a reduced amount for employees who retire and receive VRS payments and may be converted to an individual policy by employees who are terminating employment.

2. VRS Optional Life Insurance - Employees may, at their own expense, purchase additional life insurance for themselves as well as coverage for their spouses and dependent children through a VRS-sponsored program. A medical examination is not required for some levels of coverage.

Section 5.6 Workers' Compensation

A. Policy Statement

When an employee is injured or develops an illness, James City County encourages the employee to seek appropriate medical treatment. Where the injury or illness is employment-related as defined in Section 6.5.2-100 of the Virginia Code, the County provides medical reimbursement, salary replacement, and fixed awards as outlined in the Code. 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 permanent, limited-term, temporary, and on-call positions are eligible for Workers' Compensation benefits.

C. Other Benefits

1. Leave is neither earned nor used during Workers' Compensation related absences exceeding seven calendar days.
2. The County shall pay its share of health and life insurance premiums as long as the employee remains in a full-time permanent or limited-term position, and pays the employee's share of the premium each month. The County shall pay its share of the long-term disability premiums for up to three (3) months.

D. Alternate Duty

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 and it does not conflict with FMLA. If an injured employee refuses any suitable employment, he shall not be entitled to any compensation during the continuance of such refusal unless, in the opinion of the Workers' Compensation Commission, the refusal was justified.

Section 5.7 Tax-Related Benefits

A. Policy Statement - James City County recognizes the value of paying certain expenses outlined in IRS Code Section 125 with pretax dollars. It is the policy of the County to offer such opportunities where there are a sufficient number of interested employees.

B. Pretax Health Insurance Premiums - Also called Premium Conversion, allows employees who pay a portion of their County-sponsored group health insurance plan premiums to pay them before taxes. Employees are automatically enrolled unless they waive participation.

C. Reimbursement Accounts - Also called Flexible Spending Accounts, allow employees in full-time and part-time permanent 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 5.8 Credit Union

Employees in full-time and part-time permanent, 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.

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