



NEW KENT COUNTY BOARD OF SUPERVISORS

April 27, 2022, 9:00 AM

Boardroom, County Administration Building, 12007 Courthouse Circle, New Kent, VA
23124 - WORK SESSION

AGENDA

CALL TO ORDER AND ROLL CALL

Times are approximate

- 9:00 a.m. ITEM 1 **Courts Salary Supplements Requests**
NKJ&DR Clerk Kelly Wiggins & NKGD Clerk Rachel Mills
- 9:10 a.m. ITEM 2 **New Kent County Refuse & Recycling Presentation**
General Services Director Richard Stewart
- 9:25 a.m. ITEM 3 **New Kent County Design-Build Procedures**
County Administrator Rodney Hathaway
- 9:30 a.m. ITEM 4 **New Kent Personnel Policies and Procedures Manual Update**
County Administrator Rodney Hathaway
- 9:45 a.m. ITEM 5 **Roadside Litter Pickup and Removal Services Contract**
County Administrator Rodney Hathaway
- 10:00 a.m. ITEM 6 **Personal Property Update and FY23 Budget Discussion**
Commissioner of Revenue Laura Ecimovic & County Administrator Rodney Hathaway
- 10:20 a.m. ITEM 7 **Other Business**
- 10:30 a.m. ITEM 8 **Adjournment**

MEETING SCHEDULE: The next regularly scheduled meeting of the Board of Supervisors will be held at 6:00 p.m. on Monday, May 9, 2022 and the next work session at 9:00 a.m. on Wednesday, May 25, 2022, both in the Boardroom of the County Administration Building.

If a meeting cannot be held because of the closing of State and/or County offices, the meeting will be held on the next business day that the County offices are open.

New Kent County Board of Supervisors
P O Box 150, 12007 Courthouse Circle
New Kent, VA 23124

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 4/27/2022

Agenda Item

Motion: "Mr.
Chairman, I move to
(not required for Consent
Agenda items)

Subject

Courts Salary Supplements Requests

Issue

Recommendation

Fiscal Implications

Policy Implications

Legislative History

Discussion

Kelly Douglas Wiggins, Clerk of Court for New Kent J&DR District Court and Rachel Mills, Clerk of Court for New Kent General District Court have requested a few moments of your time to support their requests for salary supplements.

Time Needed:

9:00 a.m.

Person Appearing:

NKJ&DR Clerk Kelly Wiggins & NKGD Clerk Rachel Mills

Request prepared by:

W. Watkins, Deputy Clerk of the Board

Telephone:

804-966-9687

Copy provided to:

REVIEWERS:

Department	Reviewer	Action	Date
Clerk	Watkins, Wanda	Approved	4/20/2022 - 10:12 AM
Administration	Hathaway, Rodney	Approved	4/20/2022 - 12:58 PM
Attorney	Hefty, Brendan	Approved	4/20/2022 - 1:44 PM

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 4/27/2022

Agenda Item

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	NA
Subject	New Kent County Refuse & Recycling Presentation
Issue	Mr. Stewart will present on the current state of refuse in the County, and proposed changes to mitigate the upcoming increases in operating expenses.
Recommendation	NA
Fiscal Implications	NA
Policy Implications	NA
Legislative History	NA
Discussion	NA

Time Needed:	9:10 a.m.	Person Appearing:	General Services Director Richard Stewart
Request prepared by:	Rodney Hathaway, County Administrator	Telephone:	(804) 966-9683
Copy provided to:			

REVIEWERS:

Department	Reviewer	Action	Date
Clerk	Watkins, Wanda	Approved	3/29/2022 - 12:07 PM
Administration	Hathaway, Rodney	Approved	3/31/2022 - 1:59 PM
Attorney	Hefty, Brendan	Approved	4/1/2022 - 8:52 AM

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 4/27/2022

Agenda Item

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	approve the amended New Kent County Design-Build procedures based on the new requirements set forth in Section 2.2-4380, 2.2-4382 of the Virginia Code.
Subject	New Kent County Design-Build Procedures
Issue	The State's Public Procurement Act which allows any public body to enter into a contract for construction on a fixed price or not-to-exceed price design-build basis provided the public body complies with the requirements of Section 2.2-4382. The Commonwealth has amended this section in the 2017 and 2020 Session and the New Kent County design-build procedures need to be amended to meet the requirements.
Recommendation	to approve the amended policy as presented
Fiscal Implications	This will allow New Kent County to participate in the design-build process for any new construction of modifications of facilities for County use.
Policy Implications	If not amended the County's current procedures can be challenged.
Legislative History	2017, cc. 699, 704;2020, cc. 162, 163
Discussion	

Time Needed:	9:25 a.m.	Person Appearing:	County Administrator Rodney Hathaway
Request prepared by:	Rick Opett	Telephone:	9679
Copy provided to:			

ATTACHMENTS:

Description	Type
§ 2.2-4382	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Fire-Rescue	Opett, Rick	Approved	4/15/2022 - 8:38 AM

Administration
Attorney

Hathaway, Rodney
Hefty, Brendan

Approved
Approved

4/20/2022 - 7:50 AM
4/20/2022 - 1:44 PM

Code of Virginia

Title 2.2. Administration of Government

Subtitle II. Administration of State Government

Part B. Transaction of Public Business

Chapter 43.1. Construction Management and Design-Build Contracting

Article 4. Procedures for Local Public Bodies

§ 2.2-4382. Design-build or construction management contracts for local public bodies authorized

A. Any local public body may enter into a contract for construction on a fixed price or not-to-exceed price construction management or design-build basis, provided that the local public body (i) complies with the requirements of this article and (ii) has by ordinance or resolution implemented procedures consistent with the procedures adopted by the Secretary of Administration for utilizing construction management or design-build contracts.

B. Prior to making a determination as to the use of construction management or design-build for a specific construction project, a local public body shall have in its employ or under contract a licensed architect or engineer with professional competence appropriate to the project who shall (i) advise such public body regarding the use of construction management or design-build for that project and (ii) assist such public body with the preparation of the Request for Proposal and the evaluation of such proposals.

C. A written determination shall be made in advance by the local public body that competitive sealed bidding is not practicable or fiscally advantageous, and such writing shall document the basis for the determination to utilize construction management or design-build. The determination shall be included in the Request for Qualifications and be maintained in the procurement file.

D. Procedures adopted by a local public body for construction management pursuant to this article shall include the following requirements:

1. Construction management may be utilized on projects where the project cost is expected to be less than the project cost threshold established in the procedures adopted by the Secretary of Administration for utilizing construction management contracts, provided that (i) the project is a complex project and (ii) the project procurement method is approved by the local governing body. The written approval of the governing body shall be maintained in the procurement file;
2. Public notice of the Request for Qualifications is posted on the Department's central electronic procurement website, known as eVA, at least 30 days prior to the date set for receipt of qualification proposals;
3. The construction management contract is entered into no later than the completion of the schematic phase of design, unless prohibited by authorization of funding restrictions;
4. Prior construction management or design-build experience or previous experience with the Department's Bureau of Capital Outlay Management shall not be required as a prerequisite for award of a contract. However, in the selection of a contractor, the local public body may consider the experience of each contractor on comparable projects;
5. Construction management contracts shall require that (i) no more than 10 percent of the

construction work, as measured by the cost of the work, be performed by the construction manager with its own forces and (ii) the remaining 90 percent of the construction work, as measured by the cost of the work, be performed by subcontractors of the construction manager, which the construction manager shall procure by publicly advertised, competitive sealed bidding to the maximum extent practicable;

6. The procedures allow for a two-step competitive negotiation process; and

7. Price is a critical basis for award of the contract.

E. Procedures adopted by a local public body for design-build construction projects shall include a two-step competitive negotiation process consistent with the standards established by the Division of Engineering and Buildings of the Department for state public bodies.

2017, cc. [699](#), [704](#);2020, cc. [162](#), [163](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 4/27/2022

Agenda Item

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	Mr. Chairman, I move to adopt the proposed amendments to the New Kent Personnel Policies and Procedures Manual.
Subject	New Kent Personnel Policies and Procedures Manual Update
Issue	Updates to the New Kent Personnel Policies and Procedures Manual to align with current practices and labor laws.
Recommendation	Staff recommends adoption of the proposed motion.
Fiscal Implications	NA
Policy Implications	The Personnel Policies and Procedures Manual contains policies that govern employees of the County. It states the County's policies with regard to employment, classification, compensation, promotion, demotion, dismissal, and other relationships with employees. This manual includes those policy statements and procedures deemed to require legislative review by the Board of Supervisors.
Legislative History	The last update of the manual was in January 2020.
Discussion	Please see the attached summary of the proposed changes, and the attached revised draft manual.

Time Needed:	9:30 a.m.	Person Appearing:	County Administrator Rodney Hathaway
Request prepared by:	Rodney Hathaway, County Administrator	Telephone:	(804) 966-9683
Copy provided to:			

ATTACHMENTS:

Description	Type
Summary of Proposed Changes	Cover Memo
Proposed Personnel and Policy Manual Updates	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
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Administration	Hathaway, Rodney	Approved	4/20/2022 - 7:53 AM
Administration	Hathaway, Rodney	Approved	4/20/2022 - 7:54 AM
Attorney	Hefty, Brendan	Approved	4/20/2022 - 1:43 PM



Summary of Changes to New Kent County Personnel Policies Manual

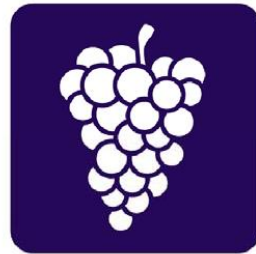
April 14, 2022

1. Removed all reference to Compensatory Leave as it is no longer applicable.
2. Holiday's Impact on Overtime Calculation language was re-worded and clarified.
3. Front-loaded Holiday Leave In Lieu of Recognized County Holidays policy added. Explains the breakdown of what departments receives this and who in those departments are exempt from this policy. In Separation section, it was added what happens at separation how the Holiday leave is recouped if applicable.
4. Servicemember Family and Medical Leave policy language added.
5. Military Leave work days were amended from 120 hours to 21 work days to reflect the Federal change.
6. Court Leave policy added unlawful detainer (i.e., eviction) proceedings defined for an employee's absence from work.
7. Timekeeping policy was updated to include when/how timesheets are to be submitted in NovaTime.
8. Reporting Problems with Your Pay policy was added – this section explains the process of reviewing your paystub, non-exempt employees accurately reflecting time correctly, exempt employee's salary reductions if applicable, and how to report violations of this policy.
9. Media Used to Communicate Delayed Openings/Closings – added Facebook.com, Instagram, and Twitter.
10. Additional Holiday and Overtime Procedures was removed as this was referring to "call-back" which is covered under On-Call and the remaining paragraph was not valid.
11. Paydays policy had 'any employee hired after 2010 direct deposit was required or Pay Card will be issued if bank account is not available' added.

12. Sick leave - payout changed to 'not to exceed \$2500.00' after each dollar amount for eligible employees hired on or after January 1, 2009 to be uniform with the employees hired before January 1, 2009.
13. Page numbers were updated; the table of contents and definition of terms were updated; terminology edited for consistency; and overall grammar was also cleaned up.

New Kent

C O U N T Y • V I R G I N I A



A G R E A T P L A C E T O G R O W

Personnel Policies and Procedures Manual

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GENERAL POLICY STATEMENT

County employees are a valuable resource and an integral part of the system established to provide governmental services and further the mission of the County Government, without whom these could not be accomplished. The following policies are intended to ensure equal treatment of all employees and to serve as a written statement of the importance the Board of Supervisors of New Kent County assigns to the well-being of the County's workforce.

In understanding the relationships between the County and its' employees, it is important that employees understand that all employees are employed at-will for an indefinite period and that no employment contract exists. County employment may be ended at any time, for any reason, with or without cause or notice, except as described in these policies or as otherwise provided by law. At the same time, employees may separate from their employment at any time and for any reason, subject only to the conditions contained in these policies. The County of New Kent maintains the right to change the policies, procedures and benefits set forth herein at any time through action of the Board or other Board designated authority.

It is further the policy of New Kent County that a uniform personnel management system be established for its employees. The Board of Supervisors has assigned to the County Administrator the authority to maintain a Personnel Administration System including, but not limited to, recruitment, testing, development, and placement of new employees; the establishment of equal employment opportunity, employee relations, and personnel records programs; and the administration of the classification and pay plans. Such authority is to be exercised in a manner consistent with the approved budget, any policies adopted by the Board of Supervisors, and all other applicable laws and regulations. The County Administrator may delegate such responsibility as deemed appropriate to assist in the management of the personnel system.

The specific objectives of the Personnel Administration System are to:

- Assure fair treatment of applicants and employees in all aspects of personnel management in accordance with the County's equal employment opportunity policy;
- Recruit, screen, select, and advance employees on the basis of their ability, knowledge, and skills;
- Determine and meet training needs to ensure quality performance and to enable employees to realize their maximum potential;
- Assure each employee a performance review at specified intervals;
- Establish and maintain a consistent classification and compensation plan which will attract and retain qualified employees; and
- Maintain competitive pay within the labor market in which the County competes.

Except as stated in this policy, no County representative or written materials shall modify this policy for any employee or create any agreement, oral or written, contrary to this policy. Supervisory and management personnel are not to make any representations to employees or applicants concerning the terms or conditions of employment which are not consistent with County policies. No statements made in pre-hire interviews or discussions, or in recruiting materials of any kind, are to alter the at-will nature of employment.

Similarly, County policies or practices with respect to any matter are not to be considered as creating any contractual obligation on the County's part or as stating in any way that dismissal will occur only for "just cause." Statements of specific grounds for dismissal or discipline set forth in this policy or in any other County documents are for emphasis or provided as examples. They are not all-inclusive and

are not intended to restrict the County's right to discipline or dismiss employees. Completion of an introductory period or conferral of regular status does not change an employee's status as an employee-at-will.

As used throughout these policies, the term "Department Head" includes director, agency head or other title as may be appropriate. The County Administrator shall promulgate and keep current a list of those positions deemed to be Department Heads for purposes of these policies.

A current information copy of these policies shall be available in each department of the County. Such copies may be in paper or electronic form, and can also be found online in the Employee Self Service Portal or County's website. The Department Head shall be responsible for informing employees of the contents of these policies and any amendments thereto as they are received. The official copy of these policies shall be maintained by Human Resources who shall provide updates to the departments.

THE PERSONNEL ADMINISTRATION SYSTEM

The Personnel Policies and Procedures Manual contains policies that govern employees of the County. It states the County's policies with regard to employment, classification, compensation, promotion, demotion, dismissal, and other relationships with employees. This manual includes those policy statements and procedures deemed to require legislative review by the Board of Supervisors. This manual does not include all operational policies related to personnel; individual departments may have their own internal policies and procedure manuals. The authority to adopt other policies not deemed by the Board to require legislative review, is delegated by this policy document to the County Administrator or other appropriate management personnel as set forth herein.

Authority and Administrative Procedures

The County Administrator is responsible for the establishment and administration of the Personnel Administration System. The County Administrator may designate other officials to assist in the administration of these policies. The County Administrator's authority specifically includes but is not limited to:

- The authority, within funding constraints, to employ, promote, transfer, reclassify, discipline, demote, dismiss, or in any manner deal with personnel matters concerning employees of all departments and agencies under the County Administrator's control.
- The authority to administer the classification and pay plan and to issue policies and procedures for the administration of the plan.
- The authority, within budgetary limitations, to create and establish new classifications and positions, reclassify existing classifications, delete or abolish positions or transfer to other departments, or make changes in employee classifications to provide for proper administration of the classification and pay plan; and to establish, from funds allocated for this purpose, the compensation of each employee within the designated salary range.
- The authority to issue or cause to be issued appropriate policies and procedures dealing with all personnel matters that are not required to be issued or promulgated by the Board of Supervisors. Any such issuance, modification, clarification, or standardization of any policy issued by the County Administrator is incorporated by reference in this Personnel Policies and Procedures Manual.
- The authority, in keeping with the spirit and intent of Board of Supervisors' approved policies, to interpret, supplement, amend, or revise and be the final administrative authority with regard to the implementation of such policies, and any other policies and procedures, written or

unwritten, whenever the situation requires such amendment, supplementation, interpretation, or revision.

This policy is not intended and does not extend the authority of the County Administrator over any officers or employees of the County who by law are employed or appointed directly by the Board of Supervisors unless specifically directed by Board of Supervisors, nor does it extend such authority to elected officials of the County or their employees, except to the extent that such elected officials have agreed to the application of policies and procedures adopted by the Board of Supervisors to their employees.

This policy does not preclude Department Heads from issuing standard operating procedures designed to govern the performance and management of assigned employees provided such procedures or rules do not conflict with either the policies of the Board of Supervisors or the County Administrator.

Applicability

The provisions of this policy are applicable to all classified employees of the County. Unclassified employees are not governed by these policies notwithstanding the fact that some unclassified employees may be eligible for benefits and governed by specific policies as set forth herein in a manner similar to classified employees. If a constitutional officer or agency has elected inclusion in the classified service, his/her employees shall be governed by and covered under all of the provisions of this policy as if they entered County service on the date of such election or a prior election by the constitutional officer or agency, if there has been no gap between such elections, unless otherwise approved by the Board of Supervisors and incorporated in a written agreement.

DEFINITIONS

Administrative Leave: Absence from duty administratively authorized by the County Administrator for a defined period of time, without loss of pay or work-related benefits and without charge to leave.

Alcohol: As defined in Virginia Code Section §4.1-100, the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

Annual Leave: Paid time away from work with prior supervisory approval accrued by regular full-time employees.

Background Check: The process of verifying information supplied to the County by a potential employee.

Board of Supervisors: The duly elected or appointed officials who comprise the governing body of New Kent County with powers defined by The Code of Virginia.

Browser: Graphical software used to navigate the Internet.

Career Ladder: Jobs within the same career field that perform a core of the same essential functions, but at differing skill levels.

Classification: The process by which County positions are evaluated, ranked, and assigned to grades within the County's compensation system.

Classified Service Employee: Employees who work under the rules, policies and procedures approved by the Board of Supervisors and administered by the County Administrator.

~~**Compensatory Leave:** Authorized leave accrued by non-exempt employees in lieu of immediate cash payment in excess of the statutory hours for overtime compensation for employment as required by section 7 of the Fair Labor Standards Act, earned at a rate not less than one and one-half hours for each hour of employment for which overtime compensation is required by such section. The County may compel the use of compensatory leave at its discretion.~~

Confidential Information: Privileged communication shared with certain persons to further a certain purpose.

Constitutional Officer: An officer provided for pursuant to Article VII, § 4 of the Constitution of Virginia.

Controlled Substances: As defined in Virginia Code Section §54.1-3401.

County Administrator: The administrative head of New Kent County responsible to the governing body for the proper management of all the affairs of the locality which the governing body has authority to control.

County Attorney: Attorney appointed by the governing body to serve at the pleasure of the governing body advising the governing body and all boards, departments, agencies, officials and employees of the locality, drafting and preparing ordinances, defending and bringing actions in which the local government or any of its boards, departments or agencies, or officials or employees, thereof, shall be a party, and in any other manner advising or representing the local government, its boards, departments, agencies, officials and employees. Such attorney is accountable to the governing body in the performance of his duties.

Court Leave: Leave granted by the County Administrator for an employee's absence from work to serve on jury duty or attend court as a subpoenaed witness.

Date of Employment: The month, day and year an employee begins his/her most recent employment with the County.

Department Head: A County official promulgated by the County Administrator in written form and designated with responsibility for operation and management of a major division of County government. Sometimes called "Director" or "Agency Head."

Demotion: Assignment of an employee from one class to another which has a lower pay grade and lower maximum rate of pay.

Discretionary Leave: Leave granted by the County Administrator or Department Head, as appropriate, to employees assigned to those positions exempt from FLSA overtime provisions if extended periods of work are necessitated by the requirements of the position.

Dismissal: The separation or termination of a county employee

Downward Reclassification: Assignment to a position with a decrease in duties and responsibilities resulting from a formal review of such.

Employee Benefits: Privilege of employment and can be changed or revoked at any time.

Essential Personnel: Employees designated by the Department Head and/or County Administrator whose function is deemed essential to the operation of County services, and due to the nature of the emergency which has occurred, must report to work to ensure that public health and safety needs or critical departmental requirements are met.

Exempt Position: A position identified as exempt from the minimum wage and overtime requirements of the Fair Labor Standards Act.

Global E-mail and Voicemail: Electronic distribution capabilities in the County's voice and e-mail infrastructure that enables the distribution of voice and electronic mail to all registered users simultaneously.

Grievance: Formal written complaint conforming to those provisions as contained in the Grievance Policy filed by an employee outlining the nature of the claim, supporting facts, and requested relief.

Holidays: Days employees are permitted to observe specific workdays as holidays and receive holiday compensation for such days as designated by the Code of Virginia 2.2-3300 or designated by the Governor, Board of Supervisors, or the President of the United States.

Hours of Work: Varies by department

- Standard Weekly Work Period = 12:01am Monday through midnight Sunday
- Core Hours of Administrative Offices = 8:00am – 4:30pm Monday through Friday

Immediate Family Member: Defined as: spouse, parent, son, daughter, sibling, grandparents, grandchildren, step-children, step-parents, guardian, and same relatives of spouse; or any relative, either by blood or marriage, living in the employee's household.

Information Technology Resources: The aggregate of personal computers, software, network components, central and distributed processing resources, databases, Intranet and Internet access, telephones, facsimile, wireless devices, two-way radios, other technologies that will evolve and the policies and procedures governing them.

Insubordination: Disobedience to constituted authority; refusal to obey a lawful order of a competent authority which that authority had the right to expect to be obeyed. Includes the intentional or willful disregard of the lawful and reasonable instructions of the employer.

Insolent: Showing an aggressive lack of respect in speech or behavior; includes silent disrespect evidenced by physical demeanor.

Intranet: An interconnected network of computers internal to a company or business that uses the technologies of the Internet.

Internet: A term used to describe an interconnected network of computers that span the world.

Introductory Period: The final stage of the selection process commencing with any new assignment to a classified service position for a duration of at least 180 calendar days during which an employee is required to demonstrate fitness for regular employment classification. Other departments may have extended introductory periods based on their policies and procedures.

Junk E-mail: All unsolicited communications not related to your job responsibilities that are distributed in any broad fashion. Included are such items as business opportunities, solicitation to sell, "Don't Open This" messages, "Virus" alerts (IT performs this function), chain messages, items such as jokes, poems, etc., and any other similar type of communication that is broadly distributed either directly or as a result of comments contained within the communication itself.

Just Cause: A reason sufficiently compelling to excuse not taking a required action (typically in the grievance process).

Layoffs: Involuntary separation other than for disciplinary reasons.

Leave: A supervisory authorized absence from regularly scheduled work hours for reasons specified in the personnel regulations (holidays, vacation, sickness, injury, disability, jury duty, etc.).

Liberal Leave: Flexibility granted by the County Administrator to non-essential employees to use annual, personal, compensatory, or leave without pay during adverse weather conditions or other appropriate circumstances without obtaining prior approval from their Supervisor.

Life-Threatening Health Condition: A health condition that involves a serious, extreme, or life-threatening illness, injury, impairment, or condition that will require the employee's absence from work for an extended period of time longer than the amount of sick and annual leave available to the employee.

Limited Term or Project Position: Positions established on a full-time or part-time basis to perform a specific function or project with the term of employment depending on the continuing need or funding for the function being performed.

Non-Exempt Position: A position identified as subject to the minimum wage and overtime requirements of the Fair Labor Standards Act.

On-call: Designated FLSA non-exempt positions/employees required to be available for work should an emergency require the employee to return to the worksite or other designated area on short notice.

Overtime: Time directed and authorized to work in excess of an employee's regularly scheduled work hours.

Overtime Pay: Payment for the hours non-exempt (eligible) employees work in excess of 40 in one workweek; or other thresholds for public safety employees as allowed under Section 7(k) of the FLSA.

Pay Setoffs: Pay deductions taken by New Kent County, usually to help pay off a debt or obligation to New Kent County or others.

Performance Review Date (PRD): Annual date that begins one year after the employee's position start date and continues annually thereafter.

Position: A budget reference assigned a group of specific duties and responsibilities requiring the full-time or part-time employment of one person. Positions are created by the approval of the County Administrator.

Position Description: Written statement of duties, responsibilities and essential functions which characterizes a job and includes the education, experience, knowledge, and ability required to perform the duties of the job.

Promotion: The assignment of an employee from one class to another, which has a higher maximum rate of pay, and greater responsibility. Promotion requires that an employee be upgraded and reclassified.

Reasonable Accommodation: Any modification or adjustment to a job, the work environment, or the way in which the work is customarily done that makes it possible for a qualified individual with a disability to perform the essential functions of the job and ensure equal employment opportunity in accordance with the Americans with Disabilities Act.

Reasonable Suspicion: Quantum of knowledge sufficient to induce an ordinarily prudent and cautious man under circumstances to behavior based upon a totality of the circumstances.

Reclassification: The process whereby a position is assigned to a different classification because substantial or permanent changes in the duties and responsibilities of the position have rendered the present classification inaccurate.

Regular Employment Classification: Employment status assigned upon completion of the introductory period in a continuing, budgeted position within County service, the incumbent satisfying all requirements for the position.

Regular Full-Time Position: A budgeted position authorized by the County Administrator regularly scheduled to work 37.5 hours or more per week for not less than 52 weeks per calendar year. Regular full-time positions are eligible for the County's benefit package, subject to the terms, conditions, and limitations of each benefit program. If an employee works an average of more than thirty (30) hours a week, under the approval of the County Administrator, he/she may be eligible for health benefits.

Regular Part-Time Position: A budgeted position authorized by the County Administrator regularly scheduled to work thirty (30) hours or less per week. Regular part-time positions are not eligible for the County's benefit package.

Reemployment: The appointment without competitive examination of a former employee resigned from service for one or more days to a classification in which the employee formerly served as a regular, non-introductory employee, or to a comparable or lower classification for which the former employee is qualified.

Resignation: Voluntary separation from County employment prior to retirement.

Restricted Information or Private Information: Includes not only those pieces of information restricted by law but also the seeking or collecting of personal information, financial data client information or other collections of information on an individual not related to a staff member's job functions or assignments.

Seasonal Employee: An individual hired on a term basis, e.g., day, week, period of months or on a project or sporadic basis. Employees in seasonal positions are not eligible for employee benefits and do not earn leave.

Separation: Removal of an employee from County payroll for voluntary or involuntary reasons; to include resignation, retirement, layoff, dismissal, unsatisfactory service, disability, death.

Sick Leave: Leave with pay granted after accrual at a specific rate for a bodily injury resulting in temporary disability, medically related confinement, medical or dental appointment, or illness of the employee or member of the immediate family requiring the presence of the employee.

Standards of Conduct: The standards which employees of the County are required to fulfill supporting the mission and values of the County and to conduct themselves in a manner deserving of public trust.

Supervisor: An employee of the County delegated the responsibility and authority to assign, schedule, monitor, train and evaluate the work of assigned staff. Performs virtually all elements of supervising, approving annual/sick leave requests, authorizing overtime, and recommending to the Department Head hiring, promotion, discipline and termination actions of assigned staff.

Telecommuting: Work arrangement approved by the County Administrator in which Supervisors direct or permit an employee to perform their usual job duties at a location other than their normal workplace in accordance with the County policy.

Temporary Promotion: Temporary assignment of an employee by a Department Head to perform a majority of the essential duties of a position in a higher classification.

Termination: Separation from County employment for disciplinary reasons.

Time Worked: All time actually spent on the job performing assigned duties.

Tobacco Products: Include but are not limited to cigarettes, e-cigarettes, cigars, pipes, chewing tobacco snuff, and vaping.

Transfer: Assignment of an employee from one position to another in the same grade. Transfers may be voluntary or involuntary.

Unclassified Service: The County Administrator, County Attorney, Constitutional officers and their employees (unless officers have elected to have employees as classified), employees of agencies authorized by state law to maintain separate personnel systems (unless the agency has opted to and been approved to have employees in classified service), members of boards and commissions, and volunteer personnel appointed to serve without pay.

Unauthorized Absence: Absence from duty without supervisory approval.

Workers' Compensation: Employer paid insurance providing compensation for injury by accident or occupational disease deemed compensable under Title 65.2 Code of Virginia.

SECTION I

1.00: Nature of Employment

Effective 01/01/2020

Employment with New Kent County is voluntarily entered into, and the employee is free to resign at will at any time, with or without cause. Similarly, New Kent County may end the employment relationship at will at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law. Labor law posters can be found in the Human Resources Department, in public employee areas, or online.

Policies set forth in this policy manual are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between New Kent County and any of its employees. The provisions of the policy manual have been developed at the discretion of management and, except for its policy of employment-at-will, may be amended or cancelled at any time, at New Kent County's sole discretion.

These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the County Administrator of New Kent County.

1.04: Position Classification Plan

Effective 01/01/2020

The Position Classification Plan is the official system of grouping positions on the salary scale based on established classification factors. For classification purposes, a position is a group of assigned duties and responsibilities as outlined in the position description requiring full or part time employment of one person. A position may be occupied or vacant. The position description includes position title, a general statement of the job, specific duties and responsibilities of the position, and the knowledge, skills, and abilities needed to perform the job. Department Heads have the responsibility of assuring that position descriptions for positions in their departments are accurate and reflect essential functions.

Classification factors include essential position duties and responsibilities, knowledge, skills, and abilities needed to perform the job, role within the organization, and internal and external job evaluation. (A job duty is essential if performing the function is the reason the position exists and if not performing the function alters the nature of the position.)

Prior to the establishment of a new position, a position description covering the duties, responsibilities and minimum qualifications for the proposed position(s) shall be developed and submitted to the Human Resources Department for review. Human Resources shall examine the proposed position, recommend the proper classification, and forward the request to the County Administrator. Positions must be created during the budget process or submitted to the Board of Supervisors for approval. No person shall be appointed, promoted, demoted, transferred, or paid in any position until the position has been first established.

The pay classification of each position shall be reviewed as directed by the County Administrator. Abolished positions shall be removed from the Classification Plan. Human Resources is responsible for maintaining an official copy of the Position Classification Plan, as approved or amended by the County Administrator. The official copy includes a schematic list of positions and their respective pay grade and any amendments. A copy of the official classification plan shall be available in the Human Resource Department pursuant to the Freedom of Information Act (FOIA) by the public or any employee under reasonable conditions during normal operating hours.

Human Resources shall maintain the official list of all authorized positions in County service and shall cause changes to be made to the list only when authorized. A copy of the Position Allocation List shall be updated any time positions are added or deleted and annually, together with a summary of changes which have been approved by the County Administrator or the Board during the fiscal year.

1.08: Equal Employment Opportunity

Effective 01/01/2020

New Kent County's policy is to ensure equal employment opportunity to employees and applicants for employment, without regard to race, color, sex, religion, national origin, age, disability, or genetic information. The goals of this policy are to:

- Ensure equal opportunity in all personnel policies and procedures through identification and elimination of policy and procedural areas that unlawfully discriminate on the basis of race, color, sex, religion, national origin, age, disability, or genetic information.
- Employ a workforce representative of the County's population.
- Encourage promotion of qualified individuals.
- Ensure compliance throughout the organization.
- The following actions may be taken, in addition to others, as may be appropriate:
 - In recruiting and hiring applicants for employment, advertising shall be conducted in a nondiscriminatory manner may use not only traditional methods but newspapers, television, radio, magazines, professional organizations, websites, social media, and/or other recruiting sources.
 - Dissemination, internally and/or externally, of the County's policy regarding equal employment opportunity will be a continuing process.
 - Training designed to assist employees and Supervisors in complying with this policy will be provided as necessary.

All personnel actions, including, but not limited to, administration of compensation, benefits, training, tuition assistance, discipline, termination, layoff, return from layoff and social and recreational programs, shall be administered to further this policy. Personnel actions are subject to bona fide occupational job qualifications.

The policy applies to all areas of employment including recruitment, hiring, training and development, promotion, transfer, termination, layoff, compensation benefits, social and recreational programs and all conditions and privileges of employment in accordance with applicable federal state and local laws.

It is the policy of the County to comply with all relevant and applicable provisions of the Americans with Disabilities Act (ADA); the County Administrator acts as the first point of contact as the ADA Coordinator. The County will not discriminate against any qualified employee or job applicant with respect to any terms, privileges or conditions of employment because of a person's physical or mental disability. The County will also make reasonable accommodations whenever necessary for all employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the duties and assignments connected with the job and provided that any accommodations made do not require significant difficulty or expense.

All employees found to be engaging in discriminatory practices will be subject to disciplinary procedures up to and including termination.

1.12: Disability Accommodation

Effective 01/01/2020

New Kent County is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis. The County Administrator acts as the first point of contact as the ADA Coordinator.

Hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Upon request, job applications are available in alternative, accessible formats, as is assistance in completing the application. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position.

Post-offer medical examinations are required only for those positions in which there is a bona fide job-related physical requirement. They are given to all persons entering the position only after conditional job offers.

Medical records will be kept separate and confidential.

Reasonable accommodations are available to all disabled employees, where their disability affects the performance of job functions. **Reasonable accommodations are available for known limitations related to pregnancy, childbirth, or related medical conditions in accordance with the Virginia Human Rights Act (Virginia Code Section 2.2-3900 et seq.)** All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classifications, organizational structures, position descriptions, lines of progression, and seniority lists. Leave of all types will be available to all eligible full-time employees on an equal basis.

New Kent County is also committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability. New Kent County will follow any state or local law that provides individuals with disabilities greater protection than the ADA.

This policy is neither exhaustive nor exclusive. New Kent County is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

1.16: Employment of Family Members/Nepotism

Effective 01/01/2020

It shall be the policy of the County to avoid relationships by blood or marriage among employees in positions which require a supervisory link in the organizational chain. Employment of immediate family members in the same department or division where the relationship, influence or physical location could create conflicts, difficulties or a supervisor-subordinate situation is prohibited. Any employment of family members in the same department must be reported to Human Resources and is subject to review and prior approval of the County Administrator.

For purposes of this policy, immediate family members are defined as: spouse, parent, son, daughter, sibling, grandparents, grandchildren, step-children, step-parents, guardian, and same relatives of spouse; or any relative, either by blood or marriage, living in the employee's household.

This policy pertains to new hires, promotions, demotions, transfers and reinstatements.

1.20: Residency Requirement

Effective 01/01/2020

All persons who are hired, promoted or elevated to a position of County Administrator, County Attorney, and Fire Chief shall become a resident of New Kent County within twelve (12) months of hire. Other officer positions may include this requirement as well. Only the Board of Supervisors may, for good cause shown, modify or relieve this requirement.

1.24: Employment Reference and Background Checks

Effective 01/01/2020

To ensure that individuals who join New Kent County are well qualified and have a strong potential to be productive and successful, it is the policy of New Kent County to check the employment references of all applicants.

Outside requests regarding employment reference checks, whether written or telephonic, are referred to the Human Resources Department for response. New Kent County will respond in writing only to those reference check inquiries that are submitted in writing. It is the policy of the County to release only such information which is in the public domain, i.e., classification title, salary, and dates of employment. Reasons for separation and references as to character and performance will not be released without written request and authorization from the subject of the information. Responses to such inquiries will be limited to factual reproducible information as contained by New Kent County's records. Referring inquiries to Human Resources assures proper application of policy in these matters.

Criminal Records Checks: All employees and volunteers are subject to background and criminal records checks as mandated by the state. Those positions requiring criminal records checks and the procedure to be followed are designated by the County Administrator. Provisional offers of employment may be rescinded depending on the results of the background check

1.28: Employee Medical Examinations

Effective 01/01/2020

Applicants for employment are given a physical examination only when the job specifications contain such a requirement. A physical examination may be requested only after a verbal offer of employment is made to the applicant. The medical report must be completed by a County approved physician and be received and reviewed in conjunction with the essential requirements of work as described in the position description prior to the issuance of a written letter of offer.

Employees must continue to meet, as a condition of employment, the physical standards established in the job specifications for the assigned position and may be given a physical examination at any time after employment when recommended by the Department Head or if mandated by state code.

1.32: Employment Eligibility Verification

Effective 01/01/2020

Pursuant to the Immigration Reform and Control Act of 1986, the County will hire only United States citizens and aliens lawfully authorized to work in the United States. The Act requires all new employees to complete prescribed forms and present documents that verify eligibility to work. Without such documentation, the applicant cannot be employed by the County.

1.36: Notification and Advertising of Vacancies

Effective 01/01/2020

Department Heads shall notify Human Resources of vacant or soon to be vacant authorized positions in their department. When a vacancy occurs, the County Administrator determines whether the position is to be filled by promotion or by a recruitment process.

All job announcements shall be coordinated between the Human Resources Department and the affected department to ensure the content of the advertisement conforms to County policy and the needs of the department. Job announcements must, at a minimum, contain title, the department in which the vacancy exists, the nature of work or examples of work, the minimum qualifications, the closing date, where applications are obtained and the statement "An Equal Opportunity Employer". Job announcements will be posted through the closing date in Human Resources and made available to County employees as appropriate.

All recruitment announcements are publicized by posting announcements or advertisements, and by other means deemed necessary to attract qualified candidates and assure compliance with the County's equal employment opportunity policy. Every reasonable effort is made to publicize such vacancies so that all interested persons are informed and qualified people are attracted to compete for County employment.

Publicity may include advertisements in the newspapers and trade journals, radio broadcasts, correspondence and other contacts with secondary schools and colleges, and mailings to specific outreach locations for posting.

Recruitment announcements are advertised in-house for employees only when in the opinion of the County Administrator, upon recommendation of the Department Head, a sufficient pool of employee applicants is anticipated. The County Administrator shall encourage qualified employees to apply for higher classifications, and seek new applicants for any vacancies that may occur. Should sufficient qualified in-house applicants not apply, the decision may be changed to publicly advertise the announcement. Likewise, the Department Head may recommend the announcement be directly advertised to the public when qualified in-house applicants are not known or anticipated. All announcements to County employees are posted for at least five (5) workdays on the Employee Self Service (ESS) portal online.

New Kent County does not accept nor maintain resumes or applications for non-advertised positions.

1.40: Application for Employment

Effective 01/01/2020

All applicants for employment must complete an application and provide the required information to the Human Resources Department. Failure to do so may eliminate the applicant from further consideration for the position. The application shall solicit information relative to training, experience, salary history, references, information required by law or policy, and other appropriate information. Application and applicant flow information shall be maintained for one calendar year. The Human Resources Department is responsible for promulgating and updating an approved County application for use under this policy.

All employment inquiries and applicants shall be referred to the Human Resources Department for job information, availability, opportunities, and procedures. To facilitate the collection of certain confidential employee data required by the Equal Opportunity Employment Commission, the Human Resources Department is the sole source for receiving an application for employment.

1.44: Employment Selection

Effective 01/01/2020

When appropriate, skill assessments may be used which are written, oral, online, computer-based, or a combination thereof and must relate to the duties and responsibilities of the position for which the applicant is being considered. Performance tests may be required by the Department Head when appropriate. Testing may be done by the hiring department, Human Resources Department, the Virginia Employment Commission, or a qualified third-party vendor.

The Department Head determines those applicants to be interviewed, conducts or causes the interviews to be conducted, makes a selection from among the applicants referred and notifies Human Resources of the recommendation for selection. Human Resources shall issue appropriate procedures as necessary for conduct of the selection process. Extraordinary recruitment, interviewing, or hiring efforts such as travel, overnight visits, accommodations, or moving expenses require the approval of the County Administrator. Upon selection, a verbal offer is made, which is contingent upon a clear background check. Human Resources then issues a formal letter of offer and job description to the selected individual instructing them to report on a date mutually agreed to by the department and Human Resources.

Employees who currently occupy a regular full-time position or regular part-time position with the County may be considered for any other regular part-time position or work-as-required position, however, in the case of the second regular part-time position, benefits will not be duplicated.

To best protect the interests of the County and individual Department Heads, the Human Resources Department serves to check compliance with Equal Opportunity programs as well as County Personnel Policies in hiring and other personnel actions. Further, employee relations are most positive when employees perceive fair, consistent personnel practices. The following standard procedures for hiring new employees are in effect:

- Formal job offers to prospective employees are handled through the Human Resources Department.
 - After a contingent verbal offer has been made and the background check completed, Human Resources would then extend the formal offer letter for hire and provide a copy of the job description.
 - Job postings, interview notes, screening questions, and/or other records created during the recruitment process are to be submitted to the Human Resources Department.
- Reference checks are completed through the Tyler-Munis system.
 - Reference checks are conducted through an automated process in the Tyler-Munis system for prospective new hires. In some cases, additional background checks by the individual hiring department may also be approved.
- All salary negotiations at the time of hire are to be conducted by the Department Head.
 - Individual Department Heads are not authorized to offer individual starting salaries other than starting Step 1 in the assigned pay grade. Any further discussion of an individual's requests or requirements must be approved by the County Administrator.
- Physical examination may be required.

Applicants presented with contingent employment offers and existing employees may be required to have a physical examination, at any time as a condition of employment. This provision is subject to any limitations or requirements of the Americans with Disabilities Act.

SECTION II

2.00: Employment Categories

Effective 01/01/2020

It is the intent of New Kent County to clarify the definitions of employment categories so that employees understand their employment status and benefit eligibility. The following categories have been created for such purpose:

- **Regular Full-Time Position** - positions that are established on a permanent basis and require a regularly scheduled work week of 37.5 hours or more for not less than 52 weeks per calendar year. Individuals in these positions are eligible for all benefits. If an employee works an average of more than thirty (30) hours a week, under the approval of the County Administrator, he/she may be eligible for health benefits.
- **Regular Part-Time Position** - positions that are established on a regular part-time basis and require a regularly scheduled work week that averages less than thirty (30) hours.
- **Seasonal or Temporary Position** - positions that perform a specific function or project with the term of employment depending on the continuing need or funding for the function being performed.
- **Constitutional Officer** - elected officials as defined by Article VII, Section 5 of the Virginia Constitution, including the Treasurer, Sheriff, Commonwealth Attorney, Clerk of the Circuit Court, and Commissioner of Revenue.

FLSA Status:

- **Exempt Position** - positions identified as exempt from the minimum wage and overtime requirements of the Fair Labor Standards Act.
- **Non-Exempt Position** - positions identified as subject to the minimum wage and overtime requirements of the Fair Labor Standards Act.

2.04: Orientation for New Employees

Effective 01/01/2020

New hires are to be provided a structured orientation program to help them learn about the County and what is expected of them as employees of New Kent County:

- On the date of hire, employees are received in the Human Resources Department and provided all pertinent information concerning employment with the County necessary to place them on the County's payroll. The employees are given a "New Employee Orientation" package. A prescribed orientation checklist is used to facilitate the process and to ensure that all appropriate information is passed on to the new employee.
- The second step in the process, within five (5) days of the date of hire, consists of the Supervisor's portion of the checklist which outlines discussion points to explain what is expected in the course of employment with the County.
- The final step is an orientation/training within the department which is usually conducted within thirty days of the employment date. This step allows the employee to have some work experience upon which to ask questions during the formal session.

2.08: Introductory Period

Effective 01/01/2020

The introductory period is intended to give a new employee the opportunity to demonstrate his/her ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. New Kent County uses this period to evaluate employee capabilities, work habits, and overall performance.

Either the employee or New Kent County may end the employment relationship at will at any time during or after the introductory period, with or without cause or advance notice.

All new and rehired employees work on an introductory basis for the first 180 calendar days after the date of hire; Fire & Rescue employees are subject to a one (1) year introductory period. Employees who are promoted or transferred within New Kent County must complete a secondary introductory period of the same length with each reassignment to a new position. Any significant absence will automatically extend an introductory period by the length of the absence.

The County Administrator may elect to cause a written performance evaluation review to be made within the first ninety (90) days of employment of the introductory employee in order to determine whether said employee shows ability to perform required duties. A written performance evaluation review of the employee may be conducted by his/her Supervisor prior to the completion 180 days of employment. Such review shall also assess the employee's exhibited ability to perform required duties. An employee whose job performance is not completely satisfactory but does not warrant dismissal or whose introductory period involves other unique circumstances may have his introductory period extended for up to one additional six (6) months period.

The provisions of the County's grievance procedure are not available to introductory employees. If an introductory employee is dissatisfied with the assigned position, the employee may resign from County service without prejudice.

In cases of promotions or transfers within New Kent County, an employee who, in the sole judgment of management, is not successful in the new position can be removed from that position at any time during the secondary introductory period. If this occurs, the employee may be allowed to return to his or her former position or to a comparable position for which the employee is qualified, depending on the availability of such positions and New Kent County's needs.

Upon satisfactory completion of the initial introductory period, employees enter the "regular" employment classification. The successful completion of the introductory period should not be construed as creating a contract or as guaranteeing employment for any specific duration. Employment status is not changed during the secondary introductory period that results from a promotion or transfer within New Kent County.

2.12: Employee Benefits

Effective 01/01/2020

Benefits are a privilege of employment and can be changed or revoked at any time. Benefits are personal to the employee and cannot be assigned to other employees. Benefits are available to regular full-time employees.

Retirement:

Employees and officers of the County who are in regular full-time positions participate in the Virginia Retirement System under the conditions set forth in Title 51.1, Chapter 1 Article 5, Code of

Virginia, as such Code has been or may be amended from time to time. The County's contribution to the cost of this coverage will be reviewed annually.

The County provides and funds through an agreement with the Virginia Retirement System, a program which provides retirement benefits in addition to Social Security. Participation is mandatory for all regular full-time employees. Employees are fully vested in the Virginia Retirement System's program after five (5) years of membership.

When an employee, subject to the provisions of a retirement plan in effect, has become physically or mentally incapable of performing the duties of his position satisfactorily, or has reached an age at which retirement is mandatory, subject to the provisions of any applicable law, it shall be the duty of the County Administrator to recommend his retirement.

Health, Dental and Vision Insurance:

The County currently offers a health insurance program that includes dental and vision coverage to its employees who work an average of thirty (30) hours per week for the County. The County uses typical look back, stability and measurement period rules for variable hour and part time employees. Please see lookback management document for more details which can be located in electronic format on the County website at www.co.new-kent.va.us/302/Human-Resources. Employees are eligible for benefits beginning on the first day of the month after initial date of hire. Employees offered insurance, must complete all necessary applications and submit to Human Resource within thirty (30) days of initial date of hire. Those employees who do not adhere to this deadline, will not be granted access to the coverage until the next open enrollment period as defined by the Benefit Guide. In accordance with Section 125 of the US Internal Revenue code, once an employee has been given the opportunity to enroll themselves and any legal dependents into a benefit plan, no changes may be made to such a plan unless one of the following occur: upon annual open enrollment, upon qualifying life event, or upon a material change to hours worked which may cause employment status change. Qualifying life events are defined as marriage, divorce, birth, death, adoption and any material change or open enrollment of spousal health insurance coverage. New Kent County must be notified of any qualified life events within the immediate thirty (30) days after the occurrence of the event. The County shares the cost of selected coverage with the employees at a rate authorized by the Board of Supervisors. The County may at any time modify the cost sharing arrangement, change the available coverage, or eliminate coverage. Employees on leave without pay must pay the full amount (employer and employee share) of the health insurance policy for the months they are on such leave except in the case of approved Family Leave.

Under certain circumstances such as voluntary or involuntary job loss, reduction in the hours worked, transition between jobs, death, divorce, and other life events, eligible employees and their covered family members who lose their health benefits have the right to choose to continue group health benefits for limited periods of time under the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA). Qualified individuals are required to pay the entire premium for coverage up to 102% of the cost to the plan. Employees who lose coverage due to gross misconduct are not eligible for continuation of such coverage.

Employee Assistance Program:

The Employee Assistance Program (EAP) through the health insurance carrier shall provide appropriate education to all employees regarding the use of alcohol and prohibited drugs, and the availability of counseling, rehabilitation and other employee assistance. EAP shall also provide all supervisory personnel with training on the physical, behavioral, and performance indicators and symptoms of probable drug use.

Life Insurance:

Regular full-time employees are automatically enrolled in a group term life insurance program currently paid in full by the County. Coverage is mandatory and managed by the Virginia Retirement System (VRS) life insurance agency. Benefits for natural death are equal to the employee's annual salary rounded up to the next thousand and then doubled; benefits for accidental death are equal to the annual salary rounded up to the next thousand, multiplied by four.

The County also provides employees with an option to purchase additional life and accidental death and dismemberment insurance to supplement the basic group insurance provided by VRS. All active employees currently covered by the VRS group life plan are eligible for this optional plan. Employees may purchase this additional insurance coverage for themselves and for their spouse and children.

Worker's Compensation:

All County employees regardless of their employment category as set forth in Section 2.01 are covered under the Workers' Compensation Act, to the extent required by law, in the event an employee sustains an occupational injury or disease as a result of, or in the course of, work performed for the County. Compensation is paid at the rate specified by the Act and begins when the employee is out of work for more than seven (7) consecutive calendar days.

Deferred Compensation:

The County offers a voluntary deferred compensation option. The County does not make or match contributions. Contributions are made to a 457 plan with pre-tax dollars by payroll deduction, which lowers **taxable** pay and thus reduces the annual amount of income taxes owed. Earnings on contributions grow tax-deferred until withdrawals begin.

Pre-Tax Withholding:

The County offers a plan, under the guidelines of the Internal Revenue Service, which permits employees to purchase qualifying fringe benefits with pre-tax dollars instead of after-tax dollars. The election by employees to voluntarily reduce their gross taxable income results in the employee paying less Federal, State, and Social Security taxes. Election is made each year during open enrollment. The County offers the following plans:

Premium Conversion (Pre-Tax Premiums) allows employees to lower their taxable income by having qualified group insurance premiums deducted from their paycheck before taxes are calculated. The County automatically withholds all qualifying group insurance premiums on a pre-tax basis unless the employee signs a waiver.

Reimbursement Accounts allow employees to set aside a portion of their pay each pay period on a pre-tax basis for the following accounts:

- Flexible Spending or Health Savings Accounts to pay for the out-of-pocket medical, dental, and vision care expenses not covered by health benefits plan.
- Dependent Care Reimbursement Account to pay expenses for the care of a child, disabled spouse, elderly parent, or other dependents who are physically and mentally incapable of self-care so that the employee (and their spouse) can work or actively seek work.

Unemployment Benefits:

The County provides unemployment benefits as required by Virginia law at no cost to the employee.

Leave:

Leaves of absence for a variety of purposes and reasons are detailed in this manual.

Voluntary Deductions:

From time to time the County may offer other optional programs to employees. Participation is voluntary and withholding will be by agreement between the employee and the County. Any such programs may be discontinued by the County at any time.

Written Benefit Information:

Within ten (10) days of being notified by an employee or employee's family member that the employee has a life-threatening health condition, the County will provide in writing, information about relevant benefit options and programs along with appropriate forms, in order for the employee to communicate to the County any election of benefit options the employee may be entitled to as a result of his/her health condition.

2.14: Taxable Fringe Benefits Policy

Effective 01/01/2020

Policy

The Internal Revenue Service (IRS) requires that certain fringe benefits provided by an employer to an employee be taxed through the payroll process. If the fringe benefit does not meet the requirements to be non-taxable, then the cost will be added as taxable wages to the employee's pay check following the receipt, purchase, or reimbursement of the benefit.

Definitions

- **Fringe Benefit:** A form of pay (including property, uniforms, services, cash, or cash equivalent) provided to an employee in addition to the normal compensation for performance of services.
- **Taxable:** Included as wages and reported on Form W-2, Wage and Tax Statement, and generally subject to Federal Income Tax, Medicare, and Social Security withholding.
- **"Away From Home":** The IRS states that "away from home" means any trip that requires an employee to travel overnight, or long enough to require substantial "sleep or rest." Working overtime or at a great distance from the employee's normal work station does not create excludable reimbursements for travel expenses if the employee returns home without spending the night or stopping for substantial "sleep or rest." (IRC 162(a)(2) Rev. Rul. 75-170 Rev. Rul. 75-432)
- **"Day Meal":** A meal purchased during the course of an employee's normal work hours and not in an "away from home" status.
- **De Minimis Fringe Benefits:** includes property or services with a value so small that accounting for it is unreasonable or administratively impractical; must be provided only occasionally (infrequently), and not routinely; value is determined by the frequency it is provided to an individual employee or to the workforce as a whole. (Snacks valued at \$1.00 each are provided to employees every day. Even though small in dollar amount, the snacks are taxable because they are provided regularly. However,

a holiday lunch provided once a year is not taxable because it occurs infrequently.) The law does not specify a dollar value to qualify as de minimis.

- **Safety Equipment:** Protective equipment such as steel-toed boots, work gloves, hard hats, highly visible clothing, and safety glasses provided or reimbursed by the County.
- **Clearly Marked Public Safety Vehicle:** A police, fire, animal control, or other public safety vehicle that is clearly marked via decals, paint, or insignia, and is readily apparent as being of a public safety nature.
- **Qualified Non-Personal Use Vehicle:** Any vehicle that the employee is not likely to use more than minimally for personal purposes because of its design.
- **Approver:** The Division Chief, Department Head, or Constitutional Officer who authorizes purchases or approves expenditures relating to fringe benefits.
- **Purchaser:** Employee(s) within the department/office designated by the Approver to make purchases or incur expenditures relating to fringe benefits.
- **Uniform Log:** Spreadsheet utilized to track taxable uniforms per employee.
- **Group Term Life Insurance:** County provided life insurance for full time employees through the Virginia Retirement System. ~~The death benefits equal two times the employee's salary rounded up to the next \$1,000.~~

Procedures

- **Meal and Travel Reimbursements**
 - a) Meal and travel expenses may be reimbursable to the employee if the conditions of the County Travel/Training Policy and Procedures are met. The taxable nature of those reimbursements depends on the circumstances of the meal and travel.
 - b) Meal reimbursement is not taxable if the meal is incurred "away from home" or the employee is on call for emergencies during the lunch period (i.e., Sheriff's Deputies on security duty for a Judge or on an extradition).
 - c) Day meals are generally taxable unless the meal is provided on the County premises and for the County's convenience. Occasional group meals and employee picnics are also excludable.
- **Clothing and Uniforms**
 - a) Generally, County-provided clothing and clothing allowances are taxable as wages to the employee, unless considered safety equipment or public safety uniforms as defined by the New Kent County Sheriff's Office and New Kent County Fire & Rescue Department.
 - b) For public safety personnel, their policy-defined uniforms are considered to be non-taxable if they are required as a condition of employment, they are considered "not suitable for everyday wear", and the public safety department has a policy of prohibiting off-duty wearing of uniforms.
 - c) For non-public safety personnel, polo style shirts, dress shirts, jackets, cargo pants, ball caps, etc. would be taxable, even if the County name/logo appears on the item. It is not enough that the clothes are marked with "New Kent County" and the employee's name, or that the employee does not typically wear the clothing except at work.
 - d) If a clothing allowance is to be paid in cash, the Approver must send a memo to Payroll so it can be included in the employee's next payroll check.
 - e) When the Approver distributes clothing/uniform items to employees, a Uniform Log must be completed and returned to the Finance Department (please see attachment 1).

- If the department keeps clothing/uniforms in inventory, then the Inventory Uniform Log will be used to document the items received by the employee(s) on a monthly basis.
 - If purchases are made for specific employee(s) and immediately distributed, then the Invoice Uniform Log will be used to document the items received.
- f) The Uniform Log must indicate the items given to the employee, the employee's name, the item cost, and tax status. The employee must also sign for receipt of the item. The employee's signature indicates his/her understanding of this policy.
- g) The Finance Department will add the value of the taxable benefit to the paycheck immediately following the employee taking possession of the item.

- **County Provided Vehicles and Vehicle Allowances**

- a) If the County provides a vehicle that is used exclusively for business purposes, there is no tax reporting requirement. Use of a qualified non-personal use vehicle, including commuting, is excludable to the employee; and recordkeeping and substantiation by the employee are not required by the IRS (Reg. 1.274-ST (k); Reg. 132-5 (h)). Qualified non-personal use vehicles include the following:
 - Clearly marked public safety vehicles used for their specific purpose
 - Unmarked vehicles used by law enforcement officers if the vehicle is used by a full-time law enforcement officer; i.e., an officer authorized to carry firearms, execute warrants, and make arrests. The officer must regularly carry firearms, except when it is not possible to do so because of the requirements of undercover work
- b) The employee must always be on-call.
- c) The employee must be required by an employer to use the vehicle for commuting.
- d) The employer must prohibit personal use (other than commuting.)
- e) All employees who are authorized to take County vehicles home will acknowledge in writing their understanding that personal use of the County vehicle is prohibited except for commuting.
- f) All vehicle allowance payments are taxable to the employee and will be processed through Payroll.

- **Group Term Life Insurance**

- a) The cost for up to \$50,000 of coverage is excludable from taxes because the following are true:
 - It provides a death benefit that is not included in income;
 - It is provided to ten (10) or more full-time employees;
 - The amount of insurance is based on pay, not individual selection; and
 - The benefit is provided by a policy carried directly or indirectly by the employer.
- b) The cost for life insurance coverage beyond \$50,000 is taxable as wages.
- c) Employees are automatically taxed through Payroll on the cost of group life insurance in excess of \$50,000.

- **Awards and Prizes**

- a) Some types of awards are always taxable. These include:
 - Cash or cash equivalent awards (gift cards)
 - Recognition awards for job performance unless de minimis
 - Non-cash prizes won by employees from random drawings unless de minimis

- b) Some awards are considered de minimis and are not taxable. They must be of nominal value and provided infrequently. Examples include:
 - Nominal gifts for birthdays, holidays
 - Holiday turkeys and hams
 - Flowers, plaques, coffee mugs for special occasions
 - A watch or similar gift given on retirement
- c) Cash awards may be paid only through Payroll.

- **Professional Licenses and Dues**

- a) Reimbursements to employees or payments made on behalf of employees for the cost of their professional licenses may be excludable if they are directly related to the employee's job. Examples include CPA licenses and notary fees if required for an employee's job.
- b) Reimbursements to employees or payments made on behalf of employees for the cost of dues to clubs organized for business purposes only may be excludable if related to the County's business and when the employee is performing duties related to the organization's focus or mission. Examples are bar association or public service organization dues.
- c) Approvers are responsible for making sure that professional licenses and dues paid for their staff members are directly related to the employees' jobs.

Attachment 1: Taxable Fringe Benefits: Inventory Uniform Log

[illegible]

2.16: Annual Leave

Effective 01/01/2020

The County provides for Leaves of Absence for a variety of conditions and reasons. Annual leave must be requested in advance. Requests for such leave will be granted if in the opinion of the Supervisor such leave is not disruptive to normal operations. Employees are required to notify their immediate Supervisor in advance of the regular starting time if they are going to be late or absent so that arrangements can be made.

New employees who begin work after the 1st of the month shall not receive annual leave for that month.

Employees may go over their accrual limit during the year, provided that accrued leave shall be reduced to the applicable limit on July 1st of each year. For good cause shown, the County Administrator may approve a written extension of the July 1st deadline for a stated period not to exceed four (4) months. All requests for extension must be received by the County Administrator before July 1st. The annual leave accrual schedule is as follows:

<u>Length of Service</u>	<u>Accrual Date</u>	<u>Accrual Limit</u>
0 through 5 years	8 hours of paid annual leave at the completion of each calendar month of employment	192 hours
6 through 15 years	10 hours of paid annual leave at the completion of each calendar month of employment	240 hours
Over 15 years	12 hours of paid annual leave at the completion of each calendar month of employment	288 hours

Part-time employees do not accrue annual or sick leave. Regular full-time employees on annual leave shall be paid their prevailing wage based on the prevailing scheduled work period. Annual leave is earned only upon completion of a full month of employment and may not be used until earned. Annual leave may not be taken in less than fifteen (15) minute increments. It is not the intent of this policy to allow the employee to receive additional compensation through the use of annual leave, but to insure the employee's regular salary. Employees retain all benefits and seniority while on approved annual leave. If an employee has any unpaid time (leave without pay) he/she will not accrue annual leave at the end of that calendar month.

When a holiday falls within a period of annual leave, such holiday shall not be counted in computing vacation.

Annual leave schedules shall be planned and approved by the immediate Supervisor and the County Administrator so as to minimize the need for a temporary increase in personnel. Wishes of employees will be given consideration in the establishment of vacation schedules. In instances of concurrent requests for overlapping vacation dates, preference will be given to the request of the longer-term employee. In no instance should annual leave taken exceed the total amount credited to an employee at the beginning of the pay period in which the absence occurs.

Should a part-time position be made a full-time position, the incumbent will receive leave benefits at a prorated accrual rate for longevity purposes (e.g., 10 years of 20-hour part-time service = 5 years full-time service, 10 hours annual leave earned per month).

Fire & Rescue and Sheriff's Office Personnel – Please refer to your Standard Operating Procedures, guidelines, and/or policies for specific information and instructions regarding your department.

2.20: Sick Leave

Effective 01/01/2020

Sick leave shall be defined as leave with pay granted for a bodily injury resulting in temporary disability, medically required confinement, medical or dental appointment, or illness of the employee or member of the immediate family requiring the presence of the employee. Employees accrue eight (8) hours of paid sick leave at the completion of each full calendar month of employment. If an employee has any unpaid time (leave without pay) he/she will not accrue sick leave at the end of that calendar month.

Employees shall be allowed to use their accrued sick leave to take time off from work for the following reasons:

- Illness or incapacity of the employee or an immediate family member; if leave exceeds three (3) consecutive days a doctor's note will be required upon return to work (unless this leave is also designated as Family and Medical Leave, and proper medical documentation has been submitted.)
- Exposure to a contagious disease when the attendance at duty jeopardizes the health of others.
- Obtain treatment where an appointment could not be obtained outside the normal working hours of the employee; or the treatment was urgently needed; or
- Employee is attending legitimate therapy, counseling, or rehabilitation, and is able to provide evidence of need and of attendance.
- Medical appointments that cannot be scheduled during non-work hours.
- Family and Medical Leave purposes (FMLA).
- Other legitimate health related causes which, in the discretion of the County Administrator or his designee, may be classified as sick leave.

Sick leave may not be taken in less than fifteen (15) minute increments. Sick leave may be used for visits to health providers during working hours only with the permission of the employee's Supervisor. Employees must keep their immediate Supervisor informed of any absence from work and the anticipated duration due to illness, and all sick leave use must be approved by the immediate Supervisor and/or Supervisor on duty.

An employee away from work for medical conditions which require absence in excess of three (3) consecutive days will be required to submit to the Supervisor a written statement from the attending physician/doctor's note outlining the general nature of the medical condition, stating the earliest approximate date of return to duty and advising on the ability of the employee to perform his regular duties. Absences in excess of three (3) consecutive days may also be considered an FMLA event. Before returning to work from an extended absence, the employee may be required by the Supervisor to obtain a written statement from the attending physician/doctor's note advising that the employee may return to regular duties.

Upon return to work, the employee shall submit immediately to his/her Supervisor an authorization for leave request. False or fraudulent use of sick leave shall be cause for disciplinary action. Such disciplinary action may include dismissal. A Supervisor or designee may require a physician's statement/health care provider's note for sick leave when it occurs before or after a holiday or other scheduled day off. When an employee has a record of repetitious usage of short amounts of sick leave over an extended period, the need for which has not been previously documented by a treating physician/health care provider, a Supervisor or designee may require a physician's certificate/doctor's note for each day of sick leave taken. Paid sick leave will not be granted to any employee during the last two (2) weeks of employment unless verification is received from a physician/health care provider that the employee was physically unable to work.

2.21: Sick Leave Bank

Effective 01/01/2020

New Kent County shall establish and maintain a Sick Leave Bank for use by eligible and participating employees. Eligible employees are those employees who have been employed with New Kent County full-time for a minimum of one (1) year, and are participating in the Virginia Retirement System under Plan 1 or Plan 2.

The purpose of the Sick Leave Bank is to provide additional sick leave for those who have defined prolonged or long-term illnesses or injury, as recognized under the guidelines and requirements of the Family Medical Leave Act, and who have exhausted all available leave benefits. Exclusions include: Elective surgery and/or procedures, Approved Workers Compensation claims, bonding time allowed as part of Maternity leave.

To enable the County to provide this benefit, a minimum of twenty (20) employees must agree to participate. Membership in the Sick Leave Bank shall be voluntary and open to all eligible full-time employees.

Enrollment Period and Membership

The period of enrollment shall occur during Benefits Open Enrollment each year. Initial enrollment requires each employee to complete an application and to donate two (2) sick leave days to the bank. Employees may donate a maximum of two (2) additional days per fiscal year to the bank if they desire.

Membership in the bank shall be continuous unless the employee provides written notification to the Sick Leave Bank Administrator, the Director of Human Resources, prior to June 15th of any year of their intent to withdraw from participation.

To maintain membership after initial enrollment, each employee will contribute one (1) day effective at the beginning of each fiscal year (July 15 payroll).

Assessment

Participants in the Sick Leave Bank may be assessed one (1) additional day of sick leave within a fiscal calendar year if the bank is depleted to five (5) days. Members having no sick leave to contribute at the time of assessment but desiring to remain a member will be assessed the first leave day subsequently accumulated. Notification of such need shall be sent to each member if it is necessary, not to exceed one assessment per fiscal year.

Sick Leave Bank Advisory Committee

The Sick Leave Bank Advisory Committee will be represented by the Director of Human Resources, County Administrator, and three Department Heads selected by the County Administrator each fiscal year. The committee can institute changes in the bank's procedures with appropriate notification to the members, and approval of the Board of Supervisors. A quorum is necessary for the Committee to meet. Medical records and information submitted to the Committee shall be confidential and not available for public inspection or access.

Guidelines to be Eligible for Sick Leave Bank Days

1. The Sick Leave Bank is confined to members for an FMLA qualified event which includes care of self or designated family members. Excluded are: Elective surgery and/or procedures, Approved Workers Compensation claims, bonding time allowed as part of Maternity leave.
2. Members must have exhausted all accrued leave (annual, personal, sick, ~~comp time~~, etc.) before becoming eligible to use the sick leave bank days.

3. The first ten (10) scheduled workdays of leave shall not be covered by the Bank, but must be covered by the employee's own accumulated leave balances.
4. If an employee does not have an accumulated leave balance, he/she shall be placed on leave without pay status until the 11th scheduled work day of the illness or non-work related injury before accessing the Sick Leave Bank.
5. All accumulated days in the Sick Leave Bank will automatically carry over to the next fiscal year.
6. Members drawing from the bank will not be required to replace the days used.
7. Participation in the Sick Leave Bank shall run concurrently with approved Family Medical Leave.
8. A member may withdraw up to ten (10) days from the sick leave bank no more than once within each fiscal year (July 1st to June 30th). Distributions are subject to available leave on deposit in the bank. The lack of a sufficient leave balance shall in no way incur a liability or obligation on the part of the County to make up any deficit.

Application

To participate in the Sick Leave Bank, a member must complete an application and submit it with required Family Medical Leave documents, which includes a provider's certification. An approximate date the member will return to work must be included in the physician's certification. Requests to use the bank will be honored for FMLA approved leave only excluding approved Workers' Compensation illness or injury. Elective surgeries and/or procedures are also excluded.

Reoccurrence of Illness

If a member of the Sick Leave Bank suffers a reoccurrence of the illness for which the member initiated the use for the Sick Leave Bank, the member may request use of the bank provided the member did not use the entire ten (10) work days afforded during the initial usage and all accrued leave has been exhausted. A provider's certification and FMLA form must be provided.

Termination of Employment or Membership

Upon termination of employment or withdrawal of membership from the Sick Leave Bank, the participant will not be permitted to withdraw or receive any payment for the days previously contributed to the Sick Leave Bank.

Abolishment

If the Sick Leave Bank is abolished by the County or by legal ruling, the remaining sick leave days shall be distributed first to those members drawing from the bank at the time of abolishment, and then to each member if sufficient days exist to return one full day. In the absence of sufficient days to redistribute one day per member, the Sick Leave Bank shall terminate with no distributions of days to any members. If the Sick Leave Bank becomes inoperative for any reason, the County shall not be held responsible to anyone, then enrolled or eligible to enroll in the future, for any claims

2.28: Holidays

Effective 01/01/2020

It is the County's objective that employees be permitted to observe specific workdays as holidays, and that certain employees receive holiday compensation for these days. This policy applies to:

- Regular full-time employees working a traditional work schedule;

- Regular part-time employees performing regularly scheduled duties during a holiday observed by the County.

The County shall observe such legal holidays as are found in §2.2-3300 of the Code of Virginia. At this writing these are:

- 1st day of January (New Year's Day)
- 3rd Monday in January (Martin Luther King Day)
- 3rd Monday in February (George Washington Day)
- Last Monday in May (Memorial Day)
- 19th day of June (Juneteenth)
- 4th day of July (Independence Day)
- 1st Monday in September (Labor Day)
- 2nd Monday in October (Columbus Day and Yorktown Victory Day)
- Tuesday following the 1st Monday in November (Election Day)
- 11th day of November (Veterans' Day)
- 4th Thursday and Friday in November (Thanksgiving)
- 25th of December (Christmas Day)

Whenever any of such days shall fall on Saturday, the Friday preceding such day or whenever any of such days shall fall on Sunday, the Monday next following such day, and any day so appointed by the Board of Supervisors, the Governor of Virginia, or the President of the United States in observance of the actual holiday shall be a holiday as to the transaction of all business.

If the nature of the services of a department requires that it be in full operation on certain of the days listed above as holidays, policies under this section shall guide compensation.

Requirement to Receive Holiday Compensation

To receive holiday compensation, employees must either work or be on paid leave on the workday before and the workday after the holiday. If the holiday is for a portion of a workday employees must work or be on paid leave the workday before and the workday after the holiday, and work or be on paid leave the work hours preceding the holiday hours.

Note: Any portion of the day before, the day following, or the day of the actual holiday that an employee is on leave without pay will result in loss of holiday compensation.

Rate of Holiday Compensation

Regular full-time employees will receive per day compensation equivalent to workweek hours:

- 37.5-hour week = 7.5 hours
- 40-hour week = 8 hours

When Employees are Required to Work on a Holiday

For the purposes of this section, "holiday work" means work performed by employees during their regularly scheduled work shift on a holiday. Full-time employees who are required to perform holiday work will be paid the appropriate compensation as detailed above and ~~in addition, if approved by their Supervisor or Department Head, may choose one of the following options: [A] to be paid holiday premium pay at time and a half (1.5) or [B] to be credited compensatory leave at 1.5 times~~ the actual

number of hours worked. For each hour of holiday work, employees receive holiday premium pay. For employees eligible for overtime pay, hours worked shall be counted in the total hours for the work period to determine if the overtime rate is applicable.

Holiday's Impact on Overtime Calculation

Employee works on holiday – For non-exempt employees (eligible to receive overtime pay for hours worked over 40 in a work week), only actual hours worked over 40 in any one work week shall be compensated as overtime at the rate of 1.5 times the employee's regular rate.

Employee does not work on holiday – Time off for holidays will not be counted as hours worked for calculating total hours worked in any week for overtime purposes.

When Holiday Falls on Employee's Scheduled Time Off

Employees not required to work – Full-time employees whose scheduled day off falls on a holiday and who do not work that day will be paid holiday compensation at the appropriate rate.

Employees required to work – Employees who are required to work on a holiday that also is their scheduled day off will receive their holiday premium pay at time and a half (1.5), for each hour of holiday work performed and holiday compensation at the appropriate rate.

Holidays Occurring When Employee is on Leave of Absence

Leave with pay – Employees will not be charged with leave for a holiday that occurs during leave with pay. Instead, the time will be recorded as a holiday.

Leave without pay – Employees on any type of leave of absence without pay for any portion of the workday before and/or the workday after a holiday will not be paid for the holiday.

Workers' compensation leave – If employees are on workers' compensation leave and receiving salary supplements provided by the County when a holiday occurs, the holiday will be counted as part of the supplemental compensation.

Family Medical Leave – If an employee is out on FMLA for a full work week in which a holiday occurs, the holiday counts toward FMLA; if the holiday occurs when an employee only misses part of the work week, it does not count toward FMLA.

When Holiday Falls on Employee's Effective Date, Date Returning from Leave, or Date of Separation

When holiday falls on the first day of a pay period – If a holiday falls on the first workday of a pay period and employees are scheduled to begin employment or return from leave without pay on the day following the holiday, the first day of the pay period shall be considered to be the first day worked or the first day of return from leave, thus the employees will not be eligible to receive holiday pay.

When holiday falls on the last day of a pay period – If a holiday falls on the last workday of a pay period and employees' last day worked in County employment or last day on paid leave before leaving County employment is the day before the holiday, the holiday shall not be considered to be the date of separation, thus the employees will not be eligible to receive holiday pay.

Front-Loaded Holiday Leave In Lieu of Recognized County Holidays:

For eligible employees, Front-Loaded Holiday Leave In lieu of Recognized County Holidays is granted at the beginning of the fiscal year, July 1, and must be used by the end of the same fiscal year, June 30. For good cause shown, the County Administrator may approve a written extension of the July 1 deadline for a stated period not to exceed four (4) months.

Sheriff's Office: Communication Officers and Patrol Employees are granted Front-Loaded Holiday Leave In lieu of Recognized County Holidays for the legal holidays as are found in §2.2-3300 of the Code of Virginia at the rate of 12 hours for each holiday. Sworn Animal Control Employees are granted Front-Loaded Holiday Leave In lieu of Recognized County Holidays for the legal holidays as are found in §2.2-3300 of the Code of Virginia at the rate of 10 hours for each holiday. Sworn Animal Control Sergeant will be granted Front-Loaded Holiday Leave In lieu of Recognized County Holidays for the legal holidays as are found in §2.2-3300 of the Code of Virginia at the rate of 8 hours for each holiday. Exempt, Administrative staff and other 40-hour Employees are exempted from this policy.

From time-to-time, "additional days off" or "additional holiday time" may be granted by the state, federal or local governments. When this occurs, additional Front-Loaded Holiday Leave In lieu of Recognized County Holidays will be granted to eligible employees at the rate of 8 hours for a full day or 4 hours for a half-day. The "additional holiday time" will be granted to eligible Sheriff's Office employees as well as Fire 21-Day Employees.

Employees that are granted Front-Loaded Holiday Leave In lieu of Recognized County Holidays are not eligible for holiday premium pay.

Fire & Rescue and Sheriff's Office Personnel – Please refer to your Standard Operating Procedures, guidelines, and/or policies for specific information and instructions regarding your department.

2.32: Bereavement Leave

Effective 01/01/2020

It is the County's objective that employees be permitted to take time off from work for the death of a member of his/her immediate family, as defined below. This policy applies to regular full-time employees.

Established Leave for Bereavement

Regular full-time employees may be granted up to three (3) workdays of bereavement leave upon the death of a member of the employee's immediate family: spouse, parent, son, daughter, sibling, grandparents, grandchildren, step-children, step-parents, guardian, and same relatives of spouse; or any relative, either by blood or marriage, living in the employee's household. This leave is granted with pay and isn't charged against an employee's other leave accruals. The employee will be compensated for his/her scheduled work hours from which he/she is absent due to the bereavement leave, not exceeding eight hours each day, at his/her regular straight time hourly rate. The bereavement leave will be paid only for scheduled work time lost and will not be counted in computing overtime. These hours must be taken within a reasonable time frame after the death or prior and/or immediately subsequent to the day of burial service (or equivalent), including the day of burial services (or equivalent). Additional leave may be taken for bereavement purposes by using annual or personal leave ~~or compensatory leave~~ if the employee desires, with the approval of his/her Supervisor.

The County Administrator may approve administrative leave for employees or groups of employees to attend funerals when warranted in special circumstances.

Notification of Absence

Where the need for or date of an absence cannot be predicted and where conditions warrant, the absence may be authorized verbally by the immediate Supervisor followed by a request for leave by the employee. However, if leave for bereavement can be requested and approved in advance, the

appropriate leave request shall be completed by the employee and approved by his/her immediate Supervisor.

Forfeiture

If you separate from employment before returning to your assigned position to work at least one workday after bereavement leave is used, the time taken as bereavement leave will be revoked and the hours recorded as leave without pay.

2.36: Family and Medical Leave

Effective 01/01/2020

This policy implements the Family and Medical Leave Act of 1993, the "Act" (FMLA) which became effective on August 5, 1993. This policy is intended to summarize the Act, and is not intended to change or alter any rights of employees under the Act.

As provided by the FMLA, all eligible employees shall be entitled to take up to twelve (12) weeks of job-protected family and medical leave during any twelve (12) month period for specified family and medical reasons. The County defines the twelve (12) month period as that twelve (12) month period measured forward from the date an employee's first FMLA leave begins.

Family and medical leave may be either paid or unpaid and runs concurrently with sick and annual leave if the absence qualifies under the FMLA. An eligible employee on FMLA leave must first use all available sick, then all other available leave before going into an unpaid leave status. An employee on FMLA leave to bond with a child must first use all available annual leave before going into an unpaid leave status.

- To be eligible for FMLA leave an employee must have been employed for at least twelve (12) months, which need not be consecutive, and worked at least 1,250 hours during the twelve (12) month period before the leave begins. When both spouses are employed by the County, they are limited to an aggregate of twelve (12) weeks when FMLA leave is for the birth, adoption, or foster care of a child, or to care for a sick parent.
- FMLA leave, with the approval of the Human Resources Department, may be granted for any of the following reasons:
 - The birth or placement of a child for adoption or foster care;
 - To care for a spouse, child, or parent with a serious health condition; or
 - A serious health condition, as defined by the FMLA regulations, which makes the employee unable to work. In general, a serious health condition is defined as an illness, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider.
- FMLA may be taken consecutively for twelve weeks or on an intermittent basis or part of a reduced workweek whenever it is medically necessary. When an employee's need for FMLA is foreseeable, the employee must give at least thirty (30) days written notice and must make a reasonable effort to minimize disruption of County operations. When the need for FMLA is unforeseeable the employee must give notice as soon as practicable (within 1-2 working days) of learning of the need for leave. The County may temporarily transfer an employee using intermittent or reduced workweek to a different position with equivalent pay and benefits if another position would better accommodate the intermittent or reduced schedule.

- Employees on FMLA leave must contact the Human Resource Department within 1-2 working days, if practicable, anytime there is a change in medical condition or requested leave dates. While on FMLA leave the employee must contact the Human Resource Department on the first and third Monday of each month regarding medical status and their intent to return to work.
- The County may require certification from a "health care provider" as provided by the Family and Medical Leave Act. Employees will be notified when certification is required and forms will be provided for this purpose along with instruction for completion and due dates.
- The County may require a second opinion when it is not satisfied with the certification. If the two health care providers disagree, the County may require the opinion of a third jointly approved health care provider who shall be the final authority on the question. These second and third opinions are at the County's expense. The County may also require the employee to obtain subsequent recertification on a reasonable basis.
- While on FMLA leave, the County must maintain the employee's group health insurance coverage at the same level and under the same conditions of coverage as existed before the employee took FMLA leave. The County will continue to pay its portion of the group health insurance coverage. It is the responsibility of the employee to maintain his/her portion of the health premium either through payroll deduction if on paid leave status or by submitting a check payable to the insurance carrier to the Human Resources Department no later than the twenty-fifth of the month if on unpaid FMLA leave. If the employee fails to return from leave, the County may elect to recover the premium paid during the leave period in a manner consistent with the law. Likewise, the County will not make any payments for voluntary benefits on behalf of the employee while on FMLA unless the employee has sufficient funds through payroll deduction to cover the premiums or the employee submits payment directly to the Human Resources Department. Other benefits such as the accrual of seniority will not continue during Family and Medical Leave Act. Anniversary and evaluation dates will be adjusted to reflect any unpaid leave of absence of over thirty (30) days.
- An employee will be returned to his or her original position or to a position with equivalent pay and benefits upon return from family leave. The County may require a fitness for return certification from an employee who has been on family leave for medically related reasons before the employee returns to work.
- The County may choose to exempt certain highly compensated, "key" employees from this job restoration requirement and not return them to the same or similar position at the completion of FMLA leave. Employees who may be exempted will be informed of this status when they request leave. If the County deems it necessary to deny job restoration for a key employee on FMLA leave, the County will inform the employee of its intention and will offer the employee the opportunity to return to work immediately.

Servicemember Family and Medical Leave

The Federal Family and Medical Leave Act also entitles eligible employees to take leave for a covered family member's service in the Armed Forces ("Servicemember FMLA"). Except as mentioned below, an employee's rights and obligations to Servicemember FMLA Leave are governed by previous sections of this policy.

A. Leave Entitlement – Servicemember FMLA provides eligible employees unpaid leave for any one, or for a combination, of the following reasons:

1. A "qualifying exigency" (call to duty) arising out of a covered family member's active duty or call to active duty in the Armed Forces in support of a contingency plan.

2. The care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating.

B. Duration of Servicemember FMLA -

1. When Leave is Due to a "Qualifying Exigency" (call to duty) - An eligible employee may take up to 12 workweeks of leave during a single 12-month period.

2. When Leave is to Care for an Injured or Ill Service Member - An eligible employee may take up to 26 workweeks of leave during a single 12-month period to care for the servicemember. Leave to care for an injured or ill servicemember, when combined with other FMLA - qualifying leave, may not exceed 26 weeks in a single 12-month period.

No Negative Action

FMLA leave will not be used as a negative factor in employment actions, such as hiring, promotions, disciplinary actions, or under attendance policies.

Confidentiality

All information from a health care provider relating to the existence of a serious health condition, whether verbal or written, shall be kept confidential to the maximum extent possible. All medical documents including, but not limited to, medical certifications will be maintained in confidential, secure files separate from personnel files within Human Resources.

2.40: Workers' Compensation Leave

Effective 01/01/2020

Any employee who sustains an on-the-job illness or injury, which is deemed compensable by the County's workers compensation insurance carrier, shall be placed on workers compensation leave for the duration of related absence as long as medical certification indicates the employee is unable to perform the assigned work or until it is determined the employee is eligible for disability retirement, or is separated from County service due to continued inability to perform the assigned work. Workers' compensation leave runs concurrently with Family and Medical Leave.

Employees are not compensated for the first seven (7) days of workers compensation leave unless the employee elects to use accrued leave. This seven-day period coincides with the 'waiting period' of the Virginia Workers Compensation Act in which an employee is not entitled to compensation from the County's worker's compensation insurance carrier. The seven (7) days need not be consecutive.

If a compensable illness or injury results in an absence that exceeds seven (7) days the employee receives replacement income paid by the workers compensation carrier at the rate of 66 2/3 % of his or her average weekly gross wages at the time of the disability, subject to the minimums and maximums allowed by the Virginia Workers Compensation Commission.

In instances where the maximum compensation allowed by law is less than 66 2/3% of the employee's average weekly gross wages, the employee may use accrued sick leave until exhausted and then annual leave to supplement their weekly compensation to 66 2/3% of their average weekly gross wage. This supplement will be treated as taxable wages and will cease when worker's compensation payments are terminated for any reason or, if the employee separates from County employment.

The employee's benefits, medical report, and employment status are reviewed within thirty (30) days of the beginning of workers compensation leave to determine whether the employee remains on workers compensation leave or some other action is indicated. Employment decisions regarding workers

compensation may be made at any time sufficient information is available. With the approval of medical authorities, the County may require the employee to return to light duty assignment. Accommodations for light duty assignments will last no more than six (6) months.

If workers compensation leave status exceeds six (6) consecutive months, the employees' performance review date (PRD) will be adjusted to reflect the period of workers compensation leave which exceeds six months.

2.44: Discretionary Leave

Effective 01/01/2020

Discretionary leave for an employee exempt from the FLSA overtime provisions is not earned or accumulated. Reasonable amounts of discretionary leave may be provided by the County Administrator or the Department Head, as appropriate, for exempt employees, if extended periods of work are necessitated by the requirements of the position.

- Unlike non-exempt employees, the work week of an exempt employee is not specifically defined as 40 hours per week. On the contrary, the general rule of thumb is that such employees work the number of hours required to "get the job done", and these need not be associated with any concept of a "normal" 40-hour work week. This is taken into account when compensation is determined for these positions.
- Discretionary leave is provided to meet professional and personal needs during normal working hours and is not designed to compensate hour for hour for extended hours of work.
- Discretionary leave for exempt employees should be viewed in the same context and in the same spirit as the "get the job done" character of time worked. Both employees and their Supervisors are expected to use and administer an unstructured concept of discretionary time off in a fashion that is in keeping with generally accepted standards of employee performance and not in terms of hourly entitlement.
- The provision of this section shall be limited and not entitled to be utilized as a method to circumvent regularly scheduled work hours.

2.48: Military Leave

Effective 01/01/2020

It is the objective of New Kent County to grant military leaves of absence with restoration rights to employees serving duty in the armed services of the United States pursuant to the Federal Uniformed Services Employment Rights Act of 1994 (USERRA) and §44-93 and §44-93.1 of the Code of Virginia. This policy applies to all employees who are in non-temporary positions and who are called to covered service in the U.S. Armed Forces, commissioned Corps of the Public Health Service, National Guard, Naval Militia, Coast Guard, and reservists of these uniformed services ("Military Service"). Military service includes: voluntary and involuntary duty; active or inactive duty; training; and full-time duty with the National Guard, Naval Militia, or Public Health Service.

Employees are entitled to a maximum of 21 work days of military leave with pay in each federal fiscal year (October 1 through September 30). The time may be fragmented or continuous. For employees who do not normally work approximately equal workdays of five (5) or more days per calendar week, a "workday" shall mean 0.38% (1/260, 260 being the number of weekdays in a year) of the total working hours the employee would have been scheduled to work during the federal fiscal year, not taking into account any holidays, paid or unpaid leaves of absence, or other absences. Employees do not lose

seniority or accrued leave balances when taking these 21 work days of military leave with pay. An employee who is still in his/her introductory period that takes military leave will have the introductory period extended for the length of the leave.

Five (5) Year Leave Maximum

Employees are entitled to military leave and reinstatement provided the cumulative period of military service does not exceed five (5) years during their employment with New Kent County. In computing the cumulative five (5) year period, involuntary extensions of service that result from the following are not included:

- An order to remain on active duty because of a war or national emergency (unless the extension is for training);
- The veteran's inability to obtain release orders before expiration of the five-year period through no personal fault;
- An obligation to complete an initial period of service that is beyond five (5) years;
- An order to fulfill additional training requirements certified in writing by the Secretary; A call to federal service as a member of the National Guard; or
- An order to active duty, as determined by the Secretary, in support of certain operational or critical missions, or periods fixed by the Governor.

The employee should submit to the Supervisor orders for an extension of military service within thirty (30) days of said extension.

Responsibilities of the Employee

Employees should give notice to the Supervisor of an anticipated absence for military training or service as quickly as such information is available. Employees are required to provide documentation of orders for required military training or active duty to their Department Head and the Human Resources Department prior to commencement of duty. In cases of emergency call-up, the employee should notify the Supervisor of the call-up for service as soon as possible.

Use of Applicable Paid Leave

Absences in excess of 21 days in any fiscal year shall be charged at the employee's option to:

- Annual leave
- Personal leave
- ~~Compensatory leave balances, where appropriate,~~
- Military bank leave, or
- Military leave without pay

The minimum charge for military related leave is pursuant to the rules of each leave policy – e.g., in full day increments, hour for hour, etc. An employee may use some or all of his/her applicable accrued balances in order to be paid on the County's regular payroll schedule. The employee who chooses to use some or all of his/her applicable accrued balances to remain in active status must use the leave consecutively. Sporadic use of paid leave is not permitted. Military leave without pay will cover absences not covered by a paid leave. For more information on the use of paid annual leave, consult the annual leave section of this manual.

Military Bank Leave

An employee in military service (MS) may carry forward all excess accrued annual leave hours to be retained as Military Bank leave (MB). When the yearly carry-over adjustments to annual leave are made on July 1 of each year, the amount of leave in excess of the allowable carry-over amount shall be added to the employee's MB category if that employee is designated as MS and has completed the Application for Military Bank Leave authorizing accrual of MB leave through accounting. These leave hours will be available for use only during active military service, training or reserve service. Military Bank leave may not be paid out or credited in any other form to the employee. The hours credited are not available for any other use and will not be paid upon separation of employment with the County or upon discharge or separation from military service.

Military Bank leave may be applied to the period of absence due to covered military service in the same way that other accrued leave is applied. Regular payroll deductions continue. Sporadic use of MB leave is not permitted, unless the military service is sporadic. The balance will remain available for use only during future periods of active military service.

Holiday Compensation

When an authorized holiday falls during a period when an employee is on military leave and is using paid annual or personal ~~or compensatory accrued leave~~, leave the employee's eligibility for the paid holiday will be determined in accordance with the Holiday Compensation policy. If the employee is eligible for the holiday compensation, it will not be counted toward the 21 days of paid military leave, and the employee will be paid for the holiday. An employee placed on military leave without pay or military bank leave will not receive holiday compensation for holidays occurring during the military leave.

Benefits During Military Leave Without Pay or Military Bank Leave

Employees do not accrue paid leave when they are in a leave without pay or military bank leave status.

Health Plan Participation

Employees called for military service who are on leave without pay status have the right to continue participating in the County's health care plan for twenty-four (24) months from the date they are called to active duty. The continuation coverage also applies to spouses and dependents who are covered in the health plan at the commencement date of military leave without pay. The employee and all covered individuals will receive a COBRA Continuation Coverage notice and Continuation of Coverage Election form. Once an election of coverage is made, the coverage dates back to the date leave without pay began or the employee's loss of participation in the health plan, whichever is later. (Note: under USERRA, an employee who is on military leave for less than 31 days is entitled to participate in the health plan on the same terms as if employment was not interrupted.) The employee will be required to make a payment for the health care coverage no later than 45 days from the date an election of coverage is made. If an election of coverage is made in a timely manner, there will be no break in coverage.

Upon returning from military leave an employee is entitled to participate in the County's health plan, whether or not COBRA continuation coverage was elected, on the same terms as if the employment was not interrupted – e.g., the plan cannot impose a waiting period or other exclusion provisions.

Restoration or Reinstatement from Military Service

An employee who has been on military leave for a period of thirty-one (31) days or longer should notify the County of his/her intention to be reemployed and the expected date of return. An employee

will be reinstated to the previous position or to a position comparable to the previous position in terms of pay, status, and benefits provided the employee presents the County with the certificate or release orders that confirm honorable separation from military service within the following time periods (not counting travel time that it takes to return home):

- Military service of less than thirty (30) days - within eight (8) hours of the first regularly scheduled work day after returning home;
- Military service of 31-180 days of - within fourteen (14) days of completing military service;
- Military service over 181 days - no later than ninety (90) days of completing military service.

If a person is incapacitated, injured, or ill from an illness or injury incurred during military service, the days allotted to report to work commence at the time of recovery from such incapacity or illness provided that it is not longer than two years.

Affirmation of Support

New Kent County is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the County's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under this policy. If any employee believes that he/she has been subjected to discrimination in violation of this policy, the employee should immediately contact his/her Supervisor, or Human Resources if the Supervisor is unavailable or unable to be of assistance.

2.50: Personal Leave

Effective 01/01/2020

All regular full-time employees are entitled to one day (7.5 or 8 hours dependent upon required working hours) of leave per fiscal year that may be taken, with supervisory approval, at the employee's discretion. An employee hired January 1st – April 1st of the County fiscal year will be allotted four (4) hours of personal leave; those hired after April 1st will not earn personal leave during the current County fiscal year. Personal leave shall be taken in the full allotted increment (7.5, 8, or 4-hour block, based upon allocation). Personal leave becomes available at the commencement of a County fiscal year and must be taken prior to its termination.

Personal leave may not accumulate and is not eligible for compensation at any employee's separation from employment.

2.52: Court Leave

Effective 01/01/2020

Court leave is leave with pay and is defined as an employee's absence from work to serve on jury duty, attend court as a subpoenaed witness, or to attend unlawful detainer (i.e., eviction) proceedings, and any compensation the employee receives for such service may be retained by the employee. An employee who is a victim of a crime, but is not a subpoenaed witness, is not eligible for court leave, but shall be allowed to leave work to be present at all criminal proceedings relating to the crime if such leave does not create undue hardship to the County's business. The employee who is a victim of a crime may

take leave without pay or use accrued annual leave to exercise his or her right to attend the criminal proceedings. An employee appearing in court as either a defendant or plaintiff in a case is not eligible for court leave, but may take leave without pay or use annual leave for such purpose at the employee's option.

An employee summoned or subpoenaed for jury duty, witness service or for unlawful detainer proceedings must submit a copy of the official summons or other satisfactory documentation (such as witness recognition) to the Department Head prior to the beginning date of such service. Employees will be paid their regular rate of pay, regardless if they receive payment for jury duty; use of leave benefits will not be required. If court leave requires the employee's absence for their full workday the employee will be paid their regular rate of pay for that day. If court leave requires the employee's absence for less than their full workday, the employee must contact his/her Supervisor concerning his/her return to work in order to be paid for any part of the workday.

An employee who is summoned and appears for jury duty for four or more hours, including travel time, in one day shall not be required to start any shift that begins on or after 5:00 p.m. on the day of such duty, or that begins before 3:00 a.m. on the day following the day of such duty.

2.56: Leave of Absence Without Pay

Effective 01/01/2020

Leaves of absence without pay for personal reasons, such as lengthy illness beyond sick leave accrual, personal business, or travel must be requested in advance and in writing by the employee. If an individual qualifies for Family and Medical Leave, the policy requires additional steps and it is therefore necessary to refer to the Family and Medical Leave Policy for specific information regarding this type of leave without pay status. For reasons other than those qualifying under Family and Medical Leave, the request must state the reason, and the starting and probable date of return. Leave without pay is at the discretion of the County and may be refused at any time.

An employee is required to request in writing the reason(s) for leave without pay status. Leaves without pay in excess of ten (10) workdays require the County Administrator's approval and cannot exceed two (2) calendar months. Leave without pay is granted only when all available leave has been exhausted.

Employees on leave of absence without pay for thirty (30) calendar days or less remain on active employment status and service towards accumulation of benefits continues; those on such leave in excess of thirty (30) calendar days are placed on temporary non-pay, inactive status and the period of absence is not considered as service toward accumulation of benefits.

An employee returning from leave of absence without pay during or at the end of the period for which the leave was granted is entitled to reinstatement; if he/she fails to return at the end of the period for which the leave was granted, he/she shall be treated as having resigned from the service. An employee shall not earn any other accrued benefits while on leave of absence without pay.

When leave without pay occurs before or after a holiday, no pay is given for the holiday. Holidays that occur during such absences are likewise not credited to the employee for pay.

2.60: Timekeeping

Effective 01/01/2020

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and state laws require New Kent County to keep an accurate record of time worked in order to calculate employee pay and benefits.

Non-exempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved before it is performed.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

Non-exempt employees should report to work no more than thirty (30) minutes prior to their scheduled starting time nor stay more than thirty (30) minutes after their scheduled stop time without expressed, prior authorization from their Supervisor.

It is the employee's responsibility to verify his/her time records to certify the accuracy of all time recorded prior to submitting to his/her Supervisor. The Supervisor shall review and approve the time record before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record, both the employee and the Supervisor must verify the accuracy of the changes by notating and approving the time record.

Employees must complete and submit timesheets at the end of their work period (weekly, 21-Day, Dispatch, Patrol). All timesheets and leave requests are due in Novatime **no later than Monday at noon following the end of the work period**. Employees who will be on leave must submit timesheet prior to departure or before deadline using mobile app.

Supervisors who are responsible for approving timesheets must have all approvals completed on Monday following the end of the work period. If you are an approver and you will be on leave when timesheets are due, you must delegate your approval authority or use the mobile app to approve your department's timesheets.

~~Attendance and time reports for employees are prepared for non-exempt employees by each department and agency of the County, submitted to and reviewed by Human Resources, who then forwards to the Financial Services Department for proper posting and accounting of hours worked, leave balances, etc.~~

2.61: Reporting Problems with Your Pay

It is the policy and practice of New Kent County to accurately compensate employees in compliance with all applicable state and federal laws. To ensure that you are paid correctly for all time worked and that no improper deductions are made, you must record correctly all work time and review your paychecks promptly to identify and to report any errors. In addition, you must not engage in off-the-clock or unrecorded work.

Review Your Pay Stub

The County makes every effort to ensure our employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to our attention, we promptly will make any correction that is necessary. Please review your pay stub when you receive it to make sure it is correct. If you believe a mistake has occurred or if you have any question, please use the reporting procedure outlined below.

Non-exempt Employees

If you are eligible for overtime pay or extra pay, you must maintain a record of the total hours you work each day. These hours must be accurately recorded in the County's electronic timekeeping system (NovaTime) or other form that may be provided to you. Each employee must certify that the reported hours worked are complete and accurate (and that there is no unrecorded or "off-the-clock" work). Your timesheet must accurately reflect all regular and overtime hours worked, any absences, early or late arrivals, early or late departures and meal breaks. At the end of each work period, you should submit your completed timesheet for verification and approval. (See Section 2.60 for additional information.) When you receive each pay check, please verify immediately that you were paid correctly for all regular and overtime hours worked.

Exempt Employees

If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours that you may work for the County. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time- to- time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

You will receive your full salary for any workweek in which work is performed. However, under federal law, your salary is subject to certain deductions. For example, your salary can be reduced for the following reasons in a workweek in which work was performed:

- Full day absences for personal reasons, including vacation.
- Full day absences for sickness or disability, since we have a sick day pay plan and short-term disability insurance plan.
- Full day disciplinary suspensions for infractions of safety rules of major significance (including those that could cause serious harm to others).
- Family and Medical Leave absences (either full or partial day absences).
- To offset amounts received as payment for jury and witness fees or military pay.
- Unpaid disciplinary suspensions of one or more full days for significant infractions of major workplace conduct rules set forth in written policies.
- The first or last week of employment in the event you work less than a full week.

Your salary also may be reduced for certain types of deductions, such as: your portion of health, dental or life insurance premiums; state, federal or local taxes, social security, Medicare and VRS; or voluntary contributions to a 457 plan or other voluntary benefits that you may elect. In any workweek in which you performed any work, your salary will not be reduced for any of the following reasons:

- Partial day absences for personal reasons, sickness or disability.
- Your absence because the facility is closed on a scheduled work day.
- Absences for jury duty, unlawful detainer proceedings, attendance as a witness, or military leave in any week in which you have performed any work.
- Any other deductions prohibited by state or federal law.

Please note: You will be required to use accrued vacation, personal or other forms of paid time off for full or partial day absences for personal reasons, sickness or disability. However, your salary will not be reduced for partial day absences if you do not have accrued paid time off.

To Report Violations of This Policy, Communicate Concerns, or Obtain More Information

It is a violation of this policy for any employee to falsify a timesheet, or to alter another employee's timesheet. It is also a serious violation of County policy for any employee or manager to instruct another employee to incorrectly or falsely report hours worked or alter another employee's timesheet to under- or over-report hours worked. If any manager or employee instructs you to (1) incorrectly or falsely under- or over-report your hours worked, (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, or (3) conceal any falsification of time records or to violate this policy, do not do so. Instead, report it immediately to the Human Resources Department.

You should not work any hours outside of your scheduled work day unless your supervisor has authorized the unscheduled work in advance. Do not start work early, finish work late, work during a meal break or perform any other extra or overtime work unless you are authorized to do so and that time is recorded on your timesheet. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work you may perform but fail to report on your timesheet. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including dismissal.

If you have questions about deductions from your pay, please contact Human Resources immediately. If you believe your wages have been subject to any improper deductions or your pay does not accurately reflect all hours worked, you should report your concerns to your supervisor immediately. If your supervisor is unavailable or if you believe it would be inappropriate to contact that person (or if you have not received a prompt and fully acceptable reply within three business days), you should immediately contact the Director of Human Resources at 804.966.8568 or the Payroll Administrator at 804.966.8519. If you have not received a satisfactory response within five business days after reporting your concern to Human Resources and/or Payroll, and you are unsure who to contact to correct the problem, please immediately contact the County Administrator's Office at 804.966.9683

Every report will be fully investigated and corrective action will be taken, up to and including dismissal of any employee(s) who violates this policy.

In addition, the County will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the County's investigation of such reports. Retaliation is unacceptable. Any form of retaliation in violation of this policy will result in disciplinary action, up to and including dismissal.

2.64: Overtime

Effective 01/01/2020

When operating requirements or other needs cannot be met during regular working hours, employees will be given the opportunity for overtime work assignments. All overtime work must receive the Supervisor's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour regulations. Overtime pay is based on actual hours worked. Time off on sick leave, annual leave, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations (exceptions exist for Law Enforcement and Fire & Rescue employees ~~in the State of Virginia~~).

Employees in a Seasonal or Temporary Position may be exempt from overtime regulations in accordance with FLSA Section 13(a)(3). This applies to any employee employed in an amusement or recreational establishment, who does not operate for more than seven months in any calendar year.

Employees who work overtime without receiving prior authorization from the Supervisor may be subject to disciplinary action, up to and including possible termination of employment.

2.68: Hours of Work

Effective 01/01/2020

The standard weekly work period for New Kent County Employees shall be from 12:01 a.m. Monday through midnight Sunday. The core hours for administrative offices of the County to be open for public business are 8:00 a.m. to 4:30 p.m., Monday through Friday, including periods of lunch.

The normal work schedule for regular full-time employees is 37.5 hours per week, 7.5 hours per day, Monday through Friday. The workday begins at 8:00 a.m. and ends at 4:30 p.m., interrupted by a one (1) hour lunch period. Because of differing requirements, schedules may vary from these times, and the length and time allowed for meals shall reflect the requirements of each department or function within the County service. Department Heads may adjust the workday beginning and ending times and lunch schedules provided those regular full-time employees work seven and one-half (7.5) hours each day, no work responsibilities are assigned during the lunch periods, and administrative offices are adequately staffed and open from 8:00 a.m. to 4:30 p.m., Monday through Friday. Employees must conform to the required work schedule. Unless an absence has been approved by the employee's Supervisor, an employee who is not at work during assigned work hours is considered unexcused. An unexcused absence, including reporting to work late or leaving early, may result in disciplinary action or dismissal of the employee. Any normal work schedule for more or less than eight (8) hours per workday must be approved by the Department Head with notice to the County Administrator. The normal fifty-two (52) week work year consists of 2,080 hours. However certain standard work schedules have been adopted for public safety (Firefighter and Law Enforcement) employees. These schedules are based on operational requirements and are intended to comply with special wage and hour laws specific to public safety employees.

The nature of the services provided by the County requires that certain positions and classes of positions be subject to call back work at times other than normal working hours, often during the occurrence of emergency or unusual situations. Employees in such positions are required to report to work in such situations when notified by a Supervisor.

It is an employee's responsibility to arrange for transportation to and from his worksite. Travel time between home and the worksite is not time worked. Assigned travel during an employee's regular working hours on work days is counted as time worked.

2.70: "On-Call" Status

Effective 01/01/2020

Though a majority of County employees are deemed "essential" employees and are subject to call-back, the use of "On-call" employees ensures requisite skill sets are available to handle emergencies that occur off-hours. "On-call" is defined as designated FLSA non-exempt positions/employees required to be available for work should an emergency require their return to the worksite or other designated area on short notice. The list of "on-call" eligible positions shall be approved by the County Administrator on an annual basis and maintained on file with the Human Resources Department.

An emergency call-back is defined as an unscheduled request made by an appropriate management official for an employee to return to work due to unforeseen or emergency work after leaving the building or work location at the end of his/her regular shift and before the beginning of the next regularly scheduled shift. An "On-call" Employee who is called back to work outside his/her normal work schedule which requires him/her to physically report to a worksite shall be paid for the time worked or a minimum of two (2) hours, whichever is greater. If the employee regularly works a 37.5-hour work week, this minimum still applies even if they have not worked a full 40-hour week. An "On-call" Employee who is required to respond via telephone or computer shall be paid per occurrence for actual time worked or a minimum of thirty (30) minutes, whichever is greater.

On-call Obligation

An "On-call" employee is not required to remain on County premises, but is required to be in fit condition for duty. Employees shall refrain from the use of alcohol and/or other substances which may impair their ability to operate County vehicles/machinery and perform their duties, and must adhere to all New Kent County Personnel policies. Any variance from such policies may result in disciplinary action, up to and including termination.

"On-call" employees are required to carry a department issued cellular telephone. When contacted by telephone, "On-call" personnel are required to respond in a timely manner, while maintaining safe work habits.

Employees using cellular phones, internet phones or land lines as a form of contact shall maintain awareness of availability and ensure they can be reached when called. The employee must contact his/her Supervisor with an alternate number if outside of the primary coverage area or away from their normal contact number.

On-call Hours and Pay Calculation

"On-call" time is not considered in calculating total hours worked. Employees are assigned to be "On-call" during non-operating hours. No "On-call" hours are required within general normal operating hours, 8:00 a.m. to 4:30 p.m.; or within the regular schedule of other County facilities. "On-call" time is paid at a rate of \$1.00 per hour (or, if on a county holiday, "On-call" time is paid at a rate of \$2.00 per hour).

Hours actually worked while "On-call" will be calculated at the employee's regular rate of pay. In most cases, overtime compensation is applicable only when total hours physically worked exceed the regular full-time work cycle.

Fire & Rescue and Sheriff's Office Personnel – Please refer to your Standard Operating Procedures, guidelines, and/or policies for specific information and instructions regarding your department.

Compliance with On-call Policy

Any employee who is, or becomes, unable to meet his or her "On-call" obligation shall immediately notify his/her Supervisor. Any changes to the approved "On-call" schedule must be approved by the Supervisor.

Employees who fail to meet their "On-call" obligations are subject to disciplinary action. Failure to respond to a telephone call and/or refusal to report for duty when called during the period an employee is designated for "On-call" duty will result in loss of "On-call" pay for that shift, and may also result in disciplinary action, up to and including termination.

Procedures

"On-call" Criteria:

To be eligible for an "On-call" status, employees must have a minimum of three (3) months experience gained through employment with the County, have satisfactory performance and have demonstrated the ability to perform duties without supervision.

"On-call" Duty Schedule

Employees will be given reasonable notice when they are directed to be "On-call". Employees wishing to exchange scheduled "On-call" weeks are responsible for finding a replacement. Exchanges must be approved by the appropriate Supervisor and the Department Head. If an employee is unable to locate a replacement, then the pre-scheduled "On-call" duty stands.

Any proposed changes to the duty roster should be brought to the attention of the Supervisor prior to Wednesday of the week before the scheduled "On-call" time.

"On-call" and Leave Events

If an employee is unable to report to work during normal business hours, it is the employee's responsibility to notify the Supervisor. Employees who fail to meet their "On-call" obligations are subject to disciplinary action.

An employee can be removed from "On-call" status at any time at the discretion of the Supervisor and/or Department Head should there be any question as to whether the employee was able and/or capable of carrying out his/her "On-call" responsibilities,

Call-in Documentation:

Employees working an emergency call-back shall record the following information with the appropriate timesheet for documentation purposes:

- Name of Supervisor/department initiating the emergency call-back contact
- Date and time of arrival
- Nature of the problem/location if applicable
- Time of completion

2.72: Emergency Closings

Effective 01/01/2020

This policy establishes responsibilities and prescribes procedures for notifying County employees of New Kent County government operations during adverse weather conditions and other emergency events. The intent of this policy is to provide an adequate balance between the safety of New Kent County employees and the provision of an acceptable level of customer service. This policy applies to regular full-time employees. Public Safety/Emergency Response personnel are considered essential and are exempted from this policy.

Essential Personnel

When leave for inclement weather or other emergency is declared, essential personnel must report to work. Essential personnel are those employees, designated by the County Administrator, the Department Head or designee (excluding Public Safety/Emergency Response personnel) who due to the nature of the emergency which has occurred, must report to work to ensure that public health and safety needs or critical departmental requirements are met. The County Administrator, designee, and/or Department Head shall predetermine and designate the mandatory/essential operations that will remain

open and designate the essential personnel to staff these operations. Should an essential employee not be able to report to work when the offices have been closed due to transportation problems, the essential employee must advise his/her immediate Supervisor and transportation may be provided to the essential employee in reporting to work. Essential employees who do not report to work and who do not call their immediate Supervisor may be subject to appropriate disciplinary action as determined by the County Administrator and the employee's immediate Supervisor.

All employees may be determined as essential personnel in the event of an emergency. During such events, those employees not reporting for duty must use annual ~~or compensatory~~ leave for those work hours required by the County.

Communicating Late Openings

If County offices are in any status other than fully opened, the goal is that the status will be communicated to the media options listed at the end of this section by 6:00 a.m. on such business day. All employees are responsible for obtaining information regarding County operations status during non-duty hours. In addition to monitoring the media options, employees may call 804-966-9861 for a recorded message pertaining to the status of County offices for that day. Do not call the County Administrator's office directly or any emergency communications numbers. Employees should continue to monitor all media options for possible updates prior to departing for work. When the County Administrator closes County offices because of adverse weather, he/she closes them from 8:00 a.m. to 4:30 p.m. unless specifically stated otherwise. The County cannot be held responsible for erroneous reports by the media. The official status of County operations will be placed on the County recorded message system.

Transportation

Safety of employees and the public is a primary concern during adverse weather conditions or other emergency events. When adverse weather affects driving conditions, it is the responsibility of each employee to arrive to work on time and in the safest way possible. Essential personnel are responsible for ensuring that they are at work for their scheduled shifts and should make arrangements in advance to ensure they will be at work on time and arrive in the safest way possible. Department Heads/Supervisors should encourage advance planning for essential personnel to facilitate their safe travel to and from work during adverse weather.

Liberal Leave

If adverse weather causes difficulty in employees traveling to or from work, and County offices are not officially closed, liberal leave may be granted by the County Administrator or his/her designee when deemed advisable to provide employees flexibility regarding reporting to or leaving from work. Liberal leave permits non-essential employees to use their own leave to remain home from work without obtaining prior approval from their Supervisor. Employees that leave early shall report to their Supervisor that they are utilizing liberal leave and leaving for the day. Essential employees, however, must obtain prior approval from their Department Head or his/her designee if they opt to stay home on liberal leave. Employees may only use annual leave, personal leave, ~~compensatory leave~~, or leave without pay for this purpose. Such leave is authorized only for the period of time designated by the County Administrator or his/her designee.

Emergency Administrative Leave

If County Offices are declared Officially Closed by the County Administrator, Emergency Administrative Leave will be granted as described below to eligible regular non-essential full-time employees who were scheduled to work on the day of the closure.

- If Offices are closed for a full day, up to 7.5 hours of Emergency Administrative Leave may be granted to eligible employees on a 37.5-hour work week; up to 8 hours of Emergency Administrative Leave may be granted to eligible employees on a 40-hour work week.
- Any eligible employee who is able to work remotely **must** do so. Employees working remotely during the Emergency Closure should record those regular hours worked and enough hours of Emergency Administrative Leave to equal his or her regularly scheduled hours for the day of the closure. (For example, an eligible employee who is normally scheduled to work 7.5 hours who is able to work remotely for 4 hours, would record a total of 3.5 hours of Emergency Administrative Leave.)
- If Offices are closed for a partial day, the number of hours between 8:00 a.m. and 4:30 p.m. that the offices are Officially Closed and during which an employee is unable to work remotely may be granted to eligible regular full-time employees as needed so that the total of the hours recorded for the day of the partial closure is equal to the eligible employee's regularly scheduled workday.
- In no case will the number of hours of Emergency Administrative Leave granted exceed the number of hours for which County Offices were actually closed each day.

Compensation for Non-Exempt Essential Personnel

Partial Day Closings

For non-exempt employees deemed as essential, any work performed before a late opening (i.e., between 8:00 a.m. and the late opening, or regularly scheduled shift) or after an early closing hour (i.e., between the early closing and 4:30 p.m. or regularly scheduled shift) will be considered regular hours worked.

Full Day Closings

Non-exempt employees who are deemed essential personnel and are required to report to work for their regularly scheduled hours (entire day) during the hours that the County is closed due to adverse weather or emergency situations will be credited two and one half (2.5) hours of "regular pay" in addition to credited hours worked. This additional 2.5 hours should be recorded as a separate entry on the eligible employee's timesheet with the annotation "additional emergency hours credit" in the notes section. Employees must work their entire regularly scheduled shift in order to qualify for the additional 2.5 hours of paid time.

Other

The County Administrator may authorize the payment of straight time pay or flat rate pay to exempt employees performing work in excess of their regularly scheduled hours to support an Emergency Operation Plan event.

Media Used to Communicate Delayed Openings/Closings:

- WWBT Channel 12 (Television - Richmond)
- WTKR Channel 3 (Television - Tidewater)
- WAVY Channel 10 (Television - Norfolk)
- [Facebook.com/nkcounty](https://www.facebook.com/nkcounty)
- [Instagram: nkcounty](https://www.instagram.com/nkcounty)

- [Twitter: @nkcounty](#)

***New Kent County Main Telephone Line – 804-966-9861** *Please note: The information disseminated through this voice message takes precedence over any conflicting information aired by the other media sources listed above.

2.76: Attendance and Punctuality

Effective 01/01/2020

To maintain a safe and productive work environment, New Kent County expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on New Kent County. In the rare instances when an employee cannot avoid being late to work or are unable to work as scheduled, he/she should notify their Supervisor as soon as possible in advance of the anticipated tardiness or absence.

Poor attendance and excessive tardiness are disruptive. Either behavior may lead to disciplinary action, up to and including termination of employment.

2.80: Meal Periods

Effective 01/01/2020

All regular full-time employees are provided with one meal period each workday, not to exceed one (1) hour. Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time.

Part-time employees have breaks as deemed appropriate by their Supervisor.

2.81: Pay Plan

Effective 01/01/2020

This chapter sets forth the manner in which the pay system operates and how various types of expected transactions should affect an employee.

These policies shall apply to all employees who enter, serve in, and leave classified positions. Exceptions and deviations from these policies shall be handled on a case-by-case basis through the appropriate Department Head and the County Administrator and shall, when necessary, be the subject of supplements to this policy. It shall be the responsibility of the Human Resources Director to administer these policies and to facilitate the resolution of problems and issues that may arise from time to time.

Pay Structure

The pay plan for the authorized positions of the County shall consist of the assigned pay grades.

Entry Rate of Pay

The entry rate of pay for any position shall be the lowest or minimum rate in the pay grade for the position, unless education, training or experience would qualify the employee for a higher entry rate and the higher rate is approved by the County Administrator. Employees who are re-entering County employment after resignation or separation normally enter the grade for their position at the lowest or

minimum rate in the pay grade for the position unless otherwise determined with the approval of the County Administrator.

Rates of pay established are gross and total compensation for full-time service in the various classifications. The hours of work for full-time service are based on an employment week of forty (40) hours, regardless of the actual number of hours worked. When employment is on a part-time basis, the rate paid is proportionate to the percentage of time for which employed. The equivalents of annual rates of compensation shall be based on an 8-hour day and 40-hour week.

Certain classifications are eligible for differential pay when assigned to certain shifts. The amount of this differential pay shall be recommended by the County Administrator and approved by the Board of Supervisors.

Pay for Performance Increases

Based on adopted budgets approved by the Board of Supervisors, employees are eligible for a pay for performance increase on their performance review date (PRD) until they reach the maximum salary for their position. Salary increases provided for by movement within a pay grade shall not accrue solely as a result of the completion of a required period of service, but shall be based on factors contained in the established performance appraisal document.

Employees shall receive a pay for performance salary increase calculated as a percentage of actual salary. The average payment percentage increase and the range of allowable percentage increases are established annually by the Board of Supervisors as part of the budget approval process. The established salary scale for employees who work a 37.5-hour week is computed on 2,080 work hours per year. All rates in the pay scale are those authorized for full-time employment for a period of twelve (12) months and include compensation for holidays.

Pay for performance salary increases are effective on the PRD. Department Heads will be advised of the approved average percentage increase and the date by which completed performance reviews must be received in the Human Resources Department. An employee shall not be eligible for a pay increase until the performance review form has been completely processed and no pay increases will be given until the forms are properly completed, signed and received by the Human Resources Department.

Reclassification

When an employee's position is reclassified, the duties have not changed substantially. If an employee is changed from one classification to a classification carrying a higher pay grade as a result of reclassification, the employee's rate of pay will not change unless the minimum of the higher classification is above the present rate of pay in which case the employee will be placed at the minimum of the higher pay grade. The PRD will remain unchanged.

If an employee is changed from one classification to a classification carrying a lower pay grade, the employee's rate of pay will not change unless the maximum of the lower classification is lower than the present rate of pay in which case the employee shall be placed at the maximum of the lower pay grade. The PRD will remain unchanged.

Promotion

A promotion is defined as elevation to a position with a substantial increase in duties and responsibilities which is a logical step upward in the same career field. Movement to a new position in a different career field is considered to be a new hire rather than a promotion. The PRD shall be established as set forth in this chapter.

Temporary Promotion

Temporary Promotion is considered when a Department Head or designee requires that an employee perform a majority of the essential duties of a position in a higher classification, payment for such temporary promotion shall be approved by the County Administrator.

Eligibility for temporary promotion will be subject to the following conditions:

- Department Head, their designee, or the County Administrator must make the assignment to work in a higher classification.
- Employees assigned to the higher class must be required to perform a substantial number of the essential duties of the higher-level position.
- Essential duties are those tasks outlined in the higher position's written description. If no applicable description exists, no out of class pay may be authorized.
- An employee will be eligible for out-of-class pay when assigned to perform the duties of a higher classification for at least ten (10) consecutive workdays. When an assignment meets these eligibility conditions, the County shall pay the employee retroactively to the first date of the assignment and that pay shall continue for the remainder of the assignment.

Upon written approval of the County Administrator, adjustments or modifications may be approved.

Demotion

A voluntary or involuntary demotion is defined as assignment to a position with a decrease in duties and responsibilities and is distinguished from a downward reclassification resulting from a formal review of duties and responsibilities. An employee demoted from one classified position to another is placed on the lower pay grade. In unusual circumstances, the Department Head may petition the County Administrator to adjust the amount of the salary reduction either upward or downward. The PRD shall be established as defined in this Chapter. The foregoing constitutes the minimum reduction that may occur and, at the discretion of the County Administrator, this reduction may be greater.

Transfers

A transfer to a new position in a new career path or in the same salary grade does not result in promotion. When transfer of an employee from one department to another involves a promotion or demotion the rules of the appropriate action shall apply.

Reinstatement

An employee who has been separated because of a reduction in force or who has resigned in good standing is eligible for reinstatement. Approval of requests for reinstatement is reserved to the County Administrator upon recommendation of the Department Head. Employees re-entering County employment normally enter the grade for their position at the entry level for that position. In other than normal circumstances, the Department Head may petition the County Administrator for approval of a beginning salary above the entry level on the pay grade specified for the relevant classification. If an individual is reinstated within thirty (30) days of separation from the County, the employee's original date of employment and PRD remain the same to reflect no break in service. If an individual is reinstated within three (3) months of separation from the County, the employee's original date of employment and PRD are amended to reflect the period of non-employment. The employment date for those reinstated after a three (3) month separation is the date of reinstatement and such reinstated employees shall be treated as new hires subject to an introductory period of employment.

Administrative Increase

An administrative increase is one within the pay range of a grade that is awarded to an employee for successful completion of educational or training classes pertaining to his/her position. Employees may receive an administrative increase upon recommendation of the Department Head and approval of the County Administrator.

Career Ladders

The term “career ladder” refers to positions within the same career field that perform a core of the same essential functions, but at differing skill levels. From one level up to the next level, the knowledge, skill, and ability increases, the supervision required of the incumbent decreases, and the responsibilities and work behaviors become more difficult and/or complex.

The County Administrator may establish appropriate career ladders conforming to the following criteria:

- Career ladders must meet organizational, staffing and professional development goals.
- Career ladder skills must be recognizable in the market.
- Clear, identifiable requirements must be met to progress from one level to the next.

The employee’s Supervisor may recommend advancement based on the completion of designated requirements for the higher classification level and a review of the employee’s qualifications, experience and work performance. A career ladder advancement is not automatic and must be approved by the employee’s Supervisor, Department Head, and the County Administrator.

Employees reclassified through the career ladder process may receive an increase based upon approval of the County Administrator. Employees who fail to maintain required skills/certifications as required by their position may be subject to appropriate disciplinary measures.

Pay Plan Review

On an annual basis, and coinciding with the budget process, the pay plan shall be reviewed by the County Administrator for the purpose of determining the effect thereon of the cost of living. Based upon the County Administrator's findings and the general financial condition of the County, increases, reductions, or other changes will be recommended in the salary structures of the pay plan to the Board of Supervisors. Adoption of the annual budget shall constitute approval of any changes to the plan.

Premium Pays are Authorized as Follows:

Overtime Pay

Employees shall not work overtime unless such work has been previously authorized by the County Administrator or his designee. On occasion, when circumstances require irregular and unscheduled overtime work for regular full-time employees, overtime pay, ~~in the form of compensatory leave credits,~~ shall be allowed subject to the provisions of the Fair Labor Standards Act (FLSA). The County Administrator shall designate those positions in the County service exempt from the FLSA overtime provisions generally done through the annually adopted County budget. ~~Generally, an employee requesting to use accumulated compensatory leave shall be allowed to do so within a reasonable period of time after making the request with the understanding that such leave will not be granted at that time if it is judged to be unduly disruptive to the operations of his department or agency. Employees are encouraged to schedule taking compensatory leave as soon after earning it as practical. Most employees may accumulate up to 240 hours of compensatory time. Employees engaged in public safety, emergency response or seasonal activities may accumulate up to 480 hours.~~

Part-time employees shall be entitled to overtime pay on the basis of regular hourly rate multiplied by a factor of one and one-half (1.5) for hours worked in excess of forty (40) hours per work week, ~~except for seasonal recreation employees and other part-time employees who are exempted by the Fair Labor Standards Act.~~

Except as required by law, annual, sick, and other approved leave shall not be considered hours worked for the purpose of calculating overtime. Overtime is paid in accordance with applicable federal and state laws. Compensation paid for a leave of absence or holiday is not counted as hours worked for overtime purposes. ~~Paid holidays, are not counted as hours worked for overtime purposes~~ (exceptions exist for Law Enforcement and Fire & Rescue employees ~~in the State of Virginia~~).

Holiday Pay

Refer to Section 2.28 for Holiday Pay procedures.

Special Pays

On-call pay: Non-exempt employees who are required to be available by telephone after regular working hours and to respond in a reasonable period of time when called, are eligible to receive on-call pay. Department Heads identify and the County Administrator approves those positions considered essential to County operations after normal working hours that are eligible to receive on-call pay. On-call pay must be approved by the County Administrator.

Additional Holiday and Overtime Procedures

~~Non-exempt employees required to return to a work site, at least one hour after the termination of the employee's regular work shift, shall receive a minimum of two (2) hours' pay. Those non-exempt employees who are called in to work during any declared Holiday, administrative or emergency leave time as granted by the County Administrator are paid a premium equal to one and one-half (1.5) times of regular pay for those hours worked during such leave time.~~

2.84: Paydays

Effective 01/01/2020

All employees are paid semimonthly on the 15th and last day of each month. In the event that a regularly scheduled payday falls on a day off such as a weekend or holiday, employees will receive pay on the last day of work before the regularly scheduled payday.

~~If a regular payday falls during an employee's vacation, the employee's paycheck will be available upon his or her return from vacation.~~

Employees are encouraged to have pay directly deposited into their bank accounts if they provide advance written authorization to Human Resources. Employees will electronically receive an itemized statement of wages when New Kent County makes direct deposits. **Employees hired after 2010 are required to participate in direct deposit. If a bank account is not available, a Pay Card will be issued.**

2.88: Pay Deductions, Garnishments and Levies

Effective 01/01/2020

The law requires that New Kent County make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. New Kent County also

must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." New Kent County matches the amount of Social Security taxes paid by each employee.

New Kent County offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs.

Garnishments are pay deductions taken by New Kent County, usually to help pay off a debt or obligation to a government agency, private creditor, or others.

If you have questions concerning why deductions were made from your paycheck or how they were calculated, please contact Payroll to have your questions answered.

2.96: Personnel Files

Effective 01/01/2020

The official personnel file shall be defined as the employment file containing personal information relevant to an individual's employment which is maintained by the Human Resources Department.

The official personnel file shall be the only file which is to be considered official and complete in matters related to wage and salary, employee selection, employee relations, and grievances. Information pertaining to any personnel related aspect of employment (e.g., letters of reprimand, letters of commendation, unemployment compensation requests, etc.) shall be contained within the file.

Employee personnel records shall be maintained and destroyed in accordance with the established record retention schedule maintained in the Human Resources Department pursuant to VA Code Sec. §42.1-76, et. seq.

The following information relative to employees and former employees is available to the public when requested in accordance with procedures prescribed by the County Administrator and in compliance with the Virginia Freedom of Information Act, Virginia Code 2.2-3700, et. seq.: name, title, salary, departmental assignment, and department telephone number.

The County Administrator, Assistant County Administrator, Department Head, or an employee's immediate Supervisor, in the presence of a member of the Human Resources Department, may have access to records and performance information of their subordinate employees available in the official personnel file. For purposes of the immediately preceding sentence, the "immediate Supervisor" of the County Administrator and the County Attorney shall be any individual member of the Board of Supervisors.

Employees may review their official file in Human Resources in the presence of a member of the Human Resources Department. Documents, except those restricted by other policies or laws, may be reproduced and furnished to the employee by the Human Resources Department in accordance with any applicable administrative procedures.

2.99: Personal Data Changes

Effective 01/01/2020

It is the responsibility of each employee to promptly notify New Kent County and the Human Resources Department of any changes in personal data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all times. Some

information can be updated online in the Employee Self Service Portal, or all updates can be done in writing to the Human Resources Department.

SECTION III

3.00: Dress Code

Effective 01/01/2020

During work hours, employees are considered to be representatives of the County and are required to dress and groom themselves in a manner that portrays a professional image. Department Heads are to determine appropriate appearance and apparel, and may establish a formal written department-specific dress policy with the approval of the Director of Human Resources. Any manner of dress or personal hygiene that is disruptive to the work of the department or to those being served shall be considered inappropriate.

Employees issued uniforms or protective clothing are required to wear them while on duty and are expected to maintain them in a neat, clean and operational state. Job descriptions will specify those jobs where there are special grooming and/or dress requirements imposed to ensure the safety of the employee.

Examples of required attire include the following:

- Hair, sideburns, mustaches and beards should be clean, combed, and neatly trimmed or arranged. Shaggy, unkempt hair is not permissible regardless of length. Unnatural hair colors (such as purple, blue, green, etc.) are not permitted.
- Tattoos, body piercings, and facial jewelry forward of the ears should not be visible.
- Job appropriate footwear must be worn at all times. All shoes must have soles; flip flops are never permitted.

Employees who do not regularly meet the public should follow basic requirements of safety and comfort, staying as neat and businesslike as working conditions permit.

At the discretion of the County Administrator, employees may be allowed to dress more casually. On these occasions, employees are still expected to present a neat appearance and are not permitted to wear ripped, disheveled, or similarly inappropriate clothing as described in Section 3.04 unless part of an approved work uniform.

Any employee who does not meet the standards of this policy will face corrective or disciplinary action. Nonexempt employees (those employees subject to the minimum wage and overtime requirements of the Fair Labor Standards Act) will not be compensated for work time missed because of failure to comply with this policy.

3.04: Casual Days

Effective 01/01/2020

Throughout the year, the County Administrator may designate certain days as "Casual Days." To celebrate these days, employees are invited to support a cause. Participation in Casual Day events is voluntary. Those contributing to the cause may wear more relaxed attire. The following information is

intended to serve as a guide to help define appropriate casual business-wear for all employees during designated casual days at New Kent County. The examples of clothing already listed as inappropriate for the workplace remain unacceptable even on Casual Days.

Our primary objective is to have employees project a professional image while taking advantage of more casual and relaxed fashions. Casual dress offers a welcome alternative to the formality of typical business attire.

However, not all casual clothing is appropriate for the office. Casual business-wear means clean, neat, professional clothing. It is never appropriate to wear stained, wrinkled, frayed, or revealing clothing to the workplace. If you are considering wearing something and you are not sure if it is acceptable, choose something else or inquire first.

Listed below is a general overview of acceptable casual business-wear as well as a listing of some of the more common items that are not appropriate for the office. Obviously, neither group is intended to be all inclusive. Rather, these items should help set the general parameters for proper casual business-wear and allow you to make intelligent judgments about items that are not specifically addressed.

Examples of acceptable casual business-wear include:

- Slacks
- Jeans
- Casual dresses and skirts
- Casual shirts and blouses
- Golf shirts
- Turtlenecks
- Sweaters
- Loafers
- Deck shoes
- Boots
- Athletic shoes
- Flats
- Dress sandals

Examples of inappropriate clothing items that should not be worn on casual days include:

- Jeans that are excessively worn or faded
- Sweatpants
- Warm-up or jogging suits and pants
- Shorts
- Short shorts
- Bib overalls
- Spandex or other form fitting pants
- Miniskirts
- T-shirts or sweatshirts with offensive messages or images
- Tank tops
- Halter or bare mid-section tops

- Tops with bare shoulders unless worn under a blouse or jacket
- Visible undergarments
- Flip-flops
- Slippers

For some, traditional business attire may simply remain a more favored option on casual days. The choice will be yours. We hope and fully expect that casual days will help make our workplace more enjoyable and productive.

3.08: Uniforms and Personal Equipment

Effective 01/01/2020

Employment in certain positions will require identification of the employee through use of an identification card provided at no expense to the employee. The I.D. card will be provided at the request of the Department Head as the new employee is hired and will be issued by the Human Resources Department. Amendments or changes to previously issued I.D. cards shall be initiated by the department on behalf of the employee through a memorandum to the Director of Human Resources. Upon separation the employee shall return the I.D. card to his/her Supervisor who in turn shall return it to the Human Resources Department.

Certain positions may require the wearing of a uniform and/or badge and the issuance of other equipment and/or tools provided by the County. All clothing and equipment issued by the County shall be inventoried by the issuing department and remains the property of the County. Non-serviceable clothing and equipment is replaced on a one-for-one basis when the particular item is returned to the County's inventory.

Employees are expected to maintain issued uniforms and equipment and return them to the County's inventory upon separation from service. All lost or negligently damaged clothing or equipment will be replaced at the employee's expense. Department Heads must maintain accurate records of all County-owned equipment/tools, etc. issued to employees.

Cell phone usage by employees is authorized provided that such use occurs in a safe, professional manner and that the County does not incur cell phone expenses unrelated to official County business. Confidential conversations should not be held on cell phones as they are not secure means of communication and may be monitored.

Cell phone usage records will be provided to the department and are subject to public information requests. Cell phones will be issued only to those employees with a demonstrated need for these types of communication. Cell phones may be requested only by Department Heads or above. Employees who use a County issued cell phone agrees to the following rules of use:

- Employees must safeguard any cell phone equipment in their possession. Cell phones that are lost or damaged as a result of employee carelessness, neglect, or misuse shall be replaced at the employee's expense.
- The loss of any cell phone shall be reported to the employee's Supervisor immediately. To avoid fraudulent use, the Supervisor must then inform Financial Services to arrange temporary suspension of the account.
- When an employee no longer has a demonstrated need for the cell phone, or when the employee separates from employment with any County department, that employee shall return the cell phone and the department shall return it to Information Technology.

3.12: Vehicle, Machinery, and Equipment Operations

Effective 01/01/2020

Specific Driving Criteria and Guidelines

New Employees:

Upon hire, all new employees must provide a current Division of Motor Vehicles driving record. The following minimum qualifications and/or guidelines are to be met in order for newly hired employees to operate a County owned or leased vehicle:

- Two (2) years of experience;
- A valid, properly classified Operator's or Commercial Driver's License corresponding with the address registered with payroll. This license must be kept in the possession of the operator at all times while driving;
- Maintain a driving record with no greater than a negative -3 point balance.

All new employees authorize upon employment and annually thereafter the County to obtain an abstract of their driving record or agree to provide such abstract from the state issuing Operator's or Commercial Driver's License. This procedure will be performed through Human Resources.

Current Employees:

- Any New Kent County employee who violates the criteria above will be subject to disciplinary action, including, but not limited to, completion of a Defensive Driving Training Course within thirty (30) days and/or suspension of driving privileges and/or possible termination.
- Employees authorized to operate County owned or leased vehicles shall notify their Supervisor of the suspension, restriction or revocation of their Operator's or Commercial Driver's License by the next working day. Failure to provide required notice may result in disciplinary action and/or termination.
- Employees shall notify their Supervisor of traffic citations received while operating a County vehicle by the next working day. Failure to provide required notice may result in disciplinary action and/or termination.

After an employee provides notification of the suspension, restriction or revocation of his/her License, the Department Head shall consult with the County Administrator and Human Resources Director to determine under what circumstances, if any, the employee will be permitted to continue or resume the operation of County owned or leased vehicles.

The use of County owned or leased vehicles for personal use, including the unauthorized presence of family members, is prohibited.

The use of County owned or leased vehicles for the transportation of alcoholic beverages/illicit drugs or use by persons impaired by or under the influence of intoxicants or drugs is prohibited. Any such operation is an unauthorized use; therefore, the operator ceases to be a permissive user of the vehicle and is not protected by any insurance or self-insurance provided by the County, and may result in disciplinary action, up to and including termination.

All occupants of County owned or leased vehicles shall wear safety belts while the vehicle is in operation. Additionally, all employees driving personally owned or leased vehicles for County business shall wear safety belts.

Employees shall not alter or add any equipment to a County owned or leased vehicle without authorization from the County Administrator or designee. This includes AM/FM radios, cassette or CD players, air conditioners, bumper stickers, auxiliary lights, etc.

Employees operating County owned or leased vehicles shall be responsible for ensuring proper preventative maintenance is regularly scheduled and performed. Vehicles should not be left with less than half a tank of gas to ensure there is adequate gas for the next user. If an employee finds less than half a tank of gas, they need to report this to his/her Supervisor so the last user is identified and the matter addressed. Employees should check the vehicle after each use for trash or debris left behind. The vehicle should be left clean. Smoking is not permitted in County vehicles.

County vehicles should be parked in their designated parking spaces.

Staff attending the same out of town meetings or conferences should carpool to maximize efficiency.

Operators of County vehicles should practice "defensive driving" and anticipate and observe the actions of other drivers and control their own vehicle in such a manner so as to avoid an accident. Information is available in the glove compartment of all vehicles in the event of an accident or emergency, before and after work hours.

An Accident Report Form should be completed anytime a county vehicle or piece of equipment is involved in an incident resulting in damage, no matter how minor. The applicable law enforcement agency (locality of accident), Department Head, and immediate Supervisor are to be notified immediately even if the accident occurs after standard work hours. Following an accident involving a vehicle, the County will test any covered employee involved in the accident, or in the event the accident results in a loss of life, any covered employee who was performing a safety sensitive function with respect to the vehicle at the time of the accident. Any covered employee subject to being tested following an accident shall remain available for such testing for a period of up to eight hours following the accident, or until such testing has been performed, or the covered employee has refused to consent to being tested. For purposes of this paragraph, an "accident" is any use of a vehicle which results in personal injury or property damage.

Pool car users must adhere to all policies contained herein and abide by sign-out procedures as designated by the Department of Finance.

Take Home Vehicle Procedures

- An employee must fill out a Request for a Take Home Vehicle and submit it through their Department Head. The Department Head shall indicate approval or disapproval and, if approved, forward it to the County Administrator for final action. The County Administrator must approve the vehicle before it can be used for take home use.
- One of the three following requirements must be met to obtain approval:
 1. The employee is required to answer emergency calls or perform work-related functions away from the assigned work place at least twice a week before or after normal working hours;
 2. There is a need for the employee to have access to a specially equipped vehicle in order to fulfill departmental missions;
 3. There is a rapid or immediate response time requirement for the employee's service.
- If an employee is scheduled to be out of work for more than three (3) days, the Department Head may require that the County vehicle assigned to the employee be returned to the work site for utilization during their absence.
- A list of vehicles authorized for take home use shall be submitted by each department to the County Administrator by June 1st of each year.

3.16: Use of Tobacco Products in Public Facilities

Effective 01/01/2020

Smoking or use of tobacco products is not allowed in County owned, subsidized, or leased offices, buildings, or vehicles. The Circuit Courthouse comes under the auspices of the Judge of the Circuit Court who establishes the smoking/tobacco use policy within the entire building. Tobacco products include but are not limited to cigarettes, cigars, pipes, chewing tobacco snuff, vaping and e-cigarettes, etc.

Smoking is permitted in designated areas only and appropriate receptacles are to be utilized at all times.

3.20: Employee Training and Development

Effective 01/01/2020

The County encourages the development of, and attendance at, training and education programs that enhance employees' ability to perform their work more effectively and/or to qualify for promotion within the employees' career field. Such programs shall be planned, coordinated, and conducted so as to maximize the effectiveness of training and education funds available within departments. Where subject matter or available resources do not permit the use of in-service training, specialized training or education courses by outside resources may be approved. Whenever possible, in-service training shall be provided when the same or similar training is required of groups of employees. Department Heads are encouraged to pool their training resources to facilitate lower cost training in mutual areas of interest. Courses must not interfere with the employee's job responsibilities, as determined by the County, and must be taken on the employee's time unless the employee and employee's Supervisor have agreed otherwise. Courses intended to qualify an employee for a position outside of his or her current job skill area are not reimbursable unless taken at the specific request of the County. Courses must not require unreasonable absences. Any such absence requires prior approval of the employee's Supervisor. The class time should not interfere with the satisfactory performance of the employee's position responsibilities.

Rules for County Funding

Education reimbursement is subject to budget constraints. While it is the County's intent to adequately fund this effort, unlimited funding cannot be guaranteed. The County reserves the right to limit course approval and/or predetermine reimbursement amounts based on applicability to position description, employee position performance, and funds available. The following policies determine when requests for training or education will be approved (assuming available funds) for County funding:

- **Job Required Training:** The County may choose to fund upfront or may reimburse full-time employees who have completed a minimum of 180 days of employment for approved training or education expenses when the subject matter is essential to proper performance of the employee's assigned position and the employee was not expected to have completed the training or education prior to employment. Attendance may be authorized during working hours. Undergraduate or graduate education courses which fall into this category will be approved for reimbursement of the cost of tuition and books only when employees satisfactorily complete the course (completion of course with grade of "C" or better). The fact that such courses are part of a degree program shall not disqualify them from reimbursement; however, the County will not pay for courses within the degree program which are not job essential.
- **Job Related Training/Education:** The County may reimburse full-time employees who have completed a minimum of 180 days of employment for approved expenses when the subject matter is job related and in the view of the County Administrator or Department Head should

lead to improved performance on the job. Attendance may be authorized during working hours. This training generally consists of short courses, seminars, conferences, meetings, etc. coincident with the employee's routine responsibilities with the County. Undergraduate or graduate courses which fall into this category may be approved for reimbursement of the cost of tuition and books only when employees volunteer to attend classes on their own time and satisfactorily complete the course (completion of course with grade "C" or better). The fact that such courses are part of a degree program shall not disqualify them from reimbursement; however, the County will not pay for courses within the degree program which are not job related.

- Reimbursement for any training or education program that does not meet the conditions set forth in the preceding two subparagraphs is not authorized.
- Upon completion of the course, the employee has thirty (30) days from receipt of final grades to submit a copy of documented grade to Human Resources or the employee will be considered in non-compliance with the educational agreement and be responsible for repayment of costs and fees to New Kent County.

Application

Applications for training or education courses are made on prescribed forms that are available in all departments and agencies of the County. Training applications must be submitted and approved by the Department Head and subject to budget approval for consistency prior to the start date of the training.

Approval Authority

The County Administrator approves training or education programs for Department Heads. Department Heads may approve training in accordance with this chapter for assigned employees within the limits of training funds in the departmental budget. After being approved by the Department Head, all application should be forwarded upon approval to Human Resources for inclusion in the employee's personnel file.

Repayment of Training Funds

All training payments are contingent upon presentation of satisfactory evidence of successful completion of the enrolled program. Training payments made by the County in advance, are subject to repayment by the employee if [1] conditions for completion are not met, or [2] the employee separates from County employment prior to the completion of the training, whether by voluntary resignation or termination.

The County will have the employee sign a Training Payment Reimbursement Agreement. This agreement can be found on the County website, the Employee Self-Service Portal, with Human Resources or from Department Heads. Such agreements will normally only be used when the training payments and associated costs are expected to exceed \$1,000 or, in the opinion of the County, the training will substantially improve the employee's marketability. The use of an Agreement will be handled on a case-by-case basis and must be approved by the Director of Human Resources to ensure County-wide consistency. If an employee separates from County employment within one (1) year following the completion of training, whether by voluntary resignation or termination, the Agreement will require repayment of training payments and associated costs.

3.24: Membership in Professional Organizations

Effective 01/01/2020

When approved by the County Administrator or Department Head, as appropriate, and subject to budget constraints, the County may pay the professional dues for membership in job-related associations, travel expenses, and registration fees required for attendance at annual meetings, training sessions or similar gatherings of appropriate professional associations.

3.28 Bonds

Effective 01/01/2020

The County provides funding for adequate bonding of employees when required by the assigned position or when it is in the best interest of the County to do so.

3.32: Outside Employment

Effective 01/01/2020

A full-time position with New Kent County is considered to be the employee's primary occupation. Employees may not engage in other employment which presents a conflict of interest with their county position and/or which interferes with and detracts from the efficient and effective performance of their duties with the County. All employees will be judged by the same performance standards and will be subject to New Kent County's scheduling demands, regardless of any existing outside work requirements. If the County determines that an employee's outside work interferes with performance or the ability to meet the requirements of New Kent County as they are modified from time to time, the employee may be asked to separate from the outside employment if he or she wishes to remain with New Kent County.

Outside employment must be approved by the Department Head and County Administrator.

3.36: Telecommuting

Effective 01/01/2020

Telecommuting shall be only through the approval of the County Administrator. The nature of County government business is constituent service. This service is best conducted in person at a designated County location.

3.40: Gifts and Gratuities

Effective 01/01/2020

An employee is subject to disciplinary action if the employee accepts gifts or gratuities from any individual, organization or business concern with whom they have official relationships in the business of County government. These limitations are not intended to prohibit the acceptance of articles of negligible value which are distributed generally, nor to prohibit employees from accepting social courtesies which promote good public relations, nor to prohibit employees from obtaining loans from regular lending institutions. It is particularly important that inspectors, contracting officers, and enforcement officers guard against relationships which might be construed as evidence of favoritism, coercion, unfair advantage or collusion.

The provisions of the Virginia Conflict of Interest Act govern the acceptance of gifts and gratuities and County employees should familiarize themselves with the provisions of that Act. County related business trips paid for by others must receive prior approval of the Board of Supervisors. Although

certain courtesy gifts of nominal value may be accepted under law, as a general rule employees should discourage any gifts whenever possible.

3.44: Political Activity

Effective 01/01/2020

Every County employee is entitled to exercise the right to vote and may join or affiliate with civic organizations of a partisan or political nature, attend political meetings, advocate and support the principles and policies of civic or political organizations in accordance with federal, state, and local laws.

No employee may (1) engage in any political campaigning or electioneering while on duty; (2) be required to contribute to, solicit for, or act as a custodian of funds for political purposes; (3) be coerced or compelled to contribute by any other employee of the County for political purposes; or (4) use any County supplies, materials, equipment or facilities for political purposes or to aid a political candidate, party or cause.

3.48: Prohibitions

Effective 01/01/2020

The following shall be prohibited of employees of the County not exempt from the provisions of these rules, by these rules, or the resolution under which they are promulgated:

- No person seeking employment with or promotion in the County service shall either directly or indirectly give any money, or thing, or service of value to any person for or in connection with his appointment, proposed appointment, promotion, or proposed promotion.
- No employee shall seek or attempt to use any political endorsement in connection with any appointment to or preferment or advantage in connection with a position in the County service, except as permitted and provided by State Law.
- No employee shall distribute or seek to distribute written materials during working hours whose intent is to inflame hatred among people due to differences in age, race, color, religion, sex, national origin, age, disability, or political preference.

Violation of the above prohibitions may be grounds for rejection of application or dismissal.

3.52: Conflicts of Interest

Effective 01/01/2020

Officers and employees of the County who have a personal interest in any transaction before the County or its agencies shall annually file written disclosure statements pursuant to the requirements of the State and Local Government Conflict of Interests Act, Section 2.1-369.1 et seq.

3.56: Confidential Information

Effective 01/01/2020

An employee may not make use of or permit others to make use of confidential information acquired by virtue of employment with the County for the purpose of furthering the employee's or another's private interest. To do so is grounds for termination.

3.60: Bidding to Purchase County Property

Effective 01/01/2020

A County employee shall be permitted to participate in a public auction held by the County for the sale of surplus tangible property, where the auction has been properly advertised and sale made to the highest bidder. There shall be no special privilege or advantage enjoyed by the employee by virtue of his position with the County throughout the bidding process.

County employees involved in the disposition of surplus property by advising of the proper procedures to be followed may be prohibited from participation in such auction, as such actions may be perceived as a conflict of interest.

3.64: Solicitation

Effective 01/01/2020

The solicitation of County employees on County property must be specifically authorized by the County Administrator.

3.68: Suggestion Program

Effective 01/01/2020

Employees of New Kent County have the opportunity to contribute to our future success and growth by submitting suggestions for practical work-improvement or cost-savings ideas.

All regular employees are eligible to participate in the suggestion program.

A suggestion is an idea that will benefit New Kent County by solving a problem, reducing costs, improving operations or procedures, enhancing customer service, eliminating waste or spoilage, or making New Kent County a better or safer place to work. Statements of problems without accompanying solutions, or recommendations concerning co-workers and management are not appropriate suggestions.

All suggestions should contain a description of the problem or condition to be improved, a detailed explanation of the solution or improvement, and the reasons why it should be implemented. If you have questions or need advice about your idea, contact your Department Head for help.

Submit suggestions to the Human Resources Department and, after review, they will be forwarded to County Administration. As soon as possible, you will be notified of the adoption or rejection of your suggestion.

Special recognition will be given to employees who submit a suggestion that is implemented.

3.72: Safety

Effective 01/01/2020

It is the policy of New Kent County that every employee is entitled to work under the safest conditions possible. To this end, every reasonable effort will be made to promote accident prevention for protection and health preservation. We believe that accidents are avoidable and can be prevented. In order to achieve a safe working environment all members of this organization must be committed to safety through good attitudes and involvement. It is the responsibility of every employee at every level of the organization to cooperate with others in detecting hazards and, in turn controlling them. Employees shall inform their Supervisor immediately of any unsafe or unhealthful situation they encounter. Each employee is expected to obey safety rules and to exercise caution in all work activities.

Due to the large number of activities in progress at one time, the varied nature of the work and the widespread location of such activities, we must "formalize" our safety program, utilizing written reports and records, to achieve the maximum use and effectiveness of loss control information. Safety and loss control is a tremendous responsibility and one that must be shared by all.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees must immediately notify the appropriate Supervisor. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures. The employee is required to submit appropriate documentation on the injury within twenty-four (24) hours to Human Resources and/or calling the Worker's Compensation Insurance toll-free number. Should the employee be unable to implement the appropriate documentation due to the injury, they may designate a representative to do so. It is the Supervisor or Department Head's responsibility to notify Human Resources immediately upon notification of an injury, regardless of the significance. The lack of notification to Human Resources may include discipline up to and including dismissal.

3.76: Business Travel Expenses

Effective 01/01/2020

The intent of this policy is to provide County departments, agencies, and employees with a guideline for payment and reimbursement of expenses pertaining to official travel and subsistence costs incurred when traveling for business conducted on behalf of New Kent County using County funds and applies to both day and overnight travel. Each Department Head/Supervisor is responsible for determining the reasonableness of all expenditures incurred by travelers and compliance with this policy. Travelers are expected to exercise sound judgment when choosing the most efficient and economical means of travel. Travel expense accounts are open to the public and must be able to sustain the test of public review. When planning and paying for travel, economy, prudence and necessity are of primary concern. County business (herein referred to as "business") for the purpose of this travel policy includes conferences, seminars, workshops, hearings, education, conventions and business meetings which benefit the County.

Employees to Whom Policy Applies

This policy applies to all employees and members of boards, commissions, and authorities of New Kent County who adhere to the personnel policies and other administrative guidelines for New Kent County as approved by the Board of Supervisors.

Approval

Authority and responsibility for approval and control of business expenses rest with the Department Head that has the ultimate responsibility for the budget. However, all foreign travel must be pre-approved by the County Administrator. The Department Head or Supervisor is responsible for:

- Determining the propriety of business
- Approving all business in their department
- Ensuring that business expenses/reimbursements are properly and timely settled after the business has been completed
- Insuring business expenditures are appropriate and do not exceed the department's budgetary allocation for business

- Placing his/her signature on all business requests/approvals, which indicates s/he has verified the merit of necessity to utilize County funds for such expense(s) and has properly budgeted for such expense(s)

It is the responsibility of each individual/traveler to review and understand business reimbursement guidelines prior to expending funds for business expense to determine if such expenses are allowable and reimbursable. The County reserves the right to deny reimbursement of business-related expenditures if they fail to comply with County policies and procedures.

Tax Issues

It is the responsibility of the County to ensure that all business expenses meet the IRS definition of an "accountable plan." Under the accountable plan an individual can be reimbursed for expenses provided the following three conditions are satisfied:

1. The expense must have a business connection. The individual must have paid or incurred deductible expenses while performing service as an employee or official of the County.
2. All individuals must adequately account to the County for these expenses by completing a Business Expense Report no later than **fourteen (14) days** after the business date to Financial Services.
3. The individual must return any excess reimbursement or allowance within fourteen (14) days after the business date to Financial Services.

No requests for reimbursement for the prior fiscal year will be permitted after July 15th of each new fiscal year.

Travel Companions

It is recognized that employees, when traveling, choose to travel with companions. The County will not provide funding to facilitate the ability for the employee to travel with companions. In addition, should the employee choose to travel with a companion, the employee and the traveling companion must sign a release of liability waiver that holds the County harmless for any possible liability should an unfortunate event occur during the course of travel. Transporting non-County employed companions in County vehicles is discouraged. However, all travel companions in County vehicles must sign a release of liability waiver and be pre-approved by the County Administrator.

Transportation: Automobile

Automobile Rental:

A rental car may be necessary to conduct business on behalf of New Kent County, provided that:

- A county vehicle could not be identified for the employee to use for the business.
- The employee utilized air travel/train to arrive at their destination and that it is more cost effective to utilize a rental car than to utilize public transportation. In addition, if the destination of the event requires time sensitive travel, rental cars may also be considered.
- Reimbursement of car rental expenses is limited to official business use only. Car rentals may be made through commercial rental agencies and must be registered under the County's name for insurance purposes. The traveler must select the most economical contractor and type of vehicle available, and acquire any commercial rate or government discount available when the vehicle is rented. Because County insurance covers rental vehicles (provided the vehicle is registered under the County's name) additional insurance options should be declined. Travelers must ensure that the rental vehicle is refueled before returning the vehicle to the rental contractor unless an

exception is noted. Reimbursement will be based on the fuel used and receipts provided. Reimbursement should be claimed as an “other expense” on the travel expense reimbursement voucher.

Private Automobile

It is recognized that certain occasions require employees to utilize their personal vehicles to conduct business. Employees that are pre-approved by their Supervisor to utilize their personal vehicle to conduct New Kent County business shall be reimbursed at the Federal Vehicle Mileage Reimbursement Rate, to be updated annually by the County’s Financial Services Department. The reimbursable mileage is the actual mileage measured from the workstation to the destination and return. In the event that an employee leaves from their place of residence, mileage should be measured based on the starting point that is in closest proximity to the destination. Reimbursable mileage is not to exceed the actual mileage traveled. Actual gasoline charges are not reimbursable, is not permitted to be charged to the County credit card for private automobiles, nor is County purchased gasoline permitted in private vehicles unless pre-authorized by the County Administrator.

Transportation: Common Carrier

Air Travel

It is recognized that certain business conducted on behalf of New Kent County may require air travel. Air travel may be utilized provided that:

- The business destination location is located more than 300 miles from the New Kent County Administration building. (Note: Should documentation be presented that air travel is more cost effective than vehicular travel, this requirement may be waived.)
- The travel is consistent with the itinerary and particular County business involved.
- The business necessitates the ability for the employee to utilize air travel.
- Air travel shall be limited to coach accommodations. Upgrades to first class can be accepted provided that the upgrade is afforded at no charge to the County or is paid for by the employee with non-County funds.

Rail Transportation

Coach accommodations must be used on passenger railroads. First class charges are not reimbursable.

Ground Transportation

Taxi fares, including tips not to exceed 20%, are reimbursable where public transportation is not practical. This includes taxis between hotels and railroad stations or airports, between appointments or between hotels. Shuttle or limousine service to and from airports and railroads stations, plus tips not to exceed 20% are reimbursable, where such costs are less than other ground transportation.

Lodging

Lodging may be utilized for overnight travel that is conducted in the course of business on behalf of the County, provided that:

- The business destination is located 75 or more miles away from the New Kent County Administration building.
- The business necessitates the ability for the employee to have overnight accommodations.

- It is the Department Head/Supervisor's discretion as to what constitutes a legitimate need for overnight lodging. Lodging costs in excess of single room rate will not be approved except when the additional occupant is an authorized County employed traveler.

In most instances, accommodations are arranged at (or closest to) the site of business. When at all possible, the location of overnight accommodations shall be determined based on reasonable cost, available discounts, and the ability to meet the basic needs for accommodations. Communicate travel plan changes to the hotel as soon as possible when a confirmed reservation is being held. Since hotels can charge for non-canceled reservations, the County reserves the right to require the traveler to pay such fees if the traveler is negligent in canceling reservations.

Meal Reimbursement

In recognition of the need to represent New Kent County outside of the County borders, the County shall provide meal reimbursement to employees, provided that:

- The business is outside of the County and is longer than four (4) hours in duration.
- The employee's Supervisor has granted permission for the employee to obtain meal reimbursement for the business attended.

The meal reimbursement policy is not:

- To be utilized for the purchase of alcoholic beverages
- To be utilized for non-employees (Note: It is recognized that in certain courses of business, i.e., Economic Development purposes, donated work from consultants/professionals, meal reimbursement is permissible.)
- To pay for employee meals if they are discussing County business, unless this has been pre-approved.

Meal Reimbursement Calculations

Employees shall be reimbursed up to \$50.00 per day for meal reimbursement, provided that:

- Receipts are provided to justify the expenditures. Receipts must detail the individual items purchased. Receipts that only detail lump sums will not be accepted for reimbursement.
- The \$50.00 per day allocation includes gratuity. Gratuity reimbursement shall not exceed 20%.
- No alcoholic beverages can be reimbursed.

Incidental Travel Reimbursements

In addition to meal/travel/lodging reimbursements, the following charges are also eligible for business reimbursement:

- Taxes and surcharges paid by the traveler for lodging.
- Business telephone calls, or faxes made for official business purposes and paid for by the traveler may be claimed on the travel reimbursement voucher. A full explanation must be stated on the reimbursement voucher accompanied by supporting documentation. Individuals using personally owned cellular telephones may be reimbursed for business calls when shown to be cost beneficial or out of necessity. In this case, an itemized cell phone statement must be included. In the event those free minutes are used for business calls, reimbursement is not permitted.

- Tolls and parking fees are reimbursable when paid for by the traveler in the course of conducting official County business. A receipt is required for reimbursement. Reimbursement should be claimed as an “other expense” on the travel reimbursement voucher.

Non-Reimbursable Expenses

The following list of items are not eligible for reimbursement:

- Lost or stolen articles
- Alcoholic beverages
- Damage to personal vehicles, clothing, or other items
- Services to gain entry to a locked vehicle
- Movies charged to hotel bills
- Fees associated with social or non-mandatory activities at conferences such as tours, sports activities, etc.
- All expenses related to the personal negligence of the traveler (i.e., parking fines, fees incurred due to non-compliance with lodging policies, speeding tickets, etc.)
- Entertainment expenses
- Towing charges (excluding those charged for County vehicles)
- Expenses for children, spouses, and companions while on travel status

The above list is not all-inclusive. Travelers should use prudent judgment and remember that all travel expense accounts are open to the public and must be able to sustain the test of public review.

Policy on Lost Receipts

It is recognized that on rare occasions an employee may misplace a receipt. While this is recognized, it should be every employee’s responsibility to obtain detailed receipts and safeguard those receipts so they may be turned in for reimbursement. Should an employee misplace a receipt, they shall make every attempt to contact the establishment in which the purchase was made and obtain a duplicate copy of the receipt. Should a duplicate receipt not be obtained, an employee may submit a Receipt Affidavit form for consideration from his/her Supervisor for reimbursement.

Use of County Credit Cards

The County offers a credit card to pre-approved full-time personnel and elected officials who are required to travel or expend on behalf of the County. The employee’s Supervisor must give pre-approval to utilize the County credit card. The County credit card is designed to provide employees with a convenient method to account for County approved travel and other business expenses without impacting the spending limits of their own personal cards. This card allows the County to capture travel and business expense data that assists in tracking travel patterns, negotiating saving opportunities, and to monitor purchases made by employees. Employees that are entrusted with County credit cards maintain the responsibility to care for the cards and secure the cards at all times. It is expected that use of these cards and generated receipts are to be turned in for accounting purposes immediately upon return from the business attended. In addition, the employee’s Supervisor will also be agreeing to the fact that funds are budgeted for such expenditures. Should an employee not meet the above requirements or misuse County issued credit cards, they are subject to possible penalties including discipline, legal prosecutions, and termination.

3.80: IT Policy and Guidelines

Effective 01/01/2020

This document governs county policy regarding the use of all County computing resources, including all services accessed via County communications and computing systems. It also will address basic standards for use of the County's LAN, WAN, protection of physical and intellectual property, and connections established between our network and the networks of the customers we support. All County employees, Officers of the County, members of the Board of Supervisors, temporary employees, and contractors are responsible for following the policies set forth in this document.

Access to the Internet, Intranet, electronic messaging, and other computer or network-based services is provided for county-related use. Computers furnished to employees are the property of New Kent County. As such, computer usage and files may be monitored or accessed.

When using network services at New Kent County or anywhere on behalf of the County, it is important to remember that you are a representative of New Kent County and your conduct is representative of such. All information generated and communicated by County employees while in their employment capacity or while using County property is owned by the County and is subject to review by the public under the Freedom of Information Act. In addition, the County monitors all in-bound and out-bound Internet activity. When using Internet services, as provided by the County, you agree to county-monitoring of all Internet communications.

As a representative of the County, you are expected to use these services in a manner that:

- Effectively uses system resources (i.e., don't leave Internet or application connections up while away from your system, etc.). Usage levels for services not directly supporting the County's business will not be allowed to rise to an extent that impedes the County's ability to conduct business appropriately or respond to business need expeditiously.
- Protects against unauthorized use (i.e., don't share passwords or read another user's mail). Use passwords to protect your accounts. Use screen locks and log out from your system or applications when away from your desk for extended periods. The display or printing of any kind of sexually explicit image or document on any county system is a violation of the County's policy on sexual harassment and is grounds for termination. County reserves the right to explicitly block access to any site it determines unacceptable.
- Is consistent with County's employment and confidentiality requirements. Transmission of proprietary County data using insecure services such as Internet Email requires approval by your Supervisor and the IT Department prior to transmission. Non-Disclosure Agreements are required for all outside parties before the disclosure of County confidential or proprietary information. Refer to the New Kent County Policy and Procedures Manual and contact Human Resources for additional information.
- Honors third-party copyrights and other intellectual property rights. Much of the software and other material available on the Internet requires payment to the author. Please read all copyright notices and handle such materials in accordance with the requirements contained in the copyright notice.
- Does not violate any applicable laws and regulations (domestic and international). The County's network, Intranet and Internet facilities must not be used to violate any applicable laws or regulations. Any questions regarding legality should be discussed with your Supervisor and/or the County Attorney.
- Protects against computer worms, viruses, etc. All files downloaded from the Internet should be scanned by a competent individual using approved virus protection software prior to use or transfer.

- Protects against monetary loss. While data encryption techniques are beginning to be used on the Internet, most Internet traffic remains unencrypted. It is, therefore, considered unsafe to transmit account numbers, credit card numbers, etc. over the Internet unless special precautions are observed.

The County considers any violation of these policies a serious offense, subject to discipline in accordance with the County personnel policy. Electronic messages or any other data and software residing on County systems are not private, and New Kent County, including all citizens thereof, reserves the right to copy and/or inspect any data and software on County systems. The County tracks Internet usage (e.g., file transfers, connectivity, and web site communications), e-mail activity and application use. In addition, you will be held responsible for the consequences of any violation by you of these policies, which may include individual and personal liability for any damage award, as well as responsibility for any crime you may commit while using these types of services, even while using them via access provided by County. Lack of knowledge about such violations is not a valid defense in these instances.

The County has made significant investments in information technology to enable County staff to more effectively and efficiently support our citizens and businesses. To provide the highest possible availability and reliability of this resource for all staff, it is essential to establish a framework for responsible use. These guidelines seek to ensure through a combination of standards, operating concepts and individual behaviors, a balance between the desire for individuality and corporate needs to protect and maintain this asset in a cost-effective manner.

Guidelines:

- Security – Passwords will not be shared with or used by others or written down. Telecommuters and "roving" users will not share their access privileges with family members or anyone else and ensure, in their absence, that these privileges cannot be used. Passwords and permissions will not be "saved" on any personal computer that is not physically secured under direct employee control at all time.
- Privacy – Privacy of others and the restricted nature of certain information will be respected. Employees will not seek, use, or modify personal or restricted information not related to their assigned duties.
- Software licenses – Legal licenses are to be obtained for all software used on County information technology resources. Agencies and employees will be familiar with the license agreements for their software and not install unlicensed copies of software on County systems. If there are questions, IT should be consulted.
- Standard hardware/software – Only software and hardware that are part of County's standard are to be installed (e.g., screen savers except those included in the basic MS Windows, "shareware", "Beta releases", etc.) Installation of software or hardware for evaluation purposes should be done after consultation with IT and then only on a computer that will not adversely affect the mission or functions of the organization.
- Electronic Mail (e-mail) – Any e-mail generated by or between County-owned computers on or over our network is the property of County and is subject to review by the public at any time under the Freedom of Information Act. E-mail service is provided to employees by the County as a means of enhancing the communications, productivity and connectivity of its employees and its use is intended to be of a business nature. Mail should be addressed to the smallest group of recipients possible consistent with getting the job done. Employees are asked to closely monitor their mail accounts and minimize the amount of mail stored on the mail servers. E-mail is subject to FOIA and should be retained in accordance with the FOIA and Virginia State Library Records Retention Policy.

- Impersonation – IT resources will not be used to impersonate a County Official or member of the County staff for any purpose.
- Harassment – IT resources will not be used to harass a County Official or member of the County staff. The display or printing of any kind of sexually explicit image or document on any county system is a violation of the County's policy on sexual harassment and is grounds for termination.
- Political activities – IT resources will not be used to communicate personal political positions.
- Personal business – IT resources will not be used to support any aspect of outside employment.
- Restricted materials – IT resources will not be used to access or distribute materials that are restricted either by law or by County policy (law enforcement activities are exempt.)
- Streams of information – IT resources will not be used for continuous flows of data such as sports, weather reports, news, stock information, etc. (Specific job-related activities that require this type of information flow are exempt.)
- "Junk Mail" – IT resources will not be used to distribute "junk mail" via any electronic means.
- "Virus" – IT resources will not be used to knowingly introduce "virus" infected programs, files, macros, etc. into the County's technology environment.
- Global e-mail and voice-mail dispatches – IT will ensure resources are managed in a manner that balances the appropriateness and time sensitivity of information against the burden to the receiver that can result from excessive use.
- Personal use of e-mail internet, and social media – Electronic access privileges may be used outside of work hours and from home providing such use does not preclude or interfere with the conduct of employee work or County missions and functions. However, any County e-mail account is subject to review by the County and potentially subject to FOIA.

County employees who violate this policy will be subject to discipline as set forth in the personnel policy based on the nature and severity of the offense.

Responsibilities:

Office of Information Technology (IT) will:

- Establish and publish standards and procedures necessary to administer the County's information technology resources in a manner that balances benefits to staff, business and citizens.
- Provide and manage County-wide services installed and maintained for the benefit of the County staff and our customers (e.g., voice and data networks, group services including e-mail, voicemail and scheduling, Internet access, Intranet, video conferencing, Interactive Voice Response, and other appropriate technologies as they emerge).
- Provide upgrade and migration planning for enhancements to the County's IT Standards and Countywide information technology resources.
- Provide appropriate information exchange, staff training, and learning opportunities to facilitate staff understanding and growth in the use of the County's information technology resources.
- Maintain a "Response Center" function to provide user assistance including: system status, first call assistance capability, escalation capability for hardware and software problem resolution, management of standard hardware repair and maintenance services, and other "desktop" assistance as appropriate.
- Maintain and publish such directories, inventories and lists of services as are necessary to enable and empower the use of information technology resources (e.g., telephone, voice and e-mail directories, equipment inventories, lists of services, etc.)

- Manage the use of "global" voice and e-mail messaging services on the County's voice and data networks.
- Work to ensure the integrity of the County's data and the security of the County's information technology.

Departments and agencies will:

- Employ and enforce the standards and procedures adopted and approved to administer the County's information technology resources in a manner that balances benefits to staff, business and citizens.
- Work with IT to establish procedures and standards to improve the information technology infrastructure and enhance its responsible use.
- Foster responsible use of information resources and encourage continual development and growth in the use of County information technology resources.
- Participate with IT in the definition, maintenance and publication of policies and procedures needed to enable and empower the use of information technology resources.

County employees will:

- Exercise responsible use of County information technology resources by following established policies and procedures.
- Exercise responsible judgment in the filing, storage, and retrieval of electronic information consistent with the County's IT policy.
- Use virus protection tools provided by the County to detect and eliminate infected files and programs prior to using them on their desktop or the County network. Disks with data and/or software from home or any other outside sources must be scanned before installation or use.
- Refrain from installing upgrades and service releases to County Standard software until planned and implemented by IT.

3.82: Electronic Communication and Social Media

Effective 01/01/2020

It is the policy of the County to ensure the appropriate, responsible, and safe use of electronic communications and social media by employees. This policy establishes minimum standards for all County employees.

Employee Responsibilities and Requirements

A. Business Use

County provided electronic communications tools are the property of New Kent County and are provided to facilitate the effective and efficient conduct of governmental business. Users are permitted access to the Internet and electronic communications tools to assist in the performance of their jobs. Some users may also be permitted to access and use social media to conduct County business.

B. Personal Use

Personal use means use that it is not job-related. In general, incidental and occasional personal use of New Kent County's electronic communications tools including the Internet is permitted as long as the personal use does not interfere with the user's productivity or work performance, does not interfere with any other employee's productivity or work performance, and does not adversely affect the efficient operation of the County's systems and networks. Personal use of social media that refers to any aspect of the work environment should be done in a responsible and professional manner.

C. User Requirements

- 1) General Requirements – When using electronic communications tools and social media, users should:
 - Be responsible and professional in their activities. Employees should conduct themselves in a manner that supports the County's mission and the performance of their duties.
 - Exercise the appropriate care to protect the County's electronic communications tools against the introduction of viruses, spyware, malware, or other harmful attacks. When using the County's electronic communications tools, social media or Internet access, employees must:
 - Use the Internet, electronic communications tools and social media only in accordance with County policy;
 - Maintain the conditions of security (including safeguarding of passwords) under which they are granted access to such media;
 - Check with the appropriate County or contracted staff prior to downloading or accessing a file or document if the source of the file or other circumstances raises doubts about its safety.
 - Be respectful of the County, other employees, customers, vendors, and others when posting and communicating information. Users should be sensitive to referring to or including others in their communications and posts and should be aware of any associated potential liabilities. Users may desire to obtain consent prior to communicating or posting information about the work place.
- 2) Business Use Requirements – When using electronic communications tools and social media, users should:
 - Use their accurate identities and state their affiliation when using electronic communications or social media for business purposes.
 - Ensure the security of sensitive or confidential information when communicating electronically or posting the information on internal or external websites including social media.
 - Ensure information is accurate prior to posting on social media sites, County websites, or other electronic media sites. If it is discovered that information is inaccurate after posting, users should work to quickly correct the errors.
- 3) Personal Use Requirements – When using electronic communications and social media, users should:
 - Be clear that their communication or posting is personal and is not a communication of the County when using electronic communications or social media for personal use, including personal use of social media outside of the work environment. For example:
 - Users should use their personal e-mail addresses and not those related to their positions with the County when communicating or posting information for personal use.

- Users may use a disclaimer when posting opinions or views for personal use such as, “The views expressed on this (website, blog, social media site) are my own and do not reflect the views of my employer New Kent County.” when appropriate to ensure these views are not viewed as official County communications.

D. Prohibited Activities

Certain activities are prohibited when using the County’s Internet and electronic communications media or using social media in reference to the work environment. Employees who engage in prohibited activities may be subject to disciplinary action according to Section 4.28, Progressive Discipline. Investigative activities performed by personnel within the Sheriff’s Office, Commonwealth’s Attorney Office, Clerk of the Courts, Commissioner of Revenue’s Office, Treasurer’s Office and General Registrar Office are excluded from this section.

Prohibited activities include, but are not limited to:

- Any use that is in violation of applicable local, state, and federal law.
- Accessing, uploading, downloading, transmitting, printing, posting, or storing information with sexually explicit content as prohibited by law (see Code of Virginia §2.2-2827).
- Accessing, uploading, downloading, transmitting, printing, posting, or storing fraudulent, threatening, obscene, intimidating, defamatory, harassing, discriminatory, or otherwise unlawful messages or images.
- Accessing, uploading, downloading, transmitting, printing, communicating, or posting access-restricted County information, proprietary County information, sensitive data or records, or copyrighted materials.
- Using proprietary County information, data or records, and social media to locate customers for personal reasons.
- Posting information or sending electronic communications such as e-mail using another’s identity.
- Permitting a non-user to use for purposes of communicating the message of some third-party individual or organization.
- Posting photos, videos, or audio recordings taken in the work environment without written consent.
- Using County logos without written consent.
- Texting, emailing, or using hand-held electronic communications devices while operating a county vehicle.

County Responsibilities and Requirements: New Kent County has the following responsibilities and requirements related to this policy.

A. Monitor Usage

No user shall have any expectation of privacy in any message, file, image or data created, sent, retrieved, received, or posted in the use of the County’s equipment and/or access. New Kent County has a right to monitor any and all aspects of electronic communications and social media usage. Such monitoring may occur at any time, without notice, and without the user’s permission. In addition, except for exemptions under the Act, electronic records may be subject to the Freedom of Information Act (FOIA) and, therefore, available for public distribution. Constitutional Offices are exempt from the requirement of County monitoring of usage. It is the responsibility of the Constitutional Officer to monitor the usage

of employees within their own offices. In addition, requests for information to Constitutional Offices under the Freedom of Information Act must be submitted directly to the Constitutional Officer or their designated contact.

B. Communication

New Kent County is responsible for ensuring employees have access to, read, understand, and acknowledge this policy and any related policies. With regard to use of electronic communications and social media, New Kent County is responsible for:

- Communicating this policy to current and new users.
- Retaining electronic records in accordance with the retention requirements of the Library of Virginia.

C. Address Violations

Violations of this policy must be addressed under Section 4.28, Progressive Discipline. The appropriate level of disciplinary action will be determined on a case-by-case basis by the County Administrator or Department Head, with sanctions up to or including termination depending on the severity of the offense, consistent with the disciplinary policy.

3.84: Workplace Monitoring

Effective 01/01/2020

Workplace monitoring may be conducted by New Kent County to ensure quality control, employee safety, security, and customer satisfaction.

New Kent County may conduct video surveillance of non-private workplace areas. Video monitoring is used to identify safety concerns, maintain quality control, detect theft and misconduct, and discourage or prevent acts of harassment and workplace violence.

Because New Kent County is sensitive to the legitimate privacy rights of employees, every effort will be made to guarantee that workplace monitoring is done in an ethical and respectful manner.

SECTION IV

4.00: Workplace Etiquette

Effective 01/01/2020

New Kent County strives to maintain a positive work environment where employees treat each other with respect and courtesy. Sometimes issues arise when employees are unaware that their behavior in the workplace may be disruptive or annoying to others. Many of these day-to-day issues can be addressed by politely talking with a co-worker to bring the perceived problem to his or her attention. In most cases, common sense will dictate an appropriate resolution. New Kent County encourages all employees to keep an open mind and graciously accept constructive feedback or a request to change behavior that may be affecting another employee's ability to concentrate and be productive.

The following workplace etiquette guidelines are not intended to be all inclusive rules with disciplinary consequences; they are suggestions for appropriate workplace behavior to help everyone be more conscientious and considerate of co-workers and the work environment. Please contact the Human Resources Department if you have comments, concerns, or suggestions regarding these workplace etiquette guidelines.

- Be careful not to take or discard others' print jobs or faxes when collecting your own.
- Avoid public accusations or criticisms of other employees. Address such issues privately with those involved or your Supervisor.
- Try to minimize unscheduled interruptions of other employees while they are working.
- Communicate by e-mail or phone whenever possible, instead of walking unexpectedly into someone's office or workspace.
- Be conscious of how your voice travels, and try to lower the volume of your voice when talking on the phone or to others in open areas.
- Keep socializing to a minimum, and try to conduct conversations in areas where the noise will not be distracting to others.
- Try not to block walkways while carrying on conversations.
- Refrain from using inappropriate language (swearing) that others may overhear.
- Avoid discussions of your personal life/issues in public conversations that can be easily overheard.
- Monitor the volume when listening to music, voice mail, or a speakerphone that others can hear.
- Clean up after yourself and do not leave behind waste or discarded papers.

4.04: Employee Conduct and Work Rules

Effective 01/01/2020

The County of New Kent's standards of conduct are established for the guidance of all employees to assure safe, efficient and harmonious operations and to fully inform all employees of their responsibilities in this regard. This policy applies to all New Kent County employees.

The following represents only a partial list of unacceptable behaviors and conduct. Infractions will lead to corrective action up to and including termination.

Breaches of Standards of Conduct (Partial List)

- Use, possession, sale, purchase, transfer or being under the influence of alcoholic beverages, illegal drugs or other intoxicants at any time on County premises or while on County business.
- Falsifying employment application, timecard, personnel, or other County documents or records.
- Unauthorized possession of County or other employee property, gambling, carrying weapons or explosives, or violating criminal laws on County premises.
- Fighting, throwing things, horseplay, practical jokes or other disorderly conduct.
- Engaging in acts of dishonesty, fraud, theft or sabotage.
- Threatening, intimidating, coercing, using abusive or vulgar language, or interfering with the performance of other employees.
- Insubordination or refusal to comply with instructions or failure to perform reasonable duties which are assigned.
- Insolent conduct or treatment.

- Unauthorized use of County material, time, equipment or property; damaging or destroying County property through careless or willful acts.
- Conduct which reflects negatively on the County.
- Performance which, in the County's opinion, does not meet the requirements of the position.
- Engaging in such other practices as the County determines may be inconsistent with the ordinary and reasonable rules of conduct necessary to the welfare of the County, its employees or clients.
- Negligence in observing fire prevention and safety rules.
- Other circumstances for which the County feels that corrective action is warranted.

When an employee engages in conduct in violation of these rules and the conduct is committed off-duty and not on County property, the County may discipline the employee, up to and including termination, whenever the conduct causes unfavorable publicity to the County, impairs the credibility of the employee to perform the employee's job, or is otherwise connected to employment at the County. Conduct that is off-duty but on County property or that is directed toward County employees, representatives, or property is always connected to employment at the County. Likewise, conduct that is on duty but off County property is always connected to employment at the County.

In the event that any County employee is arrested or convicted of any crime, he/she is required to notify his/her Supervisor or Department Head of such arrest or conviction within one (1) business day. Notification is required regardless of whether the arrest or conviction occurred during the employee's normal work hours. Failure to comply with this reporting requirement shall be grounds for disciplinary action, up to and including termination.

Directors and/or Department Heads shall contact the Human Resources Department upon receiving notification that an employee has been arrested.

An arrest or criminal conviction will not automatically result in disciplinary action or dismissal of the employee. The County will consider the nature of the offense, the circumstances surrounding the offense, the date of the offense, and the relationship between the offense and the employee's position and duties of employment in deciding whether to make any changes to the employee's employment status or duties.

4.08: Use of Alcohol and Drugs

Effective 01/01/2020

It is the policy of the County to maintain a work place that is free from the effects of drug and alcohol use. The County is gravely concerned when its employees violate laws, create situations that cause potential safety hazards to themselves or to their fellow employees, or are parties to an act or situation that is detrimental to the image of the County in the eyes of the public it serves.

In furtherance of this policy and concern, unless prescribed by a duly licensed physician and the employee's Supervisor is notified in advance, the possession, use, gift, distribution, sale, or being under the influence of any of the following substances by an employee in the course of County employment is prohibited and is cause for discipline up to and including termination:

- Amphetamines
- Barbiturates
- Hallucinogens
- Any other substance defined and listed as a controlled substance in the "The Drug Control Act" (Chapter 34 of Title 54.1 of the Code of Virginia, 1950, as amended)

- Any drug, narcotic, or other substance that the use or possession of is prohibited or controlled by federal or state law or regulation

As a condition of employment each employee shall notify his or her Supervisor if arrested for any criminal drug statute violation within one (1) workday after such arrest.

Additionally, being in possession of or drinking alcoholic beverages in the course of employment, or reporting for work in an intoxicated condition or under the influence of alcohol, are causes for dismissal. For purposes of this policy, "in the course of employment" or "work" refers to normal working hours, including lunch periods, periods between office hours and night meetings of boards and agencies attended by the employee.

The fact of intoxication or degree of influence must be a determination made by the Department Head or Supervisor involved. Any employee who is observed by a Supervisor to exhibit overt symptoms of the use of alcohol or other prohibited substances shall be required to submit to testing immediately.

In furtherance of this policy, any position whose work involves the operation of a county vehicle or motorized equipment on more than an occasional or intermittent basis in order to carry out County business; any position with direct responsibilities for public safety and health; and any position whose work involves hazardous or potentially hazardous equipment will be entered into a random drug screen pool. This random drug screen pool will be separate from the random drug screen pool as described in Section 13-8 (b)(3). The County Administrator shall designate the aforementioned positions and may add or delete positions from the list as deemed appropriate. The Director of Human Resources shall administer the County's random drug testing program in accordance with applicable federal and state laws and regulations.

Employees who test positive or who refuse to submit to such testing for alcohol or other prohibited substances shall be subject to disciplinary action up to and including termination.

Commercial Drivers (Covered Employees):

Please refer to the County's supplemental CDL Drug and Alcohol Policy for requirements pertaining to Commercial Drivers.

4.12: Sexual and Other Unlawful Harassment

Effective 01/01/2020

Employees shall be treated with respect and courtesy. Abusing the dignity of others through derogatory or objectionable conduct will not be tolerated and is cause for disciplinary action. The County does not tolerate sexual or other types of harassment of its employees and will promptly initiate an investigation whenever a complaint is brought to the attention of management. Any employee who perceives the conduct of co-workers, supervisors, visitors, contractors, volunteers, customers and others entering the workplace to be harassing are expected to immediately inform the individual(s) that the conduct is unwelcomed and make a report through the complaint procedure outlined in this section.

Sexual harassment is an infringement of an employee's right to work in an environment free from sexual pressure of any kind. The determining factor as to whether or not an action or remark is offensive is if the recipient deems it to be so and if a reasonable person in similar circumstances would find it offensive.

Sexual harassment may consist of unwanted advances, requests for sexual favors, or other verbal/nonverbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of employment; using the submission to or rejection of, such conduct as the basis for decisions affecting the individual; or conduct which has the purpose or effect of

unreasonably interfering with the individual's work, performance, or full participation in the benefits of employment, or creates an intimidating, hostile, or offensive environment for work.

Sexual harassment may take many forms and includes physical assault, subtle or overt pressure or direct requests for sexual favors, inappropriate display of sexually suggestive objects or pictures, a pattern of unwelcomed and unwanted conduct that would be offensive to a reasonable person including unnecessary touching, using sexually abusive language or gestures (including remarks about a person's clothing, body, or body movements, or sexual activities) and teasing and joking of a sexual nature.

Enforcement

Enforcement of this policy is the responsibility of all employees.

Department Heads are to advise all employees that County policy prohibits all types of harassment and that complaints of such harassment should be brought to the attention of management. Department Heads must also advise all employees of this policy and the means by which complaints can be filed and resolved.

Department Heads are also to brief all Supervisors on the problems of sexual harassment and their duty to take timely corrective action when they believe that such problems exist.

Prior to the initiation of an investigation and the imposition of remedial/disciplinary actions, the Department Head shall notify Human Resources that a complaint has been received. Human Resources will assist with the investigation of violations of this policy and handling any follow up necessary to ensure compliance.

Employees must report any known or suspected violations of this policy.

Impeding an investigation or otherwise covering up a violation is prohibited conduct. Any employee who willfully fails or refuses to cooperate with the investigation of a sexual harassment complaint shall also be the subject of a disciplinary action.

Employees bringing complaints or identifying potential violations, or witnesses interviewed during the investigation will be protected from retaliatory acts.

If a violation by a county employee is found, remedial/disciplinary action will be imposed on the offending employee(s).

Complaint Procedure

Employees must initiate a complaint on any matter that is believed to be in violation of this policy.

Employees may report a violation or bring a complaint in person, by phone, or in writing. Any employee found, on investigation, to have brought a complaint in bad faith shall be subject to disciplinary action.

Employees may complain to their immediate Supervisor, or in the event the immediate Supervisor is the source of the complaint, to the next Supervisor in the organizational chain of command. If preferred, employees may go outside the chain of command and complain to the Director of Human Resources or any Department Head.

If the complaint is brought anonymously, the County will have the matter investigated but may be limited in its ability to investigate the matter fully.

The County reserves the right to have the matter investigated by persons external to the organization.

Investigations and Confidentiality of Information

Complaints will be investigated promptly. Although absolute confidentiality cannot be guaranteed, to the extent possible, the complaint and information from witnesses will be kept confidential and the complainant and witnesses will be protected from retaliatory action by a harasser.

All employees are charged with maintaining confidentiality of information.

If the complainant has not already confronted the accused, and name of the complainant must be revealed to the accused, the complainant will be informed prior to that communication.

Federal and state law may require disclosure of information in certain circumstances.

In the event that the County Administrator, or any elected official of the County, is the subject of the complaint, the investigating official shall be the Commonwealth's Attorney. The Commonwealth's Attorney shall provide a written report to the appropriate body or official authorized to discipline the offender and/or correct the behavior and/or take such other steps as the Commonwealth's Attorney deems necessary.

Retaliation Prohibited

Retaliation for reporting harassment is illegal and is contrary to this policy. Retaliation embraces more than just economic harm; it includes words and actions that are intimidating or hostile.

If any employee who has made a complaint or has participated in an investigation believes they are being retaliated against for doing so, they should report it to their immediate Supervisor, or in the event the immediate Supervisor is the source of the complaint, to the next Supervisor in the organizational chain of command. If preferred, employees may go outside the chain of command and complain to the Director of Human Resources or any Department Head.

Those who are found to be acting in a retaliatory fashion will be disciplined for such conduct.

Remedial Action

Appropriate disciplinary action will be taken against those who violate this policy. Such discipline will be consistent with the County's disciplinary policies. Remedial actions may also include participation in further training or counseling. Interim actions may be taken when there is a reasonable belief that the employee involved in the complaint may be adversely affected by the status quo. Interim actions may include, but are not limited to, internal transfers or the placement of the accused on leave until such time as the investigation is concluded.

Questions

The Director of Human Resources is available to discuss any concerns of employees or questions arising under this policy.

Application and Distribution

This harassment policy shall apply to all officers and employees of the County including all those in the classified and unclassified service. A copy of this policy shall be distributed to all present employees of the County. Each such employee shall acknowledge his or her receipt in writing and such acknowledgement shall be kept on file. New employees of the County shall be furnished with a copy of this policy at the time of hire and they shall provide written acknowledgement of the receipt of same.

4.16: Workplace Violence Prevention

Effective 01/01/2020

The County strives to maintain a safe and secure workplace. Accordingly, the County does not tolerate any acts or threats of violence in the workplace, whether involving a friend, acquaintance, stranger or family member. The County will not tolerate any acts or threats of stalking or domestic violence against any employee while on County property or while conducting the County's business. Employees who threaten, harass, or abuse anyone either at the workplace, or from the workplace, while conducting the County's business and/or using any of the County's property, such as computers, telephones, facsimile machines, mail, vehicles, or other means, may be subject to disciplinary action up to and including termination.

Prohibited Conduct

No type of workplace violence committed by or against employees will be tolerated. Examples of prohibited conduct, not limited to:

- Causing physical injury to another person;
- Aggressive or hostile behavior, including making threatening remarks, that create a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging County property or property of another employee;
- Committing acts motivated by, or related to, sexual harassment or domestic violence;
- Possessing a gun, knife, or other weapon while on County property or while on County business without direct approval by the County Administrator. Sheriff's Department personnel are exempt from this requirement. In accordance with Section 15.2-915 of the Code of Virginia, nothing herein shall be construed to prevent an employee from storing at their workplace a lawfully possessed firearm and ammunition in a locked private motor vehicle. Approval must be made prior to or at the start of each work day unless previous agreement has been reached. Reasonable measures must be taken to ensure weapon is secured and not readily viewable by or available to other persons.

Reporting Procedures

Employees who become aware of threats or acts of stalking or domestic violence that may occur or have occurred in the workplace must immediately inform their Department Head. Reports can be made anonymously and all reported incidents will be investigated with confidentiality a priority. Parties involved in a situation will be counseled and the results of investigations will be discussed with them as needed. In addition, employees with stalking or domestic violence Protective Orders must provide their Department Head with a copy of the Order. In response to possible threats, the Department Head will confer with the Director of Human Resources, and others as needed, to undertake an assessment of the risk and implement a safety response plan specific to the circumstances of the threat, implementing security options to minimize the risk. This plan will take into consideration the needs and rights of the targeted employee and others in the workplace, maintaining confidentiality when to do so would not interfere with safety.

Risk Reduction Measures

Hiring: Human Resources, with input from the employee's Supervisor, takes reasonable measures to conduct background investigations to manage the risk of hiring individuals with a history of violent behavior.

Safety: Department Heads conduct annual inspections of the premises to evaluate and determine vulnerabilities to workplace violence or hazards. Department Heads will take corrective action to reduce risks. Employees who discover a workplace hazard should inform their Supervisor so that an interim inspection can take place.

Individual Situations: Employees are expected to exercise good judgment and inform Human Resources if any employee exhibits behavior which could be a sign of a potentially dangerous situation. Such behavior includes, but not limited to:

- Discussing weapons in a threatening context or bringing them to the workplace without authority;
- Displaying signs of extreme stress, resentment, hostility, or anger;
- Making threatening remarks;
- Sudden or significant deterioration of performance;
- Displaying irrational or inappropriate behavior;
- Appears to be under the influence of alcoholic beverages or controlled substances.

Enforcement

The County will not tolerate threats, threatening conduct, or any other acts of aggression or violence in the workplace. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Non-employees engaged in violent acts on the employer's premises will be reported to the proper authorities and fully prosecuted.

4.20: Performance Evaluation

Effective 01/01/2020

Performance evaluation may address the following objectives:

- Provides a basis for the determination of the level of performance, to involve the employee in this determination and to identify areas of work which need improvement or which exceed the expectations of the position.
- Provides a performance-based evaluation for the award of compensation increases based on performance levels.
- Improves communication between employees and management.
- Sets goals by the employee for accomplishment and measurement.
- Sets goals by the employer for accomplishment and measurement.
- Sets career path.

Position Description

The basis for evaluating performance is the position description. Department Heads assure that position descriptions for positions in their departments are accurate and reflect essential functions. Employees are accountable for performing all aspects of the position description in a proficient manner.

Standards of Performance

The standards expected of an employee are to be established and communicated by the Department Head or Supervisor prior to the evaluation process. The Department Head or Supervisor is expected to involve the employee:

- In establishing the criteria by which his/her performance is to be judged;
- In planning future improvements in that performance; and
- In establishing mutual responsibilities and expectations with respect to improving job performance.

Rating Standards

The rating scale is intended to describe and discriminate levels of performance. A rating in itself is not sufficient; it must be justified by specific behaviors and results during the appraisal discussion and in the final document. Although each goal or project in a given employee's position will have its own measures of success, the following rating descriptors will help place those results on a scale used by all New Kent County Government employees.

Exceptional – Continually Exceeds Expectations

- The employee demonstrates high competence (knowledge, skills, ability, experience) and high commitment (motivation and self-confidence).
- The employee's major projects – even the difficult ones he/she has initiated – have achieved better results than expected in terms of timeliness, cost, quality, quantity and service measures.
- The employee shows unusual initiative and makes suggestions that lead the organization, team or unit in new directions that benefit the department. The employee's performance has moved the department to a new level of understanding, action or results that are valuable to the organization's future.
- Because of specific past performance, the employee has built a reputation among Supervisors and colleagues as an expert in his/her position area.
- The employee's discussions and actions demonstrate an understanding of work and interrelationships beyond his/her assigned area.
- The employee invariably chooses effective and efficient approaches to getting the job done.
- The employee's performance requires little or no supervision or follow-up.

Exceeds Expectations

- The employee's performance does not require considerable improvement, but improvement can be achieved.
- This employee takes on extra projects and tasks without defaulting on other assigned activities.
- The employee's major projects – even the difficult ones – have achieved better results than expected (in timeliness, costs, quality, quantity or service).
- The employee does his/her own advance planning, anticipates problems and takes appropriate action.
- Each project or job is done thoroughly and completely.
- The employee's performance requires only occasional supervision and follow-up.
- The employee's discussions and actions demonstrate an understanding of work and interrelationships beyond his/her assigned area.

Successfully Meets Expectations

- This employee is doing a complete and satisfactory job. Performance is what is expected of a fully qualified and experienced person in the assigned position.
- The employee has achieved the results expected.
- The employee's performance does not require significant improvement in major job areas.
- Improvement in skill or experience may be desirable but this does not constitute a performance problem.

- This employee benefits from supervision and follow-up and completes regular work and projects on schedule. Direct supervision and follow-up may be necessary when goals and projects are new or difficult.
- With direction, the employee uses effective and efficient approaches to getting the job done.

Needs Development

- The employee has done satisfactory work in some job areas but needs improvement in others.
- The employee is on a written notice of needs improvement plan to improve job performance areas and is showing signs of progress.
- The employee may have not performed in all position responsibilities.
- Co-workers have to pick up some of the employee's work load until he/she is capable of being successful in all of the position responsibilities.
- The employee's work in job areas sometimes falls behind.

Fails to Meet Expectations

- The employee has not done satisfactory work in important job areas.
- Significant and immediate improvement is needed to meet the standards and expectations of this position.
- The employee has not yet performed all of the job responsibilities of the position. He has not mastered the initial ones.
- Co-workers have had to assist in the employee's work load frequently.
- The employee's work often falls behind.

Communication with Employee

The Department Head or Supervisor is required to meet with new employees, within ninety (90) days of hire, transfer, promotion, demotion, etc., and with all other employees at the beginning of each evaluation cycle for the following purposes:

- To review the position description to assure that it is accurate. Any necessary revisions in essential functions should be recommended by the Department Head to the Human Resources Department in the form of a revised position description, who will communicate any revisions to the employee upon approval by the County Administrator.
- To identify and clearly define the responsibilities of the employee and the expectations of the Supervisor. The weight for each element shall be established by the Department Head or Supervisor and communicated to the employee.
- To establish objectives for the employee using a department work plan as a base. This is intended to be a manual setting of objectives, which may be used to establish a basis for the performance rating.

Interim Review

At any time during the evaluation cycle, the Supervisor may arrange a time to meet with the employee for the following purposes:

- Review progress. The Supervisor shares with the employee any performance problems that have been noted and outlines measures needed for improvement. Supervisors are encouraged to schedule a review with those employees who are exceeding their performance objectives in order to support their achievements.

- Review employee concerns. The employee shares any problems being experienced which may be hindering job performance. For example, sometimes equipment or personnel problems exist that could be corrected by the Supervisor, or daily operations have changed to the point of making it difficult to accomplish an initially agreed upon objective.

At this time, any changes in the initial expectations may be noted. This conference may be requested by either the Supervisor or the employee. Whether or not a formal conference is held, it is the Supervisor's responsibility to advise the employee of performance deficiencies.

Evaluation Conference

At least two weeks prior to the employee's Performance Review Date (PRD), the immediate Supervisor shall schedule a time for the evaluation conference. Before this conference, the Supervisor must complete the appropriate evaluation document and any supporting narrative necessary to clarify the performance appraisal rating or describe any corrective actions necessary to achieve satisfactory performance.

Prior to meeting with the employee, the completed evaluation document must receive any necessary departmental approvals and be forwarded to the Human Resources Department for review and salary computation, if applicable. The employee is provided with a copy of the evaluation document prior to the conference. Discussion between the employee and the Supervisor should be related to performance factors and should deal only with job related matters.

The employee should be encouraged to submit a written response to the evaluation, particularly if there are areas of disagreement. If an employee refuses to sign the evaluation form and any additional pages, the reviewer should note this on the evaluation form, and sign and date the notation.

4.24: Issue Resolution Policy

Effective 01/01/2020

Employees shall use the organization "chain of command" whenever they desire to raise position related concerns to higher levels of supervision. The issue must first be discussed with the immediate Supervisor. If the issue cannot be resolved, the employee has the right to discuss the concern with the next level of supervision. Until a resolution can be found, the employee may continue up the organizational chain, talking eventually with the Department Head, Human Resources, and finally the County Administrator. No adverse effect on the employee shall result from the use of this prerogative. If the employee has filed a formal grievance, this process is not available.

Positive employee relations and morale can be best achieved and maintained in a working environment that promotes ongoing open communication between Supervisors and their employees. Toward that end, it is the policy of the County to provide a procedure through which employees and affiliates can express problems, concerns and opinions without fear of retaliation, retribution or harassment.

- All employees, including Supervisors and Department Heads, are responsible for promptly reporting actual or potential wrongdoing, including an actual or a potential violation of law, regulation, policy, or procedure.
- An "open-door policy" shall be maintained at all levels of management for employees to report problems and concerns and shall be acted upon in an appropriate manner. If the problem is not satisfactorily resolved, the employee may proceed up the supervisory chain to higher levels.
- Employees who, in good faith, report a possible violation of law, regulation, policy, or procedure will not be subjected to retaliation, retribution or harassment.

- No Department Head, Supervisor or employee is permitted to engage in retaliation, retribution or any form of harassment against an employee for reporting compliance related concern. Any Supervisor or employee who conducts or condones retribution, retaliation or harassment in any way will be subject to discipline, up to and including termination.
- Employees and affiliates cannot exempt themselves from the consequences of wrongdoing by reporting their own wrongdoing, although self-reporting may be taken into account in determining the appropriate course of action.
- Normally, both the employee and Supervisor will be present when discussing the issue with a higher level of supervision or management. If the job-related issue happens to involve the actual person in the employee's chain of command, the employee has the right after attempting to resolve the issue with the Supervisor involved, to seek a solution through the organizational command.

Procedures

- Knowledge of actual or potential wrongdoing, misconduct, or violations must be immediately reported to management.
- All Supervisors should be instructed to take aggressive measures to assure their staff that the County truly encourages the reporting of problems and the employees will not “get into trouble” for doing so. The following actions should be taken by the County across all operations:
 - Department Heads should meet with Supervisors and brief them on the main points within this policy.
 - Review with all Supervisors the proper treatment of employees and the creation of a work environment that permits open communication.
 - Require all Supervisors to personally meet with their employees and complete the above actions.
- It is critical that everyone at the County understands that any incident where retaliation or reprisal can be related to an employee raising/reporting a problem at the organization level will not be tolerated. Reports of this nature must be investigated thoroughly and expeditiously, with appropriate disciplinary actions taken, up to and including termination of employment.

Employees

- Concerns regarding any issue should be addressed to the County's management in the following order: [A] Immediate Supervisor, [B] Department Head, [C] Human Resources, [D] County Administration.
- If, for any reason, the employee feels constrained or uncomfortable following the order set forth above, the employee should address such concerns to Human Resources immediately.

Supervisors

- Promote an “open-door” attitude about employee problems and concerns at all times.
- Receive all employee concerns, problems and opinions and explore with the employee suggestions for resolving the issue.
- Maintain the confidentiality of employee concerns and problems at all times, insofar as legal and practical, informing only those personnel who have a need to know.

Human Resources (if applicable)

- Provide assistance and guidance to Supervisors in receiving and resolving employee concerns, problems, and opinions.
- Keep administration informed of all concerns and problems raised by employees.
- Investigate the matter and, if a resolution can be reached within the plan, inform the employee of the results of the investigation and the resolution within thirty (30) days.
- If a resolution cannot be reached at the local level, refer the matter to the County Attorney for assistance and resolution.
- Ensure the confidentiality of employee raising the concerns and problems at all times, insofar as legal and practical, informing only those personnel who have a need to know.
- Note: Adherence to this policy is required before formal grievances will be accepted by the County.

4.28: Progressive Discipline

Effective 01/01/2020

The purpose of this policy is to state New Kent County's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels.

New Kent County's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.

New Kent County seeks to establish and maintain standards of employee conduct and supervisory practices which will, in the interest of the County and its employees, support and promote effective governmental operations. Such supervisory practices include administering corrective action when employee conduct or performance problems arise. Major elements of this policy generally include:

- Constructive effort by the Supervisor to help employees achieve fully satisfactory standards of conduct and job performance.
- Correcting employee shortcomings or negative behavior to the extent required.
- Notice to employees through communicating this policy that termination will result from continued or gross violation of employee standards of conduct or unsatisfactory job performance.
- Written documentation of disciplinary warnings given and corrective measures taken.

Disciplinary action may call for any of four steps – verbal warning, written warning, suspension with or without pay, or termination of employment – depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed.

Progressive discipline means that, with respect to most disciplinary problems, these steps will normally be followed: a first offense may call for a verbal warning; a next offense may be followed by a written warning; another offense may lead to a suspension; and, still another offense may then lead to termination of employment.

New Kent County recognizes that there are certain types of employee problems that are serious enough to justify either a suspension, or, in extreme situations, termination of employment, without going through the usual progressive discipline steps.

Options for Corrective Action

Depending on the facts and circumstances involved in each situation, management may choose to begin corrective action at any step up to and including immediate termination. However, in most cases, the following steps should be followed:

- Verbal Warning: For infractions the County deems to be minor, the employee should at a minimum be issued a verbal warning.
- Written Warning: For repeated minor infractions, or a more substantial infraction, the employee should at a minimum be issued a written warning. If the situation does not improve within a reasonable time (not longer than four months, depending on the seriousness of the issue), the Supervisor may repeat the measure or take steps to terminate the employee. The written warning should be prepared following a corrective action discussion with the employee. The employee will be given an opportunity to comment in writing and should be asked to sign a copy of the warning, acknowledging receipt. Three copies of the warning will be distributed as follows:
 - Employee;
 - Supervisor;
 - Personnel file.
- Termination: For infractions management deems to be sufficiently serious, or continued failure to respond appropriately to prior corrective action, termination is appropriate.

Other Option for Corrective Action

- Suspension: If events compel a Supervisor to take immediate action when termination appears possible, the Supervisor will immediately suspend the employee for a specified period, pending an investigation. The employee will be required to leave the premises immediately and be escorted out of the County building. The County Administrator will be notified immediately prior to taking such action. The suspension/investigation period will last no longer than three working days, except in highly unusual circumstances upon which notice will be provided to the employee. The objective of this suspension will be to determine if termination is the proper decision.

4.32: Grievance Policy

Effective 01/01/2020

Most employee concerns can be resolved through communication between the employee and the Supervisor. Accordingly, employees are encouraged to take their complaints informally to their Supervisor as soon as possible. In addition, employees have the right to pursue any grievable issues using the grievance procedure set forth below.

Access to the Grievance Procedure

1. All County employees who have successfully completed their initial introductory period and hold positions classified as regular full-time or regular part-time shall have access to the grievance procedure.
2. The following categories of employees do not have access to the grievance procedure:
 - Temporary, limited term, and seasonal employees;
 - Appointees of elected groups or individuals;

- Agency heads or chief executive officers of government operations;
 - Officials and employees who by law serve at the pleasure of an appointing authority;
 - Employees whose terms of employment are limited by law;
 - Deputies and executive assistants to the County Administrator;
 - Department Heads.
3. Notwithstanding the exceptions set forth in provision 2 above, the Board of Supervisors, in its sole discretion, may voluntarily include employees in any of the excepted categories within the coverage of this grievance procedure.
 4. The County Administrator or his/her designee shall determine the officers and employees excluded from the grievance procedure, and shall be responsible for maintaining an up-to-date list of the affected positions.
 5. An employee who has voluntarily resigned may not have access to the grievance procedure after the effective date of the resignation. However, any grievance initiated by an employee prior to separation from service may, at the employee's option, continue to be processed through the grievance procedure.
 6. An employee who has been removed shall not have access to the grievance procedure, except to grieve a termination resulting from formal discipline, unsatisfactory job performance, or an involuntary resignation; or a disciplinary action that occurred less than twenty (20) calendar days before the removal. The employee must file such a grievance within twenty (20) calendar days of the dismissal date.

Grievability

Actions That Automatically Qualify for a Panel Hearing

1. Formal disciplinary actions, including dismissals, disciplinary demotions, and suspensions;
2. Dismissal for unsatisfactory job performance.

Actions That May Qualify for a Panel Hearing

The grievance qualifies for a panel hearing if it claims one of the following and the facts of the situation raise a question as to whether adverse employment action (such as being demoted or transferred) has taken place as a result of one of the following:

- Unfair application of personnel policies, procedure, rules and regulations, including the application of policies involving matters regarding complaints of discrimination as referenced below;
- Acts of retaliation against the employee for using the grievance procedure or participating in the grievance of another employee;
- Complaints of discrimination on the basis of race, color, religion, political affiliation, age, national origin, or sex, disability or genetic information;
- Acts of retaliation because the employee has complied with any law of the United States or of the Commonwealth of Virginia, has reported any violation of such law to a governmental authority, or has sought any change in law before the Congress of the United States or the General Assembly of Virginia;
- Arbitrary or capricious employment evaluation;
- Informal discipline (such as transfers, demotions, and dismissal) which are not accompanied by formal discipline (a written notice) but which are taken for disciplinary reasons.

Actions That Do Not Qualify for a Panel Hearing

The following types of issues do not qualify for a hearing:

- Establishment and revision of wages or salaries, position classification or general benefits;
- Work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be part of the employee's job;
- The contents of established personnel policies, procedures, rules and regulations, ordinance or statutes;
- Failure to promote;
- The methods, means, and personnel by which work activities are to be carried out;
- The hiring, promotion, transfer and retention of employees, except where such action affects an employee who has been reinstated within the previous six (6) months as the result of the final determination of a grievance, dismissal, layoff, demotion or suspension from duties because of lack of work, reduction in work force, or job abolition;
- Dismissal, layoff, demotion, or suspension from duties because of lack of work, reduction in workforce, or job abolition;
- The relief of employees from duties in emergencies;
- The assessment of work in a performance evaluation.

The fact that the claim challenges an action under this section does not preclude it from qualifying if the grievance and the facts of the case raise a question as to whether the action created an adverse employment action that was improperly tainted by:

- Misapplication or unfair application of policy;
- Discrimination;
- Arbitrary performance evaluation;
- Retaliation; or
- Unwarranted discipline.

Grievance Procedure

There are four (4) steps in the grievance procedure available to an employee. If an employee is not satisfied with the response, he/she receives at one step, the employee may proceed to the next step, up to the panel hearing. The result reached at the panel hearing is final.

Step 1—Supervisor/Department Head Review

- The first-level reviewer shall be the employee's immediate Supervisor. The immediate Supervisor is the person who is responsible for evaluating performance and/or assigning the employee duties and overseeing the employee's performance.
 - If the immediate Supervisor no longer works for the County during the time of the review, or if the grievance deals with a charge of discrimination or retaliation against the immediate Supervisor, the first-level reviewer shall be the next highest Supervisor within the Grievant's chain of command, up to and including the Department Head.
 - If the Department Head no longer works for the County during the time of review, or if the grievance deals with a charge of discrimination or retaliation against the Department Head, the Director of Human Resources will designate a person who has had no prior involvement with the particular grievance or with the event or events giving rise to the grievance to conduct the review.

- The employee shall identify the grievance verbally to the first-level reviewer in an informal face-to-face meeting within twenty (20) calendar days after the event or action that is the reason for the grievance.
- The only persons who may be present in the first step meeting are the Grievant, the first-level reviewer, and appropriate witnesses, if any, for each side. Witnesses shall be present only while actually testifying.
- The first-level reviewer shall give a verbal response to the employee within five (5) business days following the meeting. The first-level reviewer shall document that the conversation took place, noting the date and time.

Step 2 – Human Resources Review

- If the employee does not accept the response from the first-level reviewer, the employee should submit the grievance in writing, using the County Grievance Form, to Human Resources within five (5) business days following the receipt of the first-level reviewer's response. The nature of the grievance and the specific relief requested must be stated plainly.
- The Director of Human Resources shall meet with the employee within five (5) business days after receiving the Grievance Form. The persons present at this meeting shall be the employee, the Director of Human Resources, and at the employee's option, a representative of his or her choice. If the employee is represented by legal counsel, the County Attorney will be present. Appropriate witnesses may be present only while testifying and must be excused immediately after testifying.
- The Director of Human Resources shall give the employee a written response on the Grievance Form within five (5) business days following the meeting.

Step 3 – County Administrator Review

- If the employee does not accept the response from Human Resources, the employee should indicate on the Grievance Form his/her desire to advance the grievance to the County Administrator. The employee must submit the Grievance Form to the County Administrator within five (5) business days following the receipt of the Director of Human Resource's response.
- The County Administrator shall meet with the employee within five (5) business days after receiving the Grievance Form. The persons present at this meeting shall be the employee, the County Administrator, and at the employee's option, a representative of his or her choice. If the employee is represented by legal counsel, the County Attorney will be present. Appropriate witnesses may be present only while testifying and must be excused immediately after testifying.
- The County Administrator shall give the employee a written response on the Grievance Form within five (5) business days following the meeting.
- If the employee does not accept the County Administrator's response and wishes to advance the grievance to a panel hearing, the employee must indicate this on the Grievance Form and return it to the County Administrator within five (5) business days of receipt of the County Administrator's reply.

Step 4 – Panel Hearing

Qualification for Panel Hearing

Decision by County Administrator: The County Administrator, or his/her designee, will decide whether an employee's grievance qualifies for a panel hearing within five (5) business days of receiving an employee's request for a panel hearing. The County Administrator must provide a written response on the Grievance Form or on an attachment. Neither the County Attorney nor the Attorney for the

Commonwealth is authorized to decide the question of grievability. A copy of the ruling shall be sent to the Grievant.

Process for Appealing County Administrator's Decision: The Grievant may appeal the decision of the County Administrator, or his/her designee, to the New Kent County Circuit Court for a hearing on the issue of whether the grievance qualifies for a panel hearing. The Grievant must file a notice of appeal with the County Administrator within ten (10) calendar days from the date of receipt of the County Administrator's decision and give a copy to all other parties. Within ten (10) calendar days thereafter, the County Administrator, or his/her designee, shall transmit to the Clerk of the New Kent County Circuit Court a copy of the decision of the County Administrator, a copy of the notice of appeal, and the evidence used by the County Administrator in making his/her decision. A list of the evidence furnished to the Court shall also be furnished to the Grievant. The failure of the County Administrator, or his/her designee, to transmit the record shall not prejudice the rights of the Grievant. The Court, on motion of the Grievant, may require the County Administrator to transmit the record on or before a certain date.

Decision by the Court: Within thirty (30) days of receipt of such records by the Clerk, the Court, sitting without a jury, shall hear the appeal on the record transmitted by the County Administrator or his/her designee, and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The Court may affirm, reverse, or modify the decision of the County Administrator, or his/her designee. The Court will render its decision no later than the fifteenth (15th) day from the date of the conclusion at the hearing. The decision of the Court is final and is not appealable. VA Code § 15.2-1507(A)(9)(b).

Panel Hearing Procedure

The final step of the grievance procedure for a qualifying grievance shall be a hearing before an impartial panel. The following procedure shall apply.

Selection of Panel Members

- The panel shall consist of three (3) members.
- Within five (5) business days after receiving the decision that the grievance qualifies for a panel hearing, the employee filing the grievance and the County shall each select one (1) person to serve as a panel member, for a total of two (2).
- The first two panel members shall select the third panel member, for a total of three (3) panel members. If the first two panel members cannot agree on the selection of the third panel member, the County Administrator shall within the next five (5) business days request the Chief Judge of the New Kent County Circuit Court to select the third panel member.
- The third (3rd) panel member shall be the chairperson of the panel.
- The full panel selection should be completed by the tenth (10th) business day following receipt of qualification. However, this time may be extended in instances where agreement on a third panel member has not been reached.
- The panel shall be composed of New Kent County employees or employees of the Commonwealth whose principal place of work is in New Kent County. Service on the panel is voluntary.

The panel shall not be composed of any of the following:

- Persons who are not New Kent County employees or who are not employees of the Commonwealth whose principal place of work is in New Kent County;
- Persons having direct involvement with the grievance being heard by the panel, or with the complaint or dispute giving rise to the grievance;

- Managers who are in the direct line of supervision of the Grievant, including all members of the County Board of Supervisors, the County Administrator, and the County Attorney;
- Attorneys having direct involvement with the subject matter of the grievance, or a partner, associate, employee or co-worker of such attorneys;
- Relatives or spouses of a participant in the grievance process or of the persons residing in the same household as a participant.

Communication with Panel Members

The parties shall not discuss the substance of the grievance or the problem giving rise to the grievance with any panel member prior to the hearing. Any matters requiring the attention of the panel must be communicated in writing to the panel with copies to all parties.

A panel member is not to conduct an independent investigation into the substance of the grievance or review materials not made available to all panel members and parties.

Preparation for the Panel Hearing

The panel will set the date, time and place for the hearing, which should be held within ten (10) business days following the selection of the panel. The panel chairperson shall immediately notify the parties of the hearing date. The panel shall conduct the hearing in New Kent County unless the panel unanimously decides that another location is more appropriate.

The County Administrator shall provide each panel member with copies of all documents related to the grievance, the New Kent County Grievance Procedure, and provide the Grievant with a list of all documents furnished to the panel.

The Grievant, and his/her attorney if the Grievant retains counsel, at least ten (10) days prior to the scheduled panel hearing, shall be allowed access to and copies of all documents furnished to the panel. Other information may only be submitted at the hearing in the presence of the parties.

No later than seven (7) business days prior to the scheduled panel hearing, the parties shall exchange all documents, exhibits and lists of witnesses to be used or introduced at the hearing.

Hearing Procedure

- **Attendance:** The panel shall decide whether it is appropriate to allow persons with a direct interest in the hearing to attend the hearing. However, at the request of either party, the hearing shall be closed.
- **Representatives:** At the panel hearing, the parties may be represented by legal counsel, or other representative of their choice. Such representative may examine, cross-examine, question or present evidence on behalf of the party before the panel.
- **Procedural Questions:** The panel shall decide procedural questions (such as whether to allow a piece of evidence) by majority vote. The chairperson shall rule on objections raised during the course of the hearing.
- **Presentation of Case:** In disciplinary actions and dismissals for unsatisfactory performance, the County must present its evidence first and must show by a preponderance of the evidence (in other words, that it is more likely than not) that the action was warranted and appropriate under the circumstances. In all other actions, the Grievant must present evidence first and must prove his or her claim by a preponderance of the evidence.
 - **Opening Statements:** Each party, or their representatives, may, at the option of each party, make opening statements at the beginning of the hearing. The party presenting their evidence second may elect to reserve their opening statement for their case in chief.

- **Presentation of Evidence:** The parties, or their representatives, shall present their claims, proofs, and witnesses who shall submit to questions or other examination. The panel shall give full and equal opportunity to all parties to present any material or relevant evidence and shall allow the parties the right of cross-examination.
 - Evidence is only to be taken in the presence of the panel and both parties, except by mutual consent of the parties.
 - Witnesses other than the parties may be present in the hearing only while giving their testimony.
 - Members of the panel may question anyone giving testimony in order to clarify points being made.
 - Panels should consider all material and relevant evidence produced at the hearing; panels are not bound by the rules of evidence used in Virginia or Federal courts.
 - The panel shall be the judge of the relevancy and materiality of evidence offered as well as of the weight that it shall be given.
 - Physical exhibits, such as documents, offered by the parties shall be received in evidence by the panel and, when received, shall be marked and made part of the record.
- **Closing:** After the parties have had the opportunity to present their evidence, the panel chairperson shall specifically ask the parties whether they have any further proof to offer or witnesses to be heard. Upon receiving negative replies, the parties shall be given the opportunity to make closing statements summarizing their positions. The party presenting evidence first will be afforded the opportunity to rebut the closing of the party presenting evidence second. Once the parties have made their closing statements, the panel will close the hearing.

The Panel Decision

Rendering the Decision:

- The Decision:
 - The majority decision of the panel shall be final and binding and shall be consistent with the provisions of law and written policy.
 - The panel shall render its written decision within ten (10) business days of the conclusion of the hearing. The panel must provide the reasons for its decision. The panel chairperson shall deliver copies of the written decision to the employee and the County Administrator within ten (10) business days of the conclusion of the hearing.
 - When the grievance concerns a disciplinary action, including dismissal, the panel shall use a two (2) part process in making its decision:
 - The panel shall decide whether it is more likely than not that the circumstances or event leading to the disciplinary action took place. If the panel decides that the circumstances or event did not take place, the panel shall reverse the disciplinary action.
 - If the panel decides that the event did take place, the panel shall decide if the disciplinary action taken by the Supervisor in response to the event was appropriate. If the panel decides the disciplinary action was not appropriate, the panel shall choose a remedy as set forth in provision c(ii) below.
 - If the grievance concerns an action that the Grievant believes to be an informal disciplinary action, the Grievant must first show that it is more likely than not that the adverse employment action taken against him or her, although unaccompanied by a formal written notice, was nevertheless taken for disciplinary reasons.

- When the grievance concerns a non-disciplinary action (i.e., discrimination/retaliation, unfair application of policy, or arbitrary performance evaluation), the panel shall determine whether it is more likely than not that the action took place; then, the panel must fashion a remedy.
- Compliance issues arising during the panel hearing are not decided by the panel:
 - Panels are to decide cases on the merits, not on compliance matters (such as meeting time requirements) occurring prior to or during the hearing.
 - Compliance issues should be referred to a designee of the County Administrator who has had no prior involvement with the particular grievance or with the event or events giving rise to the grievance.
 - The designee will determine if the compliance issue potentially affects the outcome of the panel hearing. If it does, the designee will fashion a remedy affording the Grievant the best opportunity to move forward. If it does not, the designee will return the issue to the panel.
- The Remedy:
 - The panel, in rendering its decision, shall be guided by, but not necessarily bound by, the relief specified by the Grievant on the Form A. However, any relief granted must be consistent with written policy.
 - A panel by majority vote may uphold or reverse the action of the County Administrator or, in the appropriate circumstances, may choose a modified remedy according to the type of grievance, as set forth below:
 - **Disciplinary Actions:** The panel may modify the action by choosing a lesser disciplinary action enumerated in the discipline section of this manual. The panel may not impose a more severe disciplinary action than that which is being grieved.
 - **Misapplication or Unfair Application of Policy:** The panel shall order the agency to reapply the policy from the point at which it became unfair or misapplied.
 - **Arbitrary or Capricious Performance Evaluation:** The panel shall order the County to repeat the evaluation process and provide a rating with a reasoned basis related to established expectations. The remedy cannot include an award of any particular rating.
 - **Retaliation/Discrimination:** In addition to reversing the action against the employee, the panel may order the agency to create an environment free from discrimination and/or retaliation, and to take appropriate corrective actions necessary to cure the violation and/or minimize its reoccurrence. The panel should avoid providing specific remedies that would unduly interfere with the County's prerogatives to manage its employees (e.g., ordering the discipline of the manager for discriminatory supervisory practices).

The panel's responsibility is to ensure proper application of personnel policies and procedures. The panel does not have the authority to create or change policies or procedures or to consider matters that have not been qualified for the panel hearing. The panel may, however, consider mitigating circumstances and modify the County's action consistent with written policy. The panel may recommend policy changes to County personnel policies and procedures to Human Resources.

When the panel directs reinstatement, the panel has the authority to award full, partial, or no back pay for the period of separation. An award of back pay shall be offset by interim earnings the employee received during the period of separation.

The panel may not order damages or attorney's fees (if the employee wishes to seek damages, he or she should file suit in a court of law).

Implementation of the Panel Decision:

- The County Administrator is responsible for assuring that panel decisions are implemented.
- Either party may petition the New Kent County Circuit Court for an order requiring the implementation of the decision of the panel.

Challenges to Panel Decision:

- If a written request to reconsider the panel decision is submitted by either party within five (5) business days of receipt of the decision, the panel by majority vote may elect to review its decision and/or reopen the hearing for good cause shown.
- Any challenge to a panel decision on the grounds that it is inconsistent with written policy must be submitted by either party within five (5) business days to the County Administrator, or his/her designee, unless such person has a direct personal involvement with the particular grievance or with the event or events giving rise to the grievance. In that case, the challenge shall be submitted to the New Kent County Attorney who will decide the challenge. The County Attorney is authorized to direct reconsideration of the panel where appropriate.

Compliance Issues Arising Before the Hearing

- If, after the initial filing of a written grievance, either party fails to comply with a material requirement of the grievance procedure without just cause, the other party will notify that party in writing and provide Human Resources with a copy of that notice. If the party not in compliance fails to correct the defect within five (5) business days of receipt of written notification, the party alleging noncompliance shall notify the County Administrator, or his/her designee, in writing. If neither party complains of a procedural defect, that defect is waived.
- Compliance issues are to be determined by a designee of the County Administrator who has had no prior involvement with the particular grievance or with the event or events giving rise to the grievance. The designee, at his or her option, may require a clear written explanation of the basis for just cause extensions or exceptions. Compliance decisions shall be subject to judicial review by filing a petition with the New Kent County Circuit Court within thirty (30) days of the compliance determination.
- The time periods contained in this policy are material procedural requirements. However, such time periods may be extended by agreement of the parties. The panel may, with just cause, extend the time periods applicable to the panel.

General Provisions

Compensation and Reimbursement

- Persons serving as panel members, excepting the third panel member when appointed by the Judge of the Circuit Court, are not compensated or reimbursed for any expenses associated with the hearing.
- The County shall bear the per day expenses of the third (3rd) panel member if appointed by the judge of the circuit court.
- Employees who serve as witnesses or panel members during normal work hours shall receive leave for the time served in accordance with applicable personnel policy and are to be reimbursed for the reasonable costs of travel and meals in accordance with travel regulations.

- Employees who are grieving termination are not compensated except in cases where a panel decision results in reinstatement with back pay. Reimbursement for travel expenses in the instance is limited to those expenses that would have been incurred in travel from the work location in which the grievance arose to the location of the hearing.
- The Grievant is responsible for the cost of his/her legal counsel or other representation in the preparation or presentation of the Grievant's case in any part or all of the proceedings.

Recordings

- The use of recording devices, including court reporters, shall not be permitted in the management steps. Recording devices or court reporters shall be used at the panel hearing in order to create a verbatim record.

Disabled Employees

- A disabled employee may request accommodation during all steps of the grievance procedure.

SECTION V

5.00: Separations and Separation Pay

Effective 01/01/2020

All separations of employees from positions in the competitive service shall be designated as one of the following types:

- Resignation (also to be used for retirement);
- Layoff;
- Termination;
- Unsatisfactory service (also to be used for introductory separations);
- Disability;
- Death

Resignation

If a county employee intends to resign from the County's service, it is the employee's responsibility to notify his/her immediate Supervisor at least ten (10) business days prior to the last day of work. An employee who resigns without sufficient prior notice and thereby, in the opinion of the Department Head, impairs the effectiveness of the County service shall have his/her separation designated as unsatisfactory service or termination according to the rules governing such separations. Should the County choose to separate from the employee sooner than ten (10) business days, no negative action will be associated with the employee's resignation. Resignation is a voluntary act initiated by the employee to separate from employment with New Kent County.

Prior to an employee's departure, an exit interview may be scheduled to discuss the reasons for resignation and the effect of the resignation on benefits. Employees who resign shall receive payment for

all ~~compensatory time~~, sick leave and annual leave credit for which they are eligible according to the rules governing such leave.

Reemployment

An employee who resigns by reason of retirement may be reemployed in any position for which qualified with the following exception:

- No person may be reemployed by the same Department Head under whom the employee was serving upon retirement, unless the Department Head authorizes reemployment of a retiree by the same Supervisor in exempt limited term positions after determining in writing that it is in the best interest of the county; *and*
- Any retiree must agree pursuant to provisions of the retirement ordinances to waive his retirement allowance during his period of reemployment; *or*
- If such reemployment would qualify the retiree for membership in a retirement system other than from which he retired, he may be appointed to any position for which he is qualified without regard to his former Department Head.

A merit employee who resigns in order to join the military forces of the United States or who is inducted into such service is entitled, upon discharge, to be restored to his former position or to a position of like seniority, status and pay in accordance with guidelines set forth in federal law.

Employees are paid for accrued leave as set forth below at the time of retirement, resignation, termination or death.

Sick Leave

Upon retirement, death, or separation of employment, with or without cause (e.g., when the position is abolished or when the position needs to be filled, or any other reason not relating to misconduct of an employee), an employee who has successfully completed the introductory period shall be entitled to be compensated in accordance with the terms below.

Effective January 1, 2009, eligible employees hired on or after this date will be paid at separation for unused sick leave accrued after January 1, 2009 in the following manner: If separation occurs during the first sixty (60) months of employment, the employee will not be paid for accumulated sick leave. For a length of service between 61 and 120 months, accumulated sick leave will be paid at \$2.00 per hour, not to exceed \$2500.00. For a length of service between 121 and 180 months, accumulated sick leave will be paid at \$3.00 per hour, not to exceed \$2500.00. For a length of service between 181 and 240 months, accumulated sick leave will be paid at \$4.00 per hour, not to exceed \$2500.00. For a length of service beyond 240 months, accumulated sick leave will be paid at \$5.00 per hour, not to exceed \$2500.00.

Those employees in service prior to January 1, 2009 will be paid for any unused sick leave upon separation of employment in accordance with the policy in effect on December 31, 2008. That policy provided for payment of unused sick leave as follows: a non-introductory employee shall be entitled to be compensated, based on his rate of pay at the time of separation, for twenty-five percent (25%) of his accrued sick leave, not to exceed \$2,500.00. For purposes of this subparagraph, service is defined as service rendered in a leave earning position as of December 31, 2008.

Employees who are terminated for disciplinary reasons or who fail to give proper notice of intent to resign from County service as required in these policies are not eligible and do not receive compensation for any sick leave balance. In the event of the death of an employee, any leave payment due in accordance with this section will be made to the estate. If such estate has not been qualified, payment shall be made pursuant to §61.1-123 of the Code of Virginia.

Annual Leave

Employees who leave County employment after six (6) or more months of service shall be paid for all accrued annual leave up to the applicable maximum accumulation limit set forth in the Annual Leave Policy.

In the event of the death of an employee, any leave payment due in accordance with this section will be made to the estate. If such estate has not been qualified, payment shall be made pursuant to §61.1-123 of the Code of Virginia.

Compensatory Leave

~~Employees shall be paid for all compensatory leave.~~

~~In the event of the death of an employee, any leave payment due in accordance with this section will be made to the estate. If such estate has not been qualified, payment shall be made pursuant to §61.1-123 of the Code of Virginia.~~

Personal Day/Holidays

Personal Days and Holidays are not paid out upon employee's separation of employment.

Sheriff's Office, Fire & Rescue:

Front-Loaded Holiday Leave In lieu of Recognized County Holidays is not paid out upon separation of employment. Upon separation, the employee's Front-Loaded Holiday Leave shall be recalculated by multiplying the number of holidays which have already occurred in the current fiscal year by the rate at which Front-Loaded Holiday Leave hours were granted to the employee. The result is then subtracted from the number of Front-Loaded Holiday Leave hours granted to the employee during the fiscal year. The difference is the number of Front-Loaded Holiday Leave hours for which the employee has been overpaid. If an overpayment of Front-Loaded Holiday Leave occurs, the overpayment will be recouped by either (1) adjusting the payout of Annual and/or Sick leave or (2) Human Resources will make a written request to the employee for repayment of the overpaid wages.

Following the employee's last regularly scheduled paycheck after the separation date, in general, all compensation due for applicable leave accruals will be paid out in a final paycheck issued on the next regularly scheduled pay date.

5.04: Post-Separation Benefits

Effective 01/01/2020

The Human Resources Department will provide information and counseling to separated employees regarding the availability of post separation benefits such as health insurance, life insurance, and retirement account options.

5.08: Employment Termination

Effective 01/01/2020

The process for Terminations with cause is as set forth below:

- If termination of an employee is warranted, the Department Head shall provide the employee with a written notice. In situations when it is not possible to personally deliver a written notice to an

employee, the notice may be sent as provided later in this section. Such notice shall set forth the following:

- A statement of the reasons for which the dismissal of the employee is being considered, in sufficient detail to enable the employee to understand fully the violation, infraction, conduct or offense for which dismissal is being considered;
 - That the employee's past performance, including any prior disciplinary records has been considered;
 - The effective date of the proposed dismissal;
 - Whether the employee is suspended, identifying if suspension is with or without pay;
 - That the employee has the right to respond either in writing or in person, at the option of the employee, within two (2) working days of receipt of the notice;
 - That the employee has the right to file a grievance pursuant to the County's grievance policy if termination is imposed.
- If the employee requests the right to respond in person, the Department Head should immediately schedule an informal hearing.
 - The employee should be afforded an opportunity to explain his or her side of the story, to present any documentary evidence on his or her behalf, and to argue his or her side of the case;
 - Such hearings are intended to be informal.
 - If, after the hearing or consideration of the employee's written response, the Department Head finds that the charge or charges against the employee are valid and support the dismissal, a written notice of such dismissal shall be given to the employee.
 - After reasonable attempts have been made to deliver in person a written notice of proposed termination or notice of termination to an employee, delivery may be made by sending notice by certified mail to the last known address of the employee. For purposes of this section, such notice shall be deemed to have been received either on the actual day it was received, or, five (5) days after it was mailed, whichever date is earlier.

5.12: Severance Pay

Effective 01/01/2020

Severance pay may be approved by the Board of Supervisors or the County Administrator for terminations that do not involve gross misconduct if deemed to be in the best interest of the County.

5.16: Layoffs

Effective 01/01/2020

A layoff is an involuntary separation other than for disciplinary reasons. When, due to reduced appropriation, lack of work or funds, a reduction in work force is necessary, layoffs may be ordered by the Board of Supervisors given the following considerations:

- The order of the layoffs shall be inverse to the relative value of the employees to the County as determined by the County Administrator.
- No regular full-time employee shall be laid off from any position while any temporary employee's employment is continued in the same class.

Each employee laid off shall be given a written notice. Whenever practicable, this notice should be given at least three (3) days prior to the effective date and should include the reasons for the layoff, the effective date, and any other information deemed necessary by the County Administrator.

5.20: Exit Interviews

Effective 01/01/2020

The Human Resources Department may conduct exit interviews of separating employees when it deems necessary, or upon request. Such interviews become a part of the employee's official personnel file and the employee's signature is required to acknowledge the correctness of the information on the interview form.

5.24: Clearing Debt and Property Accounts

Effective 01/01/2020

Employees who separate from County service must clear all debts to the County and account for and turn in all County equipment or other property in his/her possession or for which they are responsible, including keys, uniforms, tools, equipment, credit cards, identification cards, books, manuscripts, papers, etc. to the Department Head. It is the responsibility of the Department Head to forward a list to the Human Resources Department of any property held by the separating employee or a statement that all such property has been returned.

Failure to clear all debts and turn in all County property will result in the initiation of collection procedures to recover any losses.

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 4/27/2022

Agenda Item

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	Mr. Chairman, I move to authorize the County Administrator to execute the proposed contract with Pro-Star Enterprise, Inc. for Roadside Litter Pickup and Removal Services.
Subject	Roadside Litter Pickup and Removal Services Contract
Issue	Agreement for scheduled and on-call roadside litter pickup and removal services along 164 miles of roadways within New Kent County.
Recommendation	Staff recommends adoption of the proposed motion.
Fiscal Implications	The proposed costs for scheduled services are \$69 per mile for roads with no median, \$109 per mile for roads with a center median. The proposed cost for on-call services are \$50 per mile for only one side of a roadway, \$80 per mile 2 sides of a road, and \$125 per mile for roads with a center median.
Policy Implications	The County has received authorization from VDOT to pickup litter along side public roadways.
Legislative History	An RFP was issued in 2021 for this service and awarded to a Virginia Beach contractor, who informed the County this spring that they would no longer be capable of fulfilling the terms of our agreement. An Invitation for Bid (IFB) was reissued on March 18, 2022 and proposals were due on April 14th. Pro-Star Enterprise, Inc. was the selected as the lowest and most responsive bid.
Discussion	Please see the attached agreement.

Time Needed:	9:45 a.m.	Person Appearing:	County Administrator Rodney Hathaway
Request prepared by:	Rodney Hathaway, County Administrator	Telephone:	(804) 966-9683
Copy provided to:			

ATTACHMENTS:

Description
Roadside Litter Pickup and Removal Services Agreement

Type
Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Administration	Hathaway, Rodney	Approved	4/20/2022 - 7:55 AM
Administration	Hathaway, Rodney	Approved	4/20/2022 - 7:55 AM
Attorney	Hefty, Brendan	Approved	4/20/2022 - 1:45 PM

AGREEMENT

Litter Pickup and Removal Services

THIS AGREEMENT (the “Agreement”) is made on this _____ day of _____, 2022, by and between PRO-STAR ENTERPRISE, INC. (“Contractor”), and THE BOARD OF SUPERVISORS FOR THE COUNTY OF NEW KENT, VIRGINIA (“County”),

Recitals:

WHEREAS, pursuant to the Virginia Public Procurement Act, the County solicited bids for litter pickup and removal services; and

WHEREAS, Contractor submitted a bid for same, consistent with the specifications in the Invitation for Bids; and

WHEREAS, Contractor was selected as the lowest responsive and responsible bidder; and

WHEREAS, County has selected Contractor to supply litter pickup and removal services along designated public roadways.

NOW THEREFORE, in consideration of the mutual benefits, promises, and undertakings, the sufficiency and receipt of which are acknowledged, the following terms and conditions are agreed to by the parties to this contract.

1. **Incorporation by Reference.** The County’s Invitation for Bid (“IFB”), including all related appendices and addenda; and the Contractor’s bid proposal response in its entirety are made a part hereof as if the same were fully set forth herein. If any discrepancies arise between the terms of the IFB and Contractor’s bid proposal, Contractor agrees to abide by the terms of the IFB.

2. **Time of Performance.** The initial term of this contract is twelve months, beginning May 1st, 2022 and continuing through April 30, 2023 with the option for automatic renewals under the terms and conditions of the original contract for four (4) additional twelve (12) month periods, unless either party gives written notifications to the other party sixty (60) days prior to the expiration date of the then current term that they do not wish to renew. The County may terminate this contract for convenience at any time upon 30 days prior written notice. This contract and any renewals of this contract are subject to the availability of funds and appropriations by the Board of Supervisors.

3. **Costs.** Contractor agrees to furnish the goods/services as specified herein, and in compliance with the terms and conditions of this agreement at the following prices:

A. Scheduled Services – March 1st – 15th, August 1st – 15th, November 1st – 15th. Another Schedule may be agreed upon by both parties.

Pick-up Condition	Estimated Miles	Rate Per Mile
Two Sides of Road	135 Miles – Road Length	\$69.00

Two Side of Road w/ Center Median	29 Miles – Road Length	\$109.00
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- B. On-call Services – Services shall be rendered within seven (7) days of request submitted by the County, unless another schedule is agreed upon by both parties.

Pick-up Condition	Rate Per Mile
One Side of Road	\$50.00
Two Sides of Road	\$80.00
Two Sides of Road w/Center Median	\$125.00

4. **Notices.** Any notices required shall be in writing, unless otherwise permitted hereunder, and shall be deemed received five (5) days after mailing of same in the U.S. Mail with postage prepaid at the addresses set forth below or upon actual receipt:

(a) To County:
County Administrator
New Kent County
Post Office Box 150
12007 Courthouse Circle
New Kent, Virginia 23124-4450

With Copy to:
County Attorney
New Kent County
Post Office Box 150
12007 Courthouse Circle
New Kent, Virginia 23124-4450

(b) To Contractor:
Pro-Star Enterprise, Inc..
c/o: Jhonnathan Ortiz
2705 Perlock Road
North Chesterfield, VA 23237

5. **Insurance.** During the term of this Contract, Contractor agrees to procure and maintain insurance that meets all requirements of the IFB.

6. **Compliance with Applicable Laws.** The Contractor shall, at all times during the term of this Agreement, including any extensions thereof, substantially comply with all applicable and material federal, state, and local laws and regulations.

7. **Governing Law, Forum.** This Agreement shall be governed in all respects, by the laws of the Commonwealth of Virginia, Any lawsuit taken to enforce this agreement of declare the rights of the Parties shall be heard by the Circuit Court for the New Kent County.

8. **Miscellaneous.** All pronouns used herein shall refer to every gender. Headings or titles in this Contract are only for convenience and shall have no meaning or effect upon the interpretation of the provisions of this Contract.

9. **Entire Agreement, No Oral Modifications.** This Agreement embodies the entire understanding and agreement of the Parties with respect to the subject matter hereof and merges and supersedes all prior representations, agreements, and understandings, whether oral or written, between the Contractor, the Board, and the County with respect to the subject matter hereof, including, without limitations, any and all written or oral statement or representations by any official, employee, agent, attorney, consultant, or independent contractor of the Contractor, Board, or the County.
10. **Severability.** If any term, condition, or provision of this Agreement shall be held to be invalid or unenforceable to any extent, the remainder hereof shall be valid in all other respects and continue to be effective.
11. **Time of Essence.** In determining whether a party has substantially complied with this Agreement, the parties agree that time is of the essence.
12. **Assignment of this Agreement.** No party to the Agreement may transfer, assign or delegate to any other person or entity all or any part of its rights or obligations arising under this Agreement without the prior written consent of all other parties hereto. Consent may be given or withheld in the sole and absolute discretion of the party from whom consent is sought. The obligations of one party under this Agreement shall survive any assignment, unless the other parties otherwise specifically and expressly agree in writing.
13. **Rights and Remedies are Cumulative.** The rights and remedies reserved to both parties herein are cumulative and shall be in addition to all other rights and remedies which either party may have with respect to the subject matter of this Agreement, whether reserved herein or authorized by applicable law.
14. **Reservation of Rights.** This contract is non-exclusive and the County reserves the sole right to determine whether or not it is appropriate to utilize another Vendor, especially during emergency situations.
15. **Amendment.** This Agreement shall not be changed, modified, or amended, in whole or in part, unless an appropriate written instrument is executed by all of the Parties.

IN WITNESS WHEREOF, the parties have set their hands and seals on the date first above written.

Signatures on Separate Pages

The Board of Supervisors of
New Kent County

By: _____
Rodney A. Hathaway
County Administrator

Approved as to Form.

Brenden S. Hefty
County Attorney

CONTRACTOR: Pro-Star Enterprise, Inc.

By: _____

Print: _____

Title: _____

Invitation for Bids



Litter Pickup and Removal Services

March 18, 2022

**New Kent County Administration
12007 Courthouse Circle
New Kent, Virginia 23124
(804) 966-9683**

IFB #22-1102AO

New Kent County is soliciting bids from qualified firms for litter pick-up and removal services throughout New Kent County. The Contractor shall furnish all necessary labor, supervision, equipment, materials, tools, supplies, etc. as required on a scheduled and "as needed" basis and in accordance with specifications and all terms and conditions set forth herein. Signed and sealed bids will be received by US Mail, private courier or in person no later than **2:00 p.m., local prevailing time, Thursday, April 14, 2022** at the following location:

**County Administrator's Office
New Kent County Administration Building
P.O. Box 150
12007 Courthouse Circle
New Kent, Virginia 23124-2242
(804) 966-9683**

Bid packages should be **clearly labeled** on the outside of the sealed envelope:

**"SEALED BID – IFB# 22-1102AO
LITTER PICKUP AND
REMOVAL SERVICES"**

It is the submitting bidder's responsibility to verify that sealed bids have been received by the time & date specified. Bids that are not received on time or appropriately identified will be returned to the submitting firm unopened. All bid packages received on time and appropriately labeled will be recorded and **publicly opened and read aloud immediately** thereafter. Bid packages shall be submitted **in duplicate** in the sealed & labeled envelope.

It is the intent of the IFB to award to the **lowest responsive and responsible bidder**. The County reserves the right to waive informalities in any bid received, to reject any or all bids in whole or in part, with or without cause. The County reserves the right to reject any conditional bid and will normally reject any bid which makes it impossible to determine the intent of the bid.

Should you have any questions concerning this Invitation for Bid, please contact Rodney Hathaway, County Administrator at rahathaway@newkent-va.us by no later than Friday, April 1, 2022.

1. SCOPE OF WORK

- 1.1 **PURPOSE AND INTENT:** The purpose and intent of this Invitation for Bids (IFB) is to establish an annual contract with a qualified contractor to provide Litter Pick-up and Removal Services throughout New Kent County. The Contractor shall furnish all necessary labor, supervision, equipment, materials, tools, and supplies, etc. as required on a scheduled and "as needed" basis and in accordance with specifications and all terms and conditions set forth herein.
- 1.2 **SCOPE OF WORK/LITTER PICK-UP REQUIREMENTS:** The Contractor shall:
- A. Pick-up all litter within 15 feet of the road or the farthest side of a drainage ditch, whichever is greater;
 - B. Scheduled litter pickup and removal services shall be in accordance with the conditions listed in attachment A;
 - C. Assure that all individuals assigned to the project are 18 years old or older;
 - D. Provide litter bags
 - E. Collect and dispose of bags in a state approved landfill;
 - F. Provide litter pick-up signs that must be in place and visible prior to beginning pick-up;
 - G. Adhere to Virginia Department of Transportation (VDOT) Safety Guidelines which can currently be found at <http://www.virginiadot.org/programs/prog-aah-safety.asp>;
 - H. Wear Personal Protection Equipment (PPE), (i.e., vests, gloves, safety glasses, etc.) and
 - I. Call 804-966-9683 when pick-up is complete and report the total number of bags collected.

2. GENERAL TERMS AND CONDITIONS

- 2.1 **eVA BUSINESS-TO-GOVERNMENT VENDOR REGISTRATION:** The eVA Internet electronic procurement solution, web site portal www.eva.virginia.gov streamlines and automates government purchasing activities. All vendors desiring to provide goods and/or services to the County shall participate in the eVA Internet e-procurement solution by completing the free eVA Vendor Registration. All Bidders or Offerors must register in eVA, failure to register may result in the bid/proposal being rejected. The County advertises all competitive solicitations on eVA but does not issue purchase orders through eVA unless required to by the terms and conditions of a state issued contract.
- 2.2 **ACCEPTANCE OF GOODS/SERVICES:** Goods/services delivered shall remain the property of the Contractor until a physical inspection or actual usage of the

goods/services is made and thereafter accepted to the satisfaction of the County. The goods/services must comply with the specifications and terms and conditions of the Request and be of the highest quality. In the event the goods/services supplied to the County are found to be defective or not to conform to specifications, the County reserves the right to cancel the contract upon written notice to the Contractor and return products to Contractor at the Contractor's expense.

- 2.3 ANNOUNCEMENT OF AWARD: Upon the award or the announcement of the decision to award a contract as a result of this solicitation, the County will publicly post such notice on the DGS/DPS eVA VBO website (www.eva.virginia.gov) for a minimum of 10 days.
- 2.4 ANTI-DISCRIMINATION: By submitting their bids, Bidders certify to the County that they will conform to the provisions of the Federal Civil Rights Act of 1964, as amended, as well as the Virginia Fair Employment Contracting Act of 1975, as amended, where applicable, the Virginians with Disabilities Act, the Americans with Disabilities Act and § 2.2-4311 of the *Virginia Public Procurement Act (VPPA)*. If the award is made to a faith-based organization, the organization shall not discriminate against any recipient of goods, services, or disbursements made pursuant to the contract on the basis of the recipient's religion, religious belief, refusal to participate in a religious practice, or on the basis of race, age, color, gender or national origin and shall be subject to the same rules as other organizations that contract with public bodies to account for the use of the funds provided; however, if the faith-based organization segregates public funds into separate accounts, only the accounts and programs funded with public funds shall be subject to audit by the public body (*Code of Virginia*, § 2.2-4343.1E).

In every contract over \$10,000 the provisions in A and B below apply:

A. During the performance of this contract, the Contractor agrees as follows:

1. The Contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the Contractor. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
2. The Contractor, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, will state that such Contractor is an equal opportunity employer.
3. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

B. The Contractor will include the provisions of (A) above in every subcontract or purchase order over \$10,000, so that the provisions will be binding upon each

subcontractor or vendor.

- 2.5 APPLICABLE LAWS AND COURTS: This solicitation is governed by the laws of the Commonwealth of Virginia. Any dispute or controversy arising out of or relating to this solicitation or otherwise shall be brought in the New Kent County Circuit Court or in the United States District Court for the Eastern District of Virginia, Richmond Division; provided, however, that prior to the instigation of any such action (other than an action for equitable relief) a meeting shall be held at a mutually agreed upon location, attended by individuals with decision-making authority to attempt in good faith to negotiate a resolution of the dispute.
- 2.6 ASSIGNMENT OF CONTRACT: A contract shall not be assignable by the Contractor in whole or in part without the written consent of the County.
- 2.7 AUDIT: The Contractor shall retain all books, records and other documents relative to this contract for five (5) years after final payment, or until audited by the County, whichever is sooner. The County or its authorized representative shall have full access to and the right to examine any of said materials during said period. The Contractor shall include the provisions above in every subcontract or purchase order, so that the provisions will be binding upon each subcontractor or vendor.
- 2.8 AVAILABILITY OF FUNDS: It is understood and agreed between the parties herein that the County shall be bound hereunder only to the extent of lawfully appropriated funds.
- 2.9 BID PRICE CURRENCY: Unless stated otherwise in this solicitation, Bidders shall state bid prices in US dollars.
- 2.10 BIDDER, OFFEROR AND CONTRACTOR COMPLIANCE: All Bidders, Offerors and Contractors shall comply with the *Virginia Public Procurement Act*, (*Code of Virginia* § 2.2-4300, et seq.), and all applicable County policies, regulations and procedures adopted pursuant thereto.
- 2.11 CONTRACT CHANGES: Any changes to the contract must be approved through issuance of a written contract addendum or change order. The County will not assume responsibility for the cost of any changes made without issuance of a written contract addendum or change order.
- 2.12 CONTRACTOR'S PERFORMANCE: The Contractor agrees and covenants that its agents and employees shall comply with all County, State and Federal laws, rules and regulations applicable to the business to be conducted under the Contract. The Contractor shall ensure that its employees shall observe and exercise all necessary caution and discretion so as to avoid injury to person or damage to property of any and all kinds. The Contractor shall cooperate with County officials in performing the Contract work so that interference with normal operations will be held to a minimum.
- 2.13 CONTRACTUAL CLAIMS: Contractual claims, whether for money or other relief, shall be submitted in writing no later than 60 days after final payment; however, written notice of the Contractor's intention to file such claim shall have been given at the time of the occurrence or beginning of the work upon which the claim is based. Any notice or

claim shall be delivered to: County Administrator, PO Box 150 / 12007 Courthouse Circle, New Kent, VA 23124-2242 and shall include a description of the factual basis for the claim and a statement of the amounts claimed or other relief requested. The County Administrator will render a decision on the claim and will notify the Contractor within 30 days of receipt of the claim. The Contractor may appeal the decision of the County Administrator to the Board of Supervisors by providing written notice to the County Administrator, within 15 days of the date of the decision. The Board of Supervisors shall render a decision on the claim within 60 days of the date of receipt of the appeal notice and such decision shall be final unless the Contractor appeals the decision in accordance with the Virginia Public Procurement Act. Invoices for all services or goods provided by the Contractor shall be delivered to the County no later than 30 days following the conclusion of the work or delivery of the goods.

- 2.14 DEBARMENT STATUS: By submitting their bids, Bidders certify that they are not currently debarred by the County from submitting bids or proposals on contracts for the type of goods and/or services covered by this solicitation, nor are they an agent of any person or entity that is currently so debarred.
- 2.15 DEFAULT: In case of failure to deliver goods or services in accordance with the contract terms and conditions, the County, after due written notice as required by the NOTIFICATION clause, may procure them from other sources and hold the Contractor responsible for any resulting additional purchase and administrative costs. This remedy shall be in addition to any other remedies which the County may have.
- 2.16 DEFINITION OF COUNTY: Any contract issued as a result of this solicitation shall be available for the use of any or all County Departments, including New Kent County Public School Administration.
- 2.17 DRUG-FREE WORKPLACE: During the performance of this contract, the Contractor agrees to (i) provide a drug-free workplace for the Contractor's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the Contractor that the Contractor maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor. For the purposes of this section, "drug-free workplace" means a site for the performance of work done in connection with a specific contract awarded to a Contractor, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana during the performance of the contract.
- 2.18 ETHICS IN PUBLIC CONTRACTING: By submitting their bids, Bidders certify that their bids) are made without collusion or fraud and that they have not offered or received any kickbacks or inducements from any other Bidder, supplier, manufacturer or subcontractor in connection with their bid, and that they have not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, advance, deposit of money, services or anything of more

than nominal value, present or promised, unless consideration of substantially equal or greater value was exchanged.

- 2.19 FINANCIAL STATEMENTS: All Bidders, by submission of a response to this solicitation, agree to provide the County, within 10 calendar days of the County's request, a copy of its most recent audited financial statement(s), and those of any of its parent companies and/or subsidiaries having material influence on the goods/services provided, or to be provided, under the resultant contract with the County. The financial statement(s) shall be accompanied by a letter signed by, as applicable to the type of business, a corporate officer, partner, or owner, stating that the accompanying financial statement(s) is/are complete and is/are the most recent audited financial statement(s) available. The financial statement(s) shall be provided at no charge to the County, and the County shall be under no obligation to return the financial statement(s). The Contractor chosen as a result of this solicitation shall include this same provision in the contracts of all subcontractors and any other entity providing goods or services related to the County contract, so as to guarantee the County's rights to obtain financial statements. Should the Contractor fail to ensure the County's rights under this section, the Contractor shall be liable to the County for all reasonable costs and expenses the County may incur in obtaining financial statements which would have otherwise been available under the provisions of this section.
- 2.20 IMMIGRATION REFORM AND CONTROL ACT OF 1986: The Contractor certifies that they do not, and shall not during the performance of the contract, knowingly employ an unauthorized alien as defined in the Federal Immigration Reform and Control Act of 1986.
- 2.21 INDEMNIFICATION: Contractor agrees to indemnify the County, its officers, agents, and employees for any loss, liability, cost (including attorney's fees), or reasonable settlement cost incurred as a result of any claims, damages and actions of any kind or nature, whether at law or in equity, arising from or caused by the use of any materials, goods, or equipment of any kind or nature furnished by the Contractor/any services of any kind or nature furnished by the Contractor, provided that such liability is not attributable to the sole negligence of the County or to failure of the County to use the materials, goods, or equipment in the manner already and permanently described by the Contractor on the materials, goods or equipment delivered. The County will not agree to indemnify the Contractor.
- 2.22 INDEPENDENT CONTRACTOR: The Contractor is an independent Contractor and nothing contained in the contract shall constitute or designate the Contractor or any of its agents or employees as employees of the County.
- 2.23 LICENSES AND PERMITS: The Contractor shall secure and pay for all permits, governmental fees and licenses necessary for the proper execution and completion of the Contractor's work which are legally required prior to and during the work, including software licenses or other intellectual property permissions, unless otherwise specified by the County.
- 2.24 MANDATORY USE OF COUNTY FORM AND TERMS AND CONDITIONS: Failure to submit a bid on the official County form provided for that purpose shall be a cause for rejection of the bid. Modification of or additions to any portion of the

Invitation for Bids may be cause for rejection of the bid; however, the County reserves the right to decide, on a case by case basis, in its sole discretion, whether to reject such a bid as nonresponsive. As a precondition to its acceptance, the County may, in its sole discretion, request that the Bidder withdraw or modify nonresponsive portions of a bid which do not affect quality, quantity, price, or delivery. No modification of or addition to the provisions of the contract shall be effective unless reduced to writing and signed by the parties.

2.25 NOTIFICATION: Any notice required by the contract shall be effective if given by registered mail, return receipt requested, to the Contractor in the name and at the address given in their bid; provided that change of address shall be effective if given in accordance with this paragraph. Unless otherwise specified, any notice to the County shall be given to: New Kent County Administrator, P. O. Box 150, New Kent, VA 23124. The Contractor agrees to notify the County immediately of any change of legal status or of address.

2.26 PAYMENT:

A. To Prime Contractor:

1. Invoices for items ordered, delivered and accepted shall be submitted by the Contractor directly to the payment address shown on the purchase order/contract. All invoices shall show the contract number and/or purchase order number; social security number (for individual Contractors) or the federal employer identification number (for proprietorships, partnerships, and corporations).
2. Any payment terms requiring payment in less than 30 days will be regarded as requiring payment 30 days after invoice or delivery, whichever occurs last. This shall not affect offers of discounts for payment in less than 30 days, however.
3. In those cases where payment is made by mail, the date of postmark shall be deemed to be the date payment is made (*Code of Virginia*, § 2.2-4353).
4. Unreasonable Charges. Under certain emergency procurements and for most time and material purchases, final job costs cannot be accurately determined at the time orders are placed. In such cases, Contractors should be put on notice that final payment in full is contingent on a determination of reasonableness with respect to all invoiced charges. Charges which appear to be unreasonable will be researched and challenged, and that portion of the invoice held in abeyance until a settlement can be reached. Upon determining that invoiced charges are not reasonable, the County shall promptly notify the Contractor, in writing, as to those charges which it considers unreasonable and the basis for the determination. A Contractor may not institute legal action unless a settlement cannot be reached within thirty (30) days of notification. The provisions of this section do not relieve the County of its prompt payment obligations with respect to those charges which are not in dispute (*Code of Virginia*, § 2.2-4363).

B. To Subcontractors:

1. A Contractor awarded a contract under this solicitation is hereby obligated:
 - a. To pay the subcontractor(s) within seven (7) days of the Contractor's receipt of payment from the County for the proportionate share of the payment received for work performed by the subcontractor(s) under the contract; or
 - b. To notify the County and the subcontractor(s), in writing, of the Contractor's intention to withhold payment and the reason.
2. The Contractor is obligated to pay the subcontractor(s) interest at the rate of one percent (1%) per month (unless otherwise provided under the terms of the contract) on all amounts owed by the Contractor that remain unpaid seven (7) days following receipt of payment from the County, except for amounts withheld as stated in (b) above. The date of mailing of any payment by U. S. Mail is deemed to be payment to the addressee. These provisions apply to each sub-tier Contractor performing under the primary contract. A Contractor's obligation to pay an interest charge to a subcontractor may not be construed to be an obligation of the County.

C. The County encourages Contractors to accept electronic and credit card payments.

2.27 PRECEDENCE OF TERMS: The following General Terms and Conditions; ANTI-DISCRIMINATION, APPLICABLE LAWS AND COURTS, ETHICS IN PUBLIC CONTRACTING, IMMIGRATION REFORM AND CONTROL ACT OF 1986, DEBARMENT STATUS, MANDATORY USE OF COUNTY FORM AND TERMS AND CONDITIONS, PAYMENT shall apply in all instances. In the event there is a conflict between any of the other General Terms and Conditions and any Special Terms and Conditions in this solicitation, the Special Terms and Conditions shall apply.

2.28 QUALIFICATIONS OF BIDDERS: The County may make such reasonable investigations as deemed proper and necessary to determine the ability of the Bidder to perform the services/furnish the goods and the Bidder shall furnish to the County all such information and data for this purpose as may be requested. The County reserves the right to inspect Bidder's physical facilities prior to award to satisfy questions regarding the Bidder's capabilities. The County further reserves the right to reject any bid if the evidence submitted by, or investigations of, such Bidder fails to satisfy the County that such Bidder is properly qualified to carry out the obligations of the contract and to provide the services and/or furnish the goods contemplated therein.

2.29 ROYALTY AND LICENSE FEES AND COPYRIGHT, TRADEMARK AND PATENT PROTECTION:

- A. By submitting their bid, Bidders certify that there will be no violation of copyrights or patent rights in manufacturing, producing, or selling the commodities or services to be ordered as a result of this solicitation.
- B. Unless specified otherwise in the contract, the Contractor shall pay all royalty and license fees relating to the items covered by the contract.
- C. In the event any third party shall claim that the manufacture, use and sales of these

goods offered hereby constitutes an infringement of any copyright, trademark, or patent, the Contractor shall indemnify and hold harmless the County from any cost, expense, damage or loss incurred in any manner by the County on account of such alleged infringement.

- 2.30 **SEVERABILITY**: Each paragraph and provision of the resultant contract will be severable from the entire agreement and if any provision is declared invalid, the remaining provisions shall remain in effect.
- 2.31 **STATE CORPORATION COMMISSION IDENTIFICATION NUMBER**: In accordance with *Code of Virginia* § 2.2-4311.2 subsection B, a Bidder organized or authorized to transact business in the Commonwealth pursuant to Title 13.1 or Title 50 is required to include in its bid the identification number issued to it by the State Corporation Commission (SCC). Any Bidder that is not required to be authorized to transact business in the Commonwealth as a foreign business entity under Title 13.1 or Title 50 or as otherwise required by law shall include in its bid a statement describing why the Bidder is not required to be so authorized. Indicate the above information on the SCC Form provided. Contractor agrees that the process by which compliance with Titles 13.1 and 50 is checked during the solicitation stage (including without limitation the SCC Form provided) is streamlined and not definitive, and the County's use and acceptance of such form, or its acceptance of Contractor's statement describing why the Bidder was not legally required to be authorized to transact business in the Commonwealth, shall not be conclusive of the issue and shall not be relied upon by the Contractor as demonstrating compliance.
- 2.32 **TAXES**: The County is exempt from Federal Excise and State Sales and Use Tax on all tangible personal property purchased or leased by it for its use or consumption. The Contractor shall pay all County, City, State and Federal taxes required by law enacted at the time proposals are received and resulting from the work or traceable thereto, under whatever name levied. Said taxes shall not be added to the contract price between the County and the Contractor, as the taxes shall be an obligation of the Contractor and not of the County, and the County shall be held harmless for same by the Contractor. Exemption certification will be supplied upon request.
- 2.33 **TERMINATION FOR CONVENIENCE**: Unless otherwise stated, any resultant contract may be terminated, in whole or in part, whenever the County determines that such a termination is in its best interests. Any such termination shall become effective on the date stated in a written notice of termination to the Contractor sent at least five days prior to the stated termination date. The notice of termination shall state the extent to which performance shall be terminated. The Contractor shall be paid for all goods delivered or services successfully completed prior to the termination date.
- 2.34 **TESTING AND INSPECTION**: The County reserves the right to conduct any test/inspection it may deem advisable to assure goods and services conform to the specifications.

3. SPECIAL TERMS AND CONDITIONS

- 3.1 **ACCEPTABILITY OF WORK**: New Kent County reserves the right to inspect all work assigned. The Contractor will be notified by the County should the Contractor's performance not be in compliance with the contract and codes. Any deficiencies shall be

promptly corrected by the Contractor at the Contractor's sole expense and within the designated timeframe given by the County prior to final acceptance of the work.

- 3.2 AWARD TO MULTIPLE BIDDERS: The County reserves the right to make multiple awards as a result of this solicitation. The award(s) will be made to the lowest responsive and responsible Bidder(s) meeting the requirements of the solicitation. The County reserves the right to conduct any tests it may deem advisable and to make all evaluations. The County also reserves the right to reject any or all bids, in whole or in part, to waive informalities and to delete items prior to making the award, whenever it is deemed in the sole opinion of the County to be in its best interest. The County reserves the right to contract with firms not party to this contract for similar goods/services if it determines this to be in its best interest. Any bidder who enters \$0.00 on a pricing line in Section 4 or leaves it blank, may be considered non-responsive.
- 3.3 BID ACCEPTANCE PERIOD: Any bid in response to this solicitation shall be valid for ninety (90) days. At the end of the ninety (90) days the bid may be withdrawn at the written request of the bidder. If the bid is not withdrawn at that time it remains in effect until an award is made or the solicitation is canceled.
- 3.4 BID EVALUATION: Bids will be evaluated by multiplying the price per mile by the estimated number of miles as shown in Section 4, Pricing Schedule.
- 3.5 CANCELLATION OF CONTRACT: The County reserves the right to cancel and terminate any resulting contract, in part or in whole, without penalty, upon 60 day's written notice to the Contractor. In the event the initial contract period is for more than 12 months, the resulting contract may be terminated by either party, without penalty, after the initial 12 months of the contract period upon 60 day's written notice to the other party. Any contract cancellation notice shall not relieve the contractor of the obligation to deliver and/or perform on all outstanding orders issued prior to the effective date of cancellation.
- 3.6 CONTRACTOR REGISTRATION/COUNTY LICENSURE: If required in order to perform any of the work, the Contractor certifies that they have the appropriate License or Certificate and classification(s) required to perform the work included in the scope of the proposal documents, prior to submitting the proposal, in accordance with Title 54.1, Chapter 11 of the *Code of Virginia* and in accordance with the laws, rules and regulations of the Commonwealth of Virginia, Department for Professional and Occupational Regulation, Virginia Board for Contractors in granting the License or Certificate and classifications. If required for the work called for in the Invitation, the Contractor shall also obtain a License from the New Kent County Commissioner of Revenue.
- 3.7 CONTRACTOR'S RESPONSIBILITIES/PERFORMANCE: The Contractor shall have the capability and capacity in all respects to provide properly trained service personnel and necessary materials and equipment to fully satisfy all contractual requirements, and have a minimum two (2) years' experience providing similar services as identified within this solicitation. The Contractor agrees and covenants that he and his agents and employees will comply with all County, State and Federal laws, rules and regulations applicable to the business to be conducted under this contract. The Contractor shall secure all necessary permits for the proper execution and completion of the work. The

Contractor will ensure that its employees shall observe and exercise caution and discretion necessary to avoid injury to person or damage to property of any and all kinds. The Contractor shall cooperate fully with the County in performing the work to ensure that interference with normal operations will be held to a minimum. All apparatus, buildings, grounds, appurtenances and furnishings shall be protected by the Contractor from damage which might be done or caused by work performed under this contract. Any damage caused directly or indirectly by the Contractor, agents, or suppliers shall be repaired and/or replaced at the expense of the Contractor by methods approved by the County to restore the damaged area(s) to its original condition. Such repairs shall be deemed acceptable only after inspection and approval by the County. The County reserves the right to inspect work in progress as well as make final inspection to approve completed work. All Contractors, employees/representatives, and subcontractors are required to have appropriate company identification (i.e. badge, uniform, or card) clearly visible at all times while work is performed in and around County facilities/buildings.

- 3.8 **IDENTIFICATION OF BID ENVELOPE:** The signed bid should be returned in a separate envelope or package, sealed and identified as follows:

**“SEALED BID – IFB# 21-1102AO
LITTER PICKUP AND
REMOVAL SERVICES”**

The Bidder takes the risk that the envelope may be inadvertently opened and the information compromised which may cause the bid or proposal to be disqualified. Bids may be hand delivered to the designated location in the office issuing the solicitation. No other correspondence or other bids should be placed in the envelope.

- 3.9 **INSURANCE REQUIREMENTS:**

- A. The Contractor shall be required to maintain in force such insurance, in amounts and types acceptable to the County, as will protect itself and the County from claims which may arise out of or result from the execution of the work, whether such execution be by itself, its employees, agents, subcontractors or by anyone for whose acts any of them may be liable. All insurance shall be provided by companies allowed to conduct business in the Commonwealth. Insurers shall have a Best's financial strength rating of "A-" or better, and a Best's financial size category of Class VII, or better, in the latest evaluation of A. M. Best Company, or as otherwise approved by the County. New Kent County and its elected and appointed officials, officers, consultants, agents and employees shall be named as additional insured on the Contractor's Commercial General Liability and Umbrella Liability insurance for premises, ongoing operations and products and completed operations on a primary and non-contributory basis. Original certificates of insurance signed and provided by authorized representatives of the insurers or, at the County's request, certified copies of insurance policies, evidencing that the required insurance is in effect, shall be provided to Purchasing prior to award of the contract, and within seven (7) days of any written request for a certificate, and for five (5) years after Final Payment for the Work with respect to products and completed operations liability.
- B. The Contractor shall not start work under this contract until the Contractor has

obtained at his own expense all of the insurance called for hereunder and such insurance has been approved by the County; nor shall the Contractor allow any subcontractor to start work on any subcontract until all insurance required of the subcontractor has been so obtained and approved by the Contractor. Approval of insurance required of the Contractor for the County will be granted only after submission to the County Purchasing Office of original, signed certificates of insurance or, alternately, at the County's request, certified copies of the required insurance policies.

- C. All insurance policies required hereunder shall be endorsed to include the following provision: "It is agreed that this policy is not subject to cancellation or non-renewal until thirty (30) days prior written notice has been given to the Purchasing Office."
- D. The certificate holder should be listed as New Kent County, P.O. Box 150, New Kent, VA 23124-2242.
- E. Nothing contained in the specifications shall be construed as creating any contractual relationship between any subcontractor and the County. The Contractor shall be as fully responsible to the County for the acts and omissions of the subcontractors and of persons employed by them as it is for acts and omissions of persons directly employed by it. The County will consider deductible amounts as part of its review of the financial stability of the Contractor. Any deductibles shall be disclosed by the Contractor, and all deductibles will be assumed by the Contractor.

Coverage(s) Required	Required Limit	Description
Business Automobile Liability	\$1,000,000.00	- Combined Single Limit per Occurrence
Commercial General Liability	\$1,000,000.00 \$2,000,000.00 \$2,000,000.00	- Combined Single Limit per Occurrence - General Aggregate Limit per Project - Products and Completed Operations Aggregate
Personal and Advertising Injury Liability	\$1,000,000.00	- Each Offense per Person or Organization
Umbrella Excess Liability	\$1,000,000.00	- Per Occurrence and Aggregate as Applicable
Worker's Compensation & Employer's Liability	\$ 500,000.00 \$ 500,000.00 \$ 500,000.00	- Per Accident - Disease per Employee - Policy Limit Disease

3.10 **QUANTITIES:** Quantities set forth in this solicitation are estimates only, and the Contractor shall supply at bid prices actual quantities as ordered, regardless of whether such total quantities are more or less than those shown.

3.11 **RENEWAL OF CONTRACT:** This contract may be renewed by the County for two (2) successive one (1) year periods under the terms and conditions of the original contract except as stated in A and B below. Price increases may be negotiated only at the time of renewal. Written notice of the County's intention to renew shall be given approximately 90

days prior to the expiration date of each contract period.

- A. If the County elects to exercise the option to renew the contract for an additional one-year period, the contract price(s) for the additional one year shall not exceed the contract price(s) of the original contract increased/decreased by more than the percentage increase/decrease of the United States Bureau of Labor Statistics, Table 4, Consumer Price Index for All Urban Consumers (CPI-U) U.S. City Average for the latest twelve (12) months for which statistics are available (<https://www.bls.gov/news.release/cpi.t04.htm>).
 - B. If during any subsequent renewal periods, the County elects to exercise the option to renew the contract, the contract price(s) for the subsequent renewal period shall not exceed the contract price(s) of the previous renewal period increased/decreased by more than the percentage increase/decrease of the United States Bureau of Labor Statistics, Table 4, Consumer Price Index for All Urban Consumers (CPI-U) U.S. City Average for the latest twelve (12) months for which statistics are available.
- 3.12 SUBCONTRACTS: No portion of the work shall be subcontracted without prior written consent of the County. In the event that the Contractor desires to subcontract some part of the work specified herein, the Contractor shall furnish the County the names, qualifications and experience of their proposed subcontractors. The Contractor shall, however, remain fully liable and responsible for the work to be done by its subcontractor(s) and shall assure compliance with all requirements of the contract.
- 3.13 WORK SITE DAMAGES: Any damage to existing utilities, equipment or finished surfaces resulting from the performance of this contract shall be repaired to the County's satisfaction at the Contractor's expense.

4. **PRICING SCHEDULE**

4.1 The bidder agrees to furnish the goods/services as specified herein, and in compliance with the terms and conditions of this IFB at the following price(s). Any bidder who enters \$0.00 on a pricing line or leaves it blank, shall be considered non-responsive. There are NO EXCEPTIONS to this.

A. Scheduled Services – March 1st – 15th, August 1st – 15th, November 1st – 15th. Roads for litter pickup and removal listed in Attachment A.

Pick-up Condition	Estimated Miles	Rate Per Mile
Two Sides of Road	135	\$ 69.00
Two Sides of Road w/Center Median	29	\$ 109.00

B. On call Services – Services shall be rendered within seven (7) days of request submitted by the County, unless another schedule is agreed upon by both parties.

Pick-up Condition	Rate Per Mile
One Side of Road	\$ 50.00
Two Sides of Road	\$ 80.00
Two Sides of Road w/Center Median	\$ 125.00

4.2 TO REQUEST SERVICE:

Name (please print):	Maria Saucedo
Title:	CEO
Email:	ProStarEnterpriseInc@gmail.com
Telephone:	804-586-9974

5. ATTACHMENTS

- Attachment A - List of Roads for Scheduled Litter Pickup and Removal
- Attachment B - Declaration Statement
- Attachment C - Vendor Data Sheet
- Attachment D - VA State Corporation Commission Registration Information

Attachment A

List of Roads for scheduled litter pickup and removal during March 1st - 15th, August 1st - 15th, and November 1st - 15th.

Road Name	Litter Pickup Requirements	Road Miles
Airport Rd/Tunstall Rd	2 Sides of Road	8
Cooks Mill Rd	2 Sides of Road	7
Cosby Mill Rd	2 Sides of Road	4
Courthouse Road	2 Sides of Road	7
Dispatch Rd	2 Sides of Road	4
Eltham Road	2 Sides of Road and Median	7
Emmaus Church Road	2 sides of Road	4
Farmers Drive	2 Sides of Road	5
Good Hope Rd	2 Sides of Road	6
Henpeck Rd	2 Sides of Road	4
Hopewell Road	2 sides of Road	3
Mount Pleasant Road	2 Sides of Road	5
Mountcastle Road	2 Sides of Road	4
New Kent Highway	2 Sides of Road	25
Old Church Road	2 Sides of Road	8
Old Roxbury Rd	2 sides of Road	3
Old Telegraph Rd	2 Sides of Road	2
Olivet Church Rd	2 Sides of Road	7
Pine Fork Rd	2 Sides of Road	3
Pocahontas Trail	2 Sides of Road and Median	20
Polish Town Rd (Mt. Nebo to NK Hwy)	2 Sides of Road	2
Quaker Rd	2 Sides of Road	5
Rockahock Rd	2 Sides of Road	3
Stage Road	2 Sides of Road	9
Talleysville Road to Mt. Prospect Road	2 Sides of Road	2
Vineyards Pkwy	2 Sides of Road and Median	2
Waterside Rd	2 Sides of Road	5
Total		164

ATTACHMENT B

TO THE BOARD OF SUPERVISORS:

The undersigned hereby declares that he (it) is the only person (firm) interested in this bid; that it is made without any connection with any person making another bid for this same contract; that the bid is in all respects fair and without collusion or fraud; and that no official or any person in the employ of the Board of Supervisors is directly or indirectly interested in the bid or any portion of the profit thereof.

The undersigned also declares that he has carefully examined the Request for Proposal specifications, all annexed instructions, addenda, and attachments and will provide all the required services and will fulfill all the terms of the bid, if selected.

Signature: Monia S.

Date: 04-10-2022

ADDRESS OF PRINCIPAL PLACE OF BUSINESS:

2705 Perlock Rd
North Chesterfield VA
23237

Telephone: 804-586-9974

Facsimile:

ATTACHMENT C

VENDOR DATA SHEET

Note: The following information is required as part of your response to this solicitation. Failure to complete and provide this sheet may result in finding your bid nonresponsive. (In the case of a two-step IFB, it may cause the proposal portion to be determined to be not acceptable.)

1. Qualifications: The vendor must have the capability and capacity in all respects to satisfy fully all of the contractual requirements.

2. Vendor's Primary Contact for information regarding this

Name: Jhonnathan Ortiz Company: Pro-Star Enterprise Inc

Title: CEO Phone: 804-586-9974 Fax:

E-mail: Pro-Star Enterprise Inc

3. Name of person authorized to bind the firm: Jhonnathan Ortiz

Title: Executive Manager

4. Years in Business: Indicate the length of time you have been in business providing this type of good or service: 7 Years
 Months

5. Vendor Information: FEIN 83-4658723

6. It is the responsibility of the bidder to ensure that it has received all addendums and to include signed copies with their bid. Failure to provide signed copies of any addendums with your bid shall be cause for rejection of bid as non-responsive and/or non-responsible.

7. Indicate below a listing of at least four current or recent accounts, either commercial or governmental, that your company is servicing, has services, or has provided similar goods. Include the length of service and the name, address, and telephone number of the point of contact.

- A. Company: VDOT Contact: Joyce Cox
Phone: () 434-774-2307 Fax: ()
Project: Mecklenburg Co. / Chase City / South hill Town / Brunswick Co. / Lunenburg Co.
Dates of Service: 2020- Present Value: \$ 200,000
- B. Company: Contact:
Phone: () Fax: ()
Project:
Dates of Service: Value: \$
- C. Company: Contact:
Phone: () Fax: ()
Project:
Dates of Service: Value: \$

I certify the accuracy of this information.

Signed: *Maria S.* Title: CEO Date: 4-10-2022

ATTACHMENT D

VIRGINIA STATE CORPORATION COMMISSION REGISTRATION

The bidder: Pro-Star Enterprise Inc

☒ is a corporation or other business entity with the following SCC identification number: 08440828

-OR-

☐ is not a corporation, limited liability company, limited partnership, registered limited liability partnership, or business trust

-OR-

☐ is an out-of-state business entity that does not regularly and continuously maintain as part of its ordinary and customary business any employees, agents, offices, facilities, or inventories in Virginia (not counting any employees or agents in Virginia who merely solicit orders that require acceptance outside Virginia before they become contracts, and not counting any incidental presence of the bidder in Virginia that is needed in order to assemble, maintain, and repair goods in accordance with the contracts by which such goods were sold and shipped into Virginia from bidder's out-of-state location)

-OR-

☐ is an out-of-state business entity that is including with this bid an opinion of legal counsel which accurately and completely discloses the undersigned bidder's current contacts with Virginia and describes why those contacts do not constitute the transaction of business in Virginia within the meaning of § 13.1-757 or other similar provisions in Titles 13.1 or 50 of the *Code of Virginia*.

****NOTE**** Check the following box if you have not completed any of the foregoing options but currently have pending before the SCC an application for authority to transact business in the County and wish to be considered for a waiver to allow you to submit the SCC identification number after the due date for bids (the County reserves the right to determine in its sole discretion whether to allow such waiver.

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 4/27/2022

Agenda Item

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	NA
Subject	Personal Property Update and FY23 Budget Discussion
Issue	Update from the County Administrator on the proposed FY23 budget process.
Recommendation	No action required
Fiscal Implications	
Policy Implications	
Legislative History	
Discussion	

Time Needed:	10:00 a.m.	Person Appearing:	Commissioner of Revenue Laura Ecimovic & County Administrator Rodney Hathaway
Request prepared by:	Rodney Hathaway, County Administrator	Telephone:	(804) 966-9683
Copy provided to:			

REVIEWERS:

Department	Reviewer	Action	Date
Administration	Hathaway, Rodney	Approved	4/20/2022 - 7:51 AM
Administration	Hathaway, Rodney	Approved	4/20/2022 - 7:52 AM
Attorney	Hefty, Brendan	Approved	4/20/2022 - 1:45 PM

New Kent County Board of Supervisors
P O Box 150, 12007 Courthouse Circle
New Kent, VA 23124

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 4/27/2022

Agenda Item

Motion: "Mr.
Chairman, I move to
(not required for Consent
Agenda items)

Subject

Other Business

Issue

Recommendation

Fiscal Implications

Policy Implications

Legislative History

Discussion

Time Needed:

10:20 a.m.

Person Appearing:

Request
prepared by:

W. Watkins, Deputy
Clerk of the Board

Telephone:

804-966-9687

Copy provided
to:

REVIEWERS:

Department

Reviewer

Action

Date

Clerk

Watkins, Wanda

Approved

4/20/2022 - 10:50
AM

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 4/27/2022

Agenda Item

Motion: "Mr.
Chairman, I move to
(not required for Consent
Agenda items)

adjourn

Subject

Adjournment

Issue

Recommendation

Approval

Fiscal Implications

Policy Implications

Legislative History

Discussion

The next regularly scheduled meeting of the Board of Supervisors will be held at 6:00 p.m. on Monday, May 9, 2022 and the next work session at 9:00 a.m. on Wednesday, May 25, 2022, both in the Boardroom of the County Administration Building.

Time Needed:

10:30 a.m.

Person Appearing:

Request

prepared by:

W. Watkins, Deputy
Clerk of the Board

Telephone:

804-966-9687

Copy provided
to:

ATTACHMENTS:

Description

Closed Session Motions (PDF)

Type

Cover Memo

REVIEWERS:

Department

Reviewer

Action

Date

Clerk

Watkins, Wanda

Approved

4/20/2022 - 10:50
AM

MOTIONS FOR CONVENING A CLOSED SESSION

- 1 I move to go into closed session pursuant to §2.2-3711A.1 of the Code of Virginia for *(discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or County employees)* involving _____.
- 3 I move to go into closed session pursuant to §2.2-3711A.3 of the Code of Virginia for *discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County)* involving _____.
- 4 I move to go into closed session pursuant to §2.2-3711A.4 of the Code of Virginia for *(the protection of the privacy of individuals in personal matters not related to public business)* involving _____.
- 5 I move to go into closed session pursuant to §2.2-3711A.5 of the Code of Virginia for *(discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community)* involving _____.
- 6 I move to go into closed session pursuant to §2.2-3711A.6 of the Code of Virginia for *(discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the County would be adversely affected)* involving _____.
- 7 I move to go into closed session pursuant to §2.2-3711A.7 of the Code of Virginia for *(consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by the Board regarding specific legal matters requiring the provision of legal advice by such counsel)* involving _____.
- 19 I move to go into closed session pursuant to §2.2-3711A.19 of the Code of Virginia for *(discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such activity or a related threat to public safety; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure)* involving _____.
- 28 I move to go into closed session pursuant to §2.2-3711A.28 of the Code of Virginia for *(discussion or consideration of records excluded from this chapter pursuant to subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected local jurisdiction, as those terms are defined in § 56-557, or any independent review panel appointed to review information and advise the responsible public entity concerning such records)* involving _____.

- 29 I move to go into closed session pursuant to §2.2-3711A.29 of the Code of Virginia for *(discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Board)* involving _____.
- 33 I move to go into closed session pursuant to §2.2-3711A.3 of the Code of Virginia for *(discussion or consideration of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 18 of § 2.2-3705.6.)* involving _____.

CERTIFICATION OF CLOSED SESSION

A. Motion

I move that the Board certify by roll call vote that to the best of each member's knowledge only public business matters lawfully exempted from open session requirements of the Freedom of Information Act and identified in the motion to go into closed session were heard, discussed or considered in the closed session.

B. Vote taken on certification.

Present:

Vote:

Thomas W. Evelyn
C. Thomas Tiller, Jr.
Patricia A. Paige
Ron Stiers
John N. Lockwood